

December 3, 2013

MEMORANDUM

TO: University Senate Members

FROM: Vincent Novara
Chair of the University Senate

SUBJECT: University Senate Meeting on Tuesday, December 10, 2013

The next meeting of the University Senate will be held on Tuesday, December 10, 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 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://www.senate.umd.edu/meetings/materials/> and click on the date of the meeting.

Meeting Agenda

1. Call to Order
2. Approval of the November 13, 2013, Senate Minutes (Action)
3. Report of the Chair
4. Alignment of Procurement Contracts with UM Non-Discrimination Values (Senate Doc. No. 12-13-29) (Information)
5. Review of the Evidentiary Standards in the Code of Student Conduct (Senate Doc. No. 12-13-30) (Information)
6. Nominations Committee Slate 2013-2014 (Senate Doc. No. 13-14-10) (Action)
7. PCC Proposal to Establish a New Upper-Division Certificate in Leadership Studies (Senate Doc. No. 13-14-12) (Action)
8. Special Order of the Day
Bradley Hatfield
Chair, Joint Provost/Senate APT Guidelines Task Force
Progress Report & Guiding Principles

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

9. Special Order of the Day
Kumea Shorter-Gooden
Chief Diversity Officer & Associate Vice President
Revisions to the Search & Selection Guidelines

10. New Business

11. Adjournment

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

University Senate

November 13, 2013

Members Present

Members present at the meeting: 103

Call to Order

Senate Chair Novara called the meeting to order at 3:25 p.m.

Approval of the Minutes

Chair Novara asked for additions or corrections to the minutes of the October 10, 2013 meeting. Hearing none he declared the minutes approved as distributed.

Report of the Chair

Plan of Organization Feedback

Novara stated that the Plan of Organization Review Committee was elected at the October Senate meeting and subsequently charged with conducting a thorough review of the Plan and making suggestions for revisions where necessary.

The Committee will conduct its review during the 2013-2014 academic year. PORC will work with administrative offices of the University to collect institutional data regarding population trends of the various constituent groups on campus. The Committee will ensure that any recent changes to administrative structures and titles are reflected in the revised document. In addition, PORC will review changes to Senate and standing committee memberships and consider issues of representation since the last review was conducted.

The committee is in the beginning stages of its review and would like to gather broad feedback from the campus community. Novara encouraged senators to send their thoughts on issues related to the Committee's charge by sending an email to porcfeedback@umd.edu. All feedback will be reviewed by the Committee and kept confidential. The deadline to submit comments is Monday, November 25, 2013.

Campus Safety Survey

Novara stated that the Senate Campus Affairs Committee is charged with gathering community input on safety and security issues at the University. In past years, the committee has held an annual Campus Safety Forum, and has submitted an informational report to the Senate to fulfill its charge. This year, the

committee would like to gather feedback from the Senate to identify top safety concerns or issues.

The committee has created a brief four-question survey available on the Senate website (senate.umd.edu), and asks that all Senators provide feedback on behalf of their constituents. The committee expects that with the senators' participation, it will be able to address its charge in a meaningful way. Novara encouraged senators to visit the Senate webpage to participate in the survey.

BOR Staff Awards

Novara stated that the Staff Affairs Committee is currently accepting nominations for the prestigious Board of Regents' Staff Awards. Eight individuals within the University System of Maryland will be selected as award recipients, including one non-exempt and one exempt staff member for each of the four award categories. Recipients will receive a \$1,000 award and system-wide recognition. Nomination packages must be submitted to the Senate Office by Friday, December 20th. Novara encouraged senators to support fellow staff colleagues and nominate a staff member for an award. He asked senators to contact the Senate Office or visit the Senate website for more information. He stated that this is an excellent opportunity for our staff employees to be recognized for the amazing work that they do.

CIC Governance Conference

Novara stated that he and Reka Montfort attended the Committee on Institutional Cooperation (CIC) Faculty Governance Leaders Conference at Indiana University. This was the first time that the UMD sent a contingent representing the University Senate. The conference took place over two days and featured presentations from an assortment of administrators at Indiana on topics including the future of shared governance, scholarly communications, diversity, graduate education, and interacting with trustees and regents. From meeting with our new colleagues, we discovered that the other CIC governance bodies are facing many of the same issues that we are -- such as non-tenure track faculty concerns, diversity, and even parking. At the conclusion of the conference there was a brainstorming session looking to future conferences and how we can keep some action moving during the interim. Montfort and her counterparts in the CIC are working with shared governance leaders by developing a "blueprint" for collaboration throughout the year as well as a structure for the host institution to follow when planning future conferences. The 2014 conference will be held at Ohio State University.

Special Order of the Day
Wallace D. Loh
President of the University of Maryland, College Park
2013 State of the Campus Address

Chair Novara welcomed President Loh to present his address. President Loh thanked Novara and the Senate for the opportunity to address them and thanked everyone for attending.

New Administrators

President Loh introduced Alexander Triantis, Dean of the Robert H. Smith School of Business and Martin Wollesen, the new Executive Director of the Clarice Smith Performing Arts Center. He also introduced Kelley Bishop, the new Director of the University Career Center. Loh also recognized the President of the Student Government Association (SGA) Samantha Zwerling and her cabinet. He noted that Zwerling was elected by her peers in the CIC to organize the Congressional lobbying effort on behalf of all of the CIC student governments.

Excellence at the University

Loh stated that the state of the campus is strong and will continue to be because of the excellence of the members of our community. The faculty and staff are the lifeblood of the University, and our reputation is also shaped by the quality of our students and excellence of our graduates.

Agenda for 2020

Loh announced his agenda for 2020, which included transformative excellence in education, research, and the arts, as well as the redevelopment of the Route 1 corridor leading to campus in College Park.

Transformative excellence in undergraduate education will include how to educate more, educate better, and educate cheaper. We are increasing the number of STEM (Science, Technology, Engineering, Math) graduates, which aligns with national and State trends. We have received State funding for an additional 300 STEM majors, which will be phased in over the next three years. We are also providing a better learning experience in order to increase our graduation rates. As of 2013, our graduation rate climbed from 82% to 84% and our goal by 2020 is to reach 90%. We will have smaller classes by investing money into reducing the size of introductory courses, increasing the number of living and learning communities, and expanding experiential opportunities. We will reimagine doctoral education by rethinking the curriculum (*i.e.*, the number of years of required courses), rethinking the requirements for a PhD, and deciding how best to prepare our students for careers outside academia.

Technology and digital education will be part of the solution to educate more affordably. The University has created a new learning transformation center to combine efforts from the excellent faculty, our information technology resources, and learning analytics and assessment. This venture will dramatically increase the number of online courses, MOOC (massive open online courses) courses, and blended education.

Loh highlighted the achievements of several faculty including S. James Gates who received the National Medal of Science from President Obama, the twenty-two faculty who were involved in the discovery of the “God Particle,” and many other accomplishments. Transformation in research will include investing in faculty, research facilities, and strategic partnerships. In the last three years, we have hired 262 new tenured/tenure-track faculty, with a 60 person net increase in faculty (\$9M faculty investment per year). We have also hired an additional 88 new research faculty. Loh raised concerns about the “revolving door” where faculty hired are not being promoted or retained at a high rate, especially for minority faculty. We have invested resources to level the rates based on gender, so we will need to make a similar investment for minority faculty. A new data center with a super computer (10th fastest computer) to support faculty research will be ready in the spring of 2014. We are investing approximately \$600M in research facilities to support the research enterprise of the university by 2020.

Loh commented that strategic partnerships with other universities, the federal government, and the private sector are integral parts of our future. He noted that the MPower Initiative with the University of Maryland Baltimore (UMB) has generated 40 potential joint appointments; 66 joint proposals, including \$18M for a tobacco research center on regulatory science; a new Institute for Health-Related Informatics and Bio-Imaging; and joint efforts in biotechnology. Loh stated that the University is investing \$13M and 10 new faculty in the Institute for Bioscience and Biotechnology Research (IBBR) in Shady Grove with UMB. He noted his recent meeting with the Presidents of UMB, Johns Hopkins University, the Director of the National Institute of Standards & Technology (NIST), and the CEOs and boards of MedImmune and AstraZeneca to collaborate in basic research, incubate startup companies, and accelerate that into the next generation of experimental therapeutics. The goal is to make the I-270 corridor one of the top five hubs for biotechnology in the country. The challenges include what Loh terms “the red threat” (the red ink or continued deficit by the federal government), which has manifested itself in the current sequestration process.

Loh commented on transformative excellence in the arts by noting the proposed partnership with the Corcoran Gallery of Art. This partnership would allow the University to elevate the standing of the arts to include new majors, while magnifying our presence in the Nation’s Capital, and providing access to a new pool of donors. We will know in the next 2-3 months whether this partnership will go forward.

Loh commented on plans to transform the main street of College Park. In order to bring more faculty and staff to College Park, we are providing access to better education through the College Park Academy, an increased sense of safety with additional police officers, vehicles, and security cameras, and an exchange of land to build 20-30 faculty houses in Calvert Hills. He also mentioned plans for a new hotel, the demolition of the Book Exchange for a new apartment complex and retail space, property that has been bequeathed to the University, and the

Knox Village development that will begin construction during the summer of 2014. By 2020 there will be mixed-use of new facilities coexisting with retail stores. The one outstanding problem is the continued and increasingly projected gridlock anticipated on Route 1 by 2030.

Construction Initiatives

Loh noted plans for several new buildings on campus including a new residence hall near Van Munching Hall (Prince Frederick Hall opening in fall 2014), the St. John Teaching and Learning Center (opening in 2016), the College Park Academy (a new public charter school in College Park), and plans for a new bioengineering building (breaking ground late fall 2014). He also noted the impending opening of the new Physical Sciences Complex in April 2014. The University is working on plans for a new biosciences research support facility for faculty offices and labs. New chemistry labs will be included in the St. John Teaching and Learning Center and the Chemistry building will be renovated.

Budget Concerns

Because of sequestration, our University has lost \$38M since last March. Our federal funding has decreased by 7%. If there is no solution, by next January, sequestration will be even deeper. We are lobbying on behalf of science, technology, and innovation. We are working with the Deans to develop a new strategic budgeting process by which fund balances will be invested in priorities in education and research. We will continue to develop strategic partnerships such as Siemens' gift of the Product Life Management (PLM) software that will transform advanced manufacturing in the College of Engineering. We are hiring 30-40 new people in University Relations to help raise money for the University.

Loh noted that Faculty and staff would receive a Cost of Living Adjustment (COLA) of 3% in January 2014, an average merit increase of 2.5% in April 2014, and potentially another average 2.5% merit increase in July 2014. Earlier this summer, the State was projecting a surplus but now is projecting a deficit of \$400M. We have been asked to prepare a 1% budget reduction.

President Loh stated that transformation is not easy or quick and is not without resistance. He pledged to work with the University Senate to create a greater University of Maryland by 2020.

Novara thanked President Loh for his presentation. There were no questions from the floor.

PCC Proposal to Establish a New Area of Concentration in Physical Activity for the Master of Public Health (Senate Doc. No. 13-14-08) (Action)

Marilee Lindemann, Chair of the Programs, Curricula, and Courses (PCC) Committee, presented the proposal to establish a new area of concentration in

Physical Activity for the Master of Public Health and provided background information.

Novara opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 81 in favor, 2 opposed, and 3 abstentions. **The motion to approve the proposal passed.**

PCC Proposal to Establish a Doctoral Program in Teaching and Learning, Policy and Leadership (TLPL) (Senate Doc. No. 13-14-09) (Action)

Marilee Lindemann, Chair of the Programs, Curricula, and Courses (PCC) Committee, presented the proposal to establish a doctoral program in Teaching and Learning, Policy and Leadership (TLPL) and provided background information.

Novara opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. The result was 82 in favor, 1 opposed, and 3 abstentions. **The motion to approve the proposal passed.**

New Business

Senator MacDevitt, Faculty, College of Arts & Humanities, stated that he was disheartened by the video presented at the October 2013 Senate Meeting by Peter Weiler, Vice President for University Relations. He had raised concerns about the “masculine” message conveyed in the video. MacDevitt stated that he had been in contact with Brian Ullmann, Assistant Vice President of Marketing and Communications, who confirmed that the video would be revised to incorporate positive images of women.

Adjournment

Senate Chair Novara adjourned the meeting at 4:35 p.m.



University Senate TRANSMITTAL FORM

Senate Document #:	12-13-29
PCC ID #:	N/A
Title:	Alignment of Procurement Contracts with UM Non-Discrimination Values
Presenter:	Terry Owen, Chair, Senate Equity, Diversity, & Inclusion (EDI) Committee
Date of SEC Review:	11/25/2013
Date of Senate Review:	12/10/2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
Statement of Issue:	<p>The EDI Committee was charged by the Senate Executive Committee (SEC) on November 21, 2012 with reviewing a proposal submitted by a University staff member. The proposal expressed concern that the University's policies on procurement and/or the contracting of vendors do not appear to contain criteria for selection that focus on adhering to the campus diversity goals as stated in the University's strategic plan for diversity, <i>Transforming Maryland: Expectations for Excellence in Diversity and Inclusion</i>, and in such policies as the University's <i>Code on Equity, Diversity, and Inclusion</i> (VI-1.00(B)), the University of Maryland College Park's Policy on Inclusive Language (VI-1.00(C)), and the University System of Maryland's (USM) Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression (VI-1.05). To meet the University's goals for diversity and inclusion, the proposer stated that campus contractors should adhere to these standards and the procurement process should take these policies into account when granting contracts to vendors.</p>
Relevant Policy # & URL:	'Non-Discrimination in Employment' provision, USM Procurement Policies and Procedures: http://www.usmd.edu/regents/bylaws/SectionVIII/apptirme.html
Recommendation:	The EDI Committee maintains that the USM Procurement Policies and Procedures are aligned with the University's values on non-discrimination. Therefore, the EDI Committee does not recommend

	any changes to the Procurement Policies and Procedures, given the fact that the Department of Procurement and Supply has voluntarily adopted the State Code of Maryland Regulations (COMAR) regulations, and non-discrimination on the basis of sexual orientation and gender identity is covered by a separate USM policy. The EDI Committee endorses the current practices that the Department of Procurement and Supply has in place in order to comply with University and State non-discrimination policies and regulations.
Committee Work:	The EDI Committee began discussing this charge at the end of the fall 2012 semester. During the spring 2013 semester, the EDI Committee met with a number of relevant experts, including the proposer, the Director of Business Diversity from the Department of Procurement and Supply, and the Senior Associate Director from University of Maryland Department of Dining Services. The EDI Committee also reviewed guidance that had been provided by the University's Office of Legal Affairs. In addition, the committee read and discussed the relevant policy and procedure documents, as assigned by the SEC. The committee conducted a thorough review for this charge and ultimately found that the current processes utilized by the Department of Procurement and Supply, as well as by the Department of Dining Services for vendors in the Stamp Student Union, incorporate the University's stated diversity goals in documents, communications, and other procedures for contract negotiations and agreements.
Alternatives:	To not accept the report of the EDI Committee.
Risks:	There are no associated risks.
Financial Implications:	There are no financial implications.
Further Approvals Required:	N/A

Senate Equity, Diversity, & Inclusion (EDI) Committee
Senate Document 12-13-29
Alignment of Procurement Contracts with UM Non-Discrimination Values
Report
November 2013

BACKGROUND

In the Fall of 2012, a University of Maryland staff member submitted a proposal to the Senate Executive Committee (SEC) and expressed concern that the University's policies on procurement and/or the contracting of vendors do not appear to contain criteria for selection that focus on adhering to the campus diversity goals as stated in the University's strategic plan for diversity, *Transforming Maryland: Expectations for Excellence in Diversity and Inclusion*, and in such policies as the University's *Code on Equity, Diversity, and Inclusion* ([VI-1.00\(B\)](#)), the University of Maryland College Park's Policy on Inclusive Language ([VI-1.00\(C\)](#)), and the University System of Maryland's (USM) Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression ([VI-1.05](#)).

To meet the University's goals for diversity and inclusion, the proposer stated that campus contractors should adhere to these standards and the procurement process should take these policies into account when granting contracts to vendors.

In November 2012, the SEC charged the Equity, Diversity, & Inclusion (EDI) Committee to review the relevant procurement policies and procedures and to recommend whether they require revision in order to be consistent with the University's non-discrimination policies as well as with the University's stated values related to diversity and inclusion (Appendix 1).

Specifically, the EDI Committee was asked to review the following documents:

- ❖ The 'Non-Discrimination in Employment' provision of the USM Procurement Policies and Procedures <http://www.usmd.edu/regents/bylaws/SectionVIII/apptme.html> (Appendix 2)
- ❖ The 'Commercial Non-Discrimination Clause' of the Code of Maryland Regulations ([COMAR 21.07.01.26](#)) required under State law and Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland (Appendix 3)
- ❖ The University's Principles of Social Responsibility and Social Responsibility Affidavit Information (Appendix 4)
- ❖ The USM Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression ([VI-1.05](#)) (Appendix 5)

Each of these documents is described in the following section.

The SEC also asked the EDI Committee to consult with a representative from the Department of Procurement and Supply and the University's Office of Legal Affairs during its review. The SEC asked the EDI Committee to consider whether the University should recommend that the USM

Procurement Policies and Procedures should be revised to align with the University's values of non-discrimination.

RELEVANT POLICIES AND PROCEDURES

As assigned by the SEC, the EDI Committee reviewed the following relevant policy documents during the review process.

- ❖ The 'Non-Discrimination in Employment' provision of the USM Procurement Policies and Procedures <http://www.usmd.edu/regents/bylaws/SectionVIII/apptirme.html>

The 'Non-Discrimination in Employment' provision of the USM Procurement Policies and Procedures is mandatory for all contracts. It focuses on the prevention of employment discrimination and the following clause is preferred:

The Contractor agrees (a) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, or physical or mental handicap unrelated in nature and extent so as reasonably to preclude the performance of such employment; (b) to include a provision similar to that contained in subsection (a), above, in any subcontract except a subcontract for standard commercial supplies or raw materials; and (c) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause.

The EDI Committee learned that any revisions to the language of the USM policy require approval of the Board of Regents (BOR). When USM was given authority by the General Assembly to adopt its own procurement policies and procedures in 1999, this authority was subject to review and approval by the Board of Public Works (BPW) and the Joint Committee on Administrative, Executive, and Legislative Review of the General Assembly (AELR). The current procurement policies, including the 'Non-Discrimination in Employment' provision, have been approved by BPW and the AELR in accordance with this stipulation and any change to the policy language would also require approval of the BPW and the AELR.

- ❖ The 'Commercial Non-Discrimination Clause' of the Code of Maryland Regulations ([COMAR 21.07.01.26](#))

The 'Commercial Non-Discrimination Clause' of the Code of Maryland Regulations is required under State law, as described in the Annotated Code of Maryland, State Finance and Procurement Article and COMAR 21.07.01.26 and focuses on a broad scope of discriminatory practices. It is the EDI Committee's understanding that the clause may not apply to USM contracts but the Department of Procurement and Supply has voluntarily adopted the clause and requires it for all contracts greater than \$100,000.

Any alteration of the language of the clause would be subject to the same review and approval process as the USM provision. However, it is the EDI Committee's understanding that any modification to the text of the COMAR regulation may also be subject to the notice, publication, and public hearing requirements set forth in the Administrative Procedures Act (APA).

The 'Commercial Non-Discrimination Clause' is written as follows:

A. The following provision is mandatory for all State contracts and subcontracts: "As a condition of entering into this Agreement, Contractor represents and warrants that it will comply with the State's Commercial Nondiscrimination Policy, as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland. As part of such compliance, Contractor may not discriminate on the basis of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, disability, or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall Contractor retaliate against any person for reporting instances of such discrimination. Contractor shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that this clause does not prohibit or limit lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the marketplace. Contractor understands that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of Contractor from participating in State contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.

B. The following provision is mandatory for all State contracts: "As a condition of entering into this Agreement, upon the request of the Commission on Civil Rights, and only after the filing of a complaint against Contractor under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended from time to time, Contractor agrees to provide within 60 days after the request a complete list of the names of all subcontractors, vendors, and suppliers that Contractor has used in the past 4 years on any of its contracts that were undertaken within the State of Maryland, including the total dollar amount paid by Contractor on each subcontract or supply contract. Contractor further agrees to cooperate in any investigation conducted by the State pursuant to the State's Commercial Nondiscrimination Policy as set forth under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, and to provide any documents relevant to any investigation that are requested by the State. Contractor understands that violation of this clause is a material breach of this Agreement and may result in contract termination, disqualification by the State from participating in State contracts, and other sanctions.

❖ The University's Principles of Social Responsibility and Social Responsibility Affidavit Information

As provided for in Section VIII.C. of the USM Procurement Policies and Procedures, the University is required to make purchases from and award contracts to "responsible" contractors. In order to determine whether a vendor is responsible, the Procurement Officer may use certain factors, including but not limited to a satisfactory record of integrity and business ethics. To assist in making this determination, the Department of Procurement and Supply requires all vendors of contracts with the University greater than \$100,000 to sign the University's Principles of Social Responsibility and Social Responsibility Affidavit Information form.

By signing the affidavit, the vendor affirms that, during the last five years,

- 1) There has been no judgment made against the vendor for noncompliance with federal or state labor relations and other employment laws or regulations.

2) There has been no violations of federal or state non-discrimination in employment laws or regulations, including but not limited to laws prohibiting discrimination on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or disability unrelated in nature and except so as to reasonably preclude the performance of the employment, except as explained.

3) There has been no final, non-appealable judgment made against the vendor for violation of the State of Maryland Commercial Non-Discrimination Policy, State Finance and Procurement Article or the Annotated Code of Maryland.

4) There have been no instances of failure by the vendor to meet mutually agreed upon goals for minority business participation (MBE) on projects performed for the University or any other State of Maryland agency, or any other sanctions for MBE program non-compliance; or any final, non-appealable judgment of noncompliance with the State of Maryland Minority Business Participation law, State Finance and Procurement Article, or the Annotated Code of Maryland.

5) There has been no final, non-appealable judgment made against the vendor for violation of federal or state health, safety or environmental laws or regulations.

This information is used by the Department of Procurement and Supply to determine if the vendor is responsible or not.

❖ The USM Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression ([VI-1.05](#))

The policy specifically prohibits discrimination against students, faculty, and staff on the basis of sexual orientation or gender identity and expression in academic admissions, financial aid, educational services, housing, student programs, and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services.

According to the policy, the protections should be included in all appropriate USM and institution equal opportunity statements and related documents. Each institution must include the protections of the policy in its procedures to implement and enforce its equal opportunity and non-discrimination policies, including the identification of those officials responsible for receiving, investigating, and resolving complaints of discrimination prohibited by the policy.

COMMITTEE WORK

The EDI Committee began discussing this charge at the end of the fall 2012 semester. During the spring 2013 semester, the EDI Committee met with a number of relevant experts. In February 2013, the EDI Committee met with the Director of Business Diversity from the Department of Procurement and Supply to discuss the topic and learn about current practices. In March 2013, the EDI Committee met with the proposer to discuss his concerns and suggestions. In April 2013, the EDI Committee met with the Senior Associate Director from University of Maryland Department of Dining Services to learn more about how vendors for the Stamp Student Union food court are selected. The EDI Committee also reviewed guidance that had been provided by the University's Office of Legal Affairs. In addition, the EDI Committee read and discussed the relevant policy and procedural documents, as assigned by the SEC and described in the previous section of this report.

Due to the complex nature of this review, the EDI Committee found that it would not be able to meet its original deadline of March 29, 2013. Thus, in March 2013 the EDI Committee submitted a request for a deadline extension to the SEC. The SEC granted an extension until December 13, 2013.

The incoming EDI Committee continued to work on this charge throughout the fall 2013 semester.

COMMITTEE FINDINGS

In gathering information about the Department of Procurement and Supply processes for securing contracts for the University, the EDI Committee focused on whether the University's policies on procurement and/or the contracting of vendors adhere to the campus diversity goals.

During its review, the EDI Committee learned that the Department of Procurement and Supply requires all vendors to acknowledge that they will not discriminate in their employment practices. The Principles of Social Responsibility and Social Responsibility Affidavit Information form was developed locally by Procurement and Supply with the assistance of the Office of Legal Affairs and the University is the only agency of the State using this tool. Language in the University's solicitations and other contract documents stress the importance of diversity and non-discrimination values and include mandatory language from State law and regulations, which are consistent with the University's diversity goals and values.

In addition, the following documents and affidavits are submitted with bids/offers greater than \$100,000 and become part of the contract of the firm awarded the project:

- a. Commercial Non-discrimination Affidavit
- b. Non-Discrimination in Employment Affidavit
- c. Social Responsibility Affidavit
- d. Minority Business Enterprise (MBE) Participation Plan listing the specific MBE firms and percentages/dollars that will be subcontracted to meet the MBE goal/subgoals stated in the solicitation. If a bidder cannot meet the MBE goal/subgoals, there is a rigorous MBE waiver process. The MBE Participation Plan is enforced by State law and regulations.

There is standard, less formal, diversity language in solicitations and contracts under \$100,000. State law applies, but the paperwork burden of formal affidavits is not required at this dollar level. Since socioeconomic programs are fertile ground for new State law and regulations, the Department of Procurement and Supply regularly reviews the standard solicitation and contract language in their document templates. The University's diversity goals and values are incorporated from beginning to end of the procurement process.

The EDI Committee also learned that USM is committed to promoting business with State Use Industries, the Blind Industries and Services of Maryland, and the minority business community. The EDI Committee found that the University also endeavors to achieve and exceed the current State goal for minority owned business participation. The University supports the State of Maryland and the Federal Minority and Small Disadvantaged Programs. University employees are encouraged to utilize minority, small, and disadvantaged vendors when making purchases with the UM Purchasing Card and establishing subcontracts. In addition, the State of Maryland's Small Business Reserve Program requires Maryland State Agencies, including the University of Maryland, to reserve at least 10 percent of their total procurements each year for

competition exclusively among Maryland-certified Small Business Enterprises. The overall goal is to increase economic opportunities for small businesses.

The committee found that the Department of Procurement and Supply subscribes to the Code of Ethics as set forth by the National Association of Educational Buyers in 1985. One point in the Code of Ethics is to, "Make every reasonable effort to negotiate an equitable and mutually agreeable settlement of any controversy with a supplier, and/or be willing to submit any major controversies to arbitration or other third party review, insofar as established policies at my institution permit."

Past concerns about corporate behavior resulted in recent petitions to boycott or remove vendors from campus, specifically food establishments in the Stamp Student Union food court. For example, a 2012 petition received approximately 1,000 signatures requesting Chick-fil-A to be removed from Stamp Union in protest of the anti-gay comments made by the president of the company. In addition, McDonald's has faced numerous petitions and protests in years past due to animal welfare concerns. However, protests or petitions have not resulted in a vendor being removed from the food court. A vendor contract is generally not renewed due to business underperformance or weak revenues. The EDI Committee learned that Stamp Union food court establishments are administered by the Department of Dining Services and these agreements are not subject to administration by the Department of Procurement and Supply but are negotiated by the Office of Legal Affairs. Therefore, the EDI Committee consulted with representatives from Dining Services to learn more about the process of contracting with vendors for the Stamp Union.

The EDI Committee found that the University either has leases with the operators of the establishments in the Stamp Union food court or there are agreements allowing the University to operate the establishment with its own employees under franchise or license agreements. Currently, a few of the locations are leased by the Stamp Union to the franchisor; these include McDonald's, Panda Express, Saladworks, Moby Dick's Express, and Sushi by Panda. The remaining locations (Sbarro, Taco Bell, Chick-fil-A, Auntie Anne's, Subway, and Starbucks) are owned and operated by the University, with university employees, under franchise or license agreements and all profits go to the campus.

If space becomes available, vendors submit a short operating statement and a sample menu. Dining Services uses this information to judge which concepts would complement, rather than compete with the current offerings in the food court. Dining Services checks references, verifies that the business is authorized to conduct business in the State of Maryland, and verifies that it has a certificate of good standing filed with the State. Dining Services also reviews the business's Uniform Offering Circular (UOC), if one is required by Maryland State law. The UOC is filed with the Maryland Secretary of State and includes details about what legal issues the company has had in the last few years or if any are currently pending. Dining Services provides the Stamp Union with a list of suitable concepts and the Stamp Union consults with the Stamp Advisory Board for input on whether a new vendor should be introduced to the food court.

The Stamp Advisory Board is responsible for the review of retail and food outlets in the Stamp Union along with a number of other responsibilities. Members on the Stamp Advisory Board are appointed by the Student Government Association and the Graduate Student Government. At-large members are selected through an application procedure. Persons interested in serving as at-large representatives must complete an application form and submit it for review by the Stamp Advisory Board. More information about the Stamp Advisory Board is provided in Appendix 6.

After all concepts have been reviewed, the Stamp Union sends their selections to Dining Services. The Office of Legal Affairs, with assistance from Dining Services, negotiates a franchise agreement for the university to operate the unit or a lease/license agreement to “rent” the space to an outside vendor.

The EDI Committee learned that Dining Services cannot change a lease with a vendor during the term of the lease, unless the lessee agrees to the changes. In addition, all agreements are subject to current Maryland State law. If the lease agreement includes any campus policy information, the policies will still apply to the lessee even if the text of the policies change during the term, provided that they are not in conflict with State law or any other conditions of the agreement. All units operated by the University must continuously operate in accordance with State law and University policy. For example, if a complaint of harassment or other discriminatory practice is filed in relation to a leased space in the food court, the University requires the company to provide information about the incident, holds the leased vendor to the same standards as if they were a University entity, and the incident is reviewed by the appropriate University staff.

The initial proposal that was submitted to the SEC asserted that the University’s policies on procurement and/or process of contracting vendors do not appear to contain criteria for selection that focuses on adhering to the campus diversity goals as stated in *Transforming Maryland: Expectations for Excellence in Diversity and Inclusion*, or as outlined in existing policies such as the *Code of Equity, Diversity, and Inclusion*, the University of Maryland College Park Policy on Inclusive Language, or the USM Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression. However, text excerpts from Stamp Student Union space license agreements indicate that Dining Services does expect vendors to adhere to these principles. Space license agreements customarily include information about the COMAR Commercial Non-Discrimination Clause, the University’s *Code on Equity, Diversity, and Inclusion*, and the related non-discrimination commitments. The EDI Committee applauds all efforts to include such information about diversity and inclusion in contract agreements and other materials. The committee likewise applauds the Department of Dining Services for requiring vendors in the Stamp Student Union to conduct their businesses and serve their patrons in accordance with these standards.

RECOMMENDATIONS

Based on the committee’s findings, the EDI Committee agrees that the current processes utilized by the Department of Procurement and Supply, and by the Department of Dining Services for vendors in the Stamp Student Union, incorporate the University’s stated diversity goals in documents, communications, and other procedures for contract negotiations and agreements. The EDI Committee voted unanimously in favor of putting forward the following recommendation on November 5, 2013.

The EDI Committee maintains that the USM Procurement Policies and Procedures are aligned with the University’s values on non-discrimination. Therefore, the EDI Committee does not recommend any changes to the Procurement Policies and Procedures, given the fact that the Department of Procurement and Supply has voluntarily adopted the State COMAR regulations, and non-discrimination on the basis of sexual orientation and gender identity is covered by a separate USM policy. The EDI Committee endorses the current practices that the Department of Procurement and Supply has in place in order to comply with University and State non-discrimination policies and regulations.

APPENDICES

Appendix 1 – Charge from the Senate Executive Committee (SEC) and Proposal

Appendix 2 – ‘Non-Discrimination in Employment’ provision of the University System of Maryland (USM) Procurement Policies and Procedures

Appendix 3 – ‘Commercial Non-Discrimination Clause’ of the Code of Maryland Regulations

Appendix 4 – Principles of Social Responsibility and Social Responsibility Affidavit Information

Appendix 5 – University System of Maryland (USM) Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression

Appendix 6 – Stamp Advisory Board Membership Information

Appendix 7 – University’s Strategic Plan for Diversity, *Transforming Maryland: Expectations for Excellence in Diversity and Inclusion*



University Senate CHARGE

Date:	November 21, 2012
To:	Leslie Felbain Chair, Equity, Diversity, and Inclusion (EDI) Committee
From:	Martha Nell Smith Chair, University Senate 
Subject:	Alignment of Procurement Contracts with UM Non-Discrimination Values
Senate Document #:	12-13-29
Deadline:	March 29, 2013

The Senate Executive Committee (SEC) requests that the Equity, Diversity, & Inclusion (EDI) Committee review the attached proposal, “Alignment of Procurement Contracts with UM Non-Discrimination Values.”

The Board of Public Works (BPW) and the Joint Committee on Administrative, Executive, and Legislative review of the General Assembly (AELR) gave the University System of Maryland (USM) the authority to adopt its own procurement policies and procedures in 1999. This authority was granted subject to review and approval of the policies by the BPW and AELR. Therefore, any changes to the policy would require similar approval.

The SEC requests that the EDI Committee review the relevant procurement policies and recommend whether they require revision in order to be consistent with UM’s nondiscrimination policies as well as with our stated values.

Specifically, we ask that you:

1. Review the ‘Nondiscrimination in Employment’ provision in the University System of Maryland Procurement Policies and Procedures (<http://www.usmd.edu/regents/bylaws/SectionVIII/apptrme.html>).
2. Review the ‘Commercial Non-Discrimination Clause’ required under Maryland state law. See Anno. Code of Maryland, State Finance and Procurement Article and COMAR 21.07.01.16 (attached).
3. Review the University’s Social Responsibility Affidavit (attached).

4. Review the Policy on Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression (VI-1.05).
5. Consult with a representative from the Department of Procurement and Supply.
6. Consult with the University's Office of Legal Affairs.
7. If appropriate, recommend whether the University of Maryland (UMD) should recommend to the University System of Maryland (USM) that the Procurement Policies and Procedures should be revised to align with the University's values of nondiscrimination.

We ask that you submit your report and recommendations to the Senate Office no later than March 29, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



University Senate PROPOSAL FORM

Name:	Mark Brimhall-Vargas
Date:	October 18, 2012
Title of Proposal:	Alignment of procurement contracts with UM non-discrimination values
Phone Number:	52840
Email Address:	Brimhall@umd.edu
Campus Address:	2411 Marie Mount Hall
Unit/Department/College:	Office of Diversity Education and Compliance
Constituency (faculty, staff, undergraduate, graduate):	Staff
Description of issue/concern/policy in question:	<p>The UM policies on procurement and/or contracting of vendors do not appear to contain criteria for selection that focuses on adhering to the campus diversity goals as stated in <i>Transforming Maryland: Expectations for Excellence in Diversity and Inclusion</i> or as outlined in existing policies such as:</p> <ul style="list-style-type: none">• University of Maryland Code on Equity, Diversity, and Inclusion (VI-1.00(B))• University of Maryland, College Park Policy on Inclusive Language (VI-1.00(C))• Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression (VI-1.05) <p>In order to meet our campus goals of diversity and inclusion, I believe that contractors on our campus should adhere to these standards and that the procurement process should take these policies into account when granting contracts to vendors.</p>
Description of action/changes you would like to see implemented and why:	<p>I would like to see the Senate investigate the possibility that the procurement process could consider the company's stated goals and behavioral history when deciding to grant (or not grant) a contract.</p>

Suggestions for how your proposal could be put into practice:	I think that amending our current policies on procurement to include requirements around diversity and inclusion would be very helpful in creating an inclusive climate.
Additional Information:	

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

CONTRACT TERMS AND CONDITIONS

21.07.01.26

(i) Notify the procurement officer within 10 days after receiving notice under §E(2)(h)(ii), above, or otherwise receiving actual notice of a conviction;

(j) Within 30 days after receiving notice under §E(2)(h)(ii), above, or otherwise receiving actual notice of a conviction, impose either of the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:

(i) Take appropriate personnel action against an employee, up to and including termination; or

(ii) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program;

and

(k) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of §E(2)(a)—(j), above.

(3) If the business is an individual, the individual shall certify and agree as set forth in §E(4), below, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.

(4) I acknowledge and agree that:

(a) The award of the contract is conditional upon compliance with COMAR 21.11.08 and this certification;

(b) The violation of the provisions of COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and

(c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in suspension and debarment of the business under COMAR 21.08.03.

F. CERTAIN AFFIRMATIONS VALID

I FURTHER AFFIRM THAT:

To the best of my knowledge, information, and belief, each of the affirmations, certifications, or acknowledgements contained in that certain Bid/Proposal Affidavit dated _____, 20____, and executed by me for the purpose of obtaining the contract to which this Exhibit is attached remains true and correct in all respects as if made as of the date of this Contract Affidavit and as if fully set forth herein.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____

By: _____ (printed name of Authorized Representative and affiant)

_____ (signature of Authorized Representative and affiant)

.26 Commercial Nondiscrimination Clause.

A. The following provision is mandatory for all State contracts and subcontracts: "As a condition of entering into this Agreement, Contractor represents and warrants that it will comply with the State's Commercial Nondiscrimination Policy, as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland. As part of such compliance, Contractor may not discriminate on the basis of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, disability, or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall Contractor retaliate against any person for reporting instances of such discrimination. Contractor shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that this clause does not prohibit or limit lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the marketplace. Contractor understands that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of Contractor from participating in State contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.

STATE PROCUREMENT REGULATIONS

21.07.01.26

B. The following provision is mandatory for all State contracts: "As a condition of entering into this Agreement, upon the Maryland Human Relations Commission's request, and only after the filing of a complaint against Contractor under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended from time to time, Contractor agrees to provide within 60 days after the request a complete list of the names of all subcontractors, vendors, and suppliers that Contractor has used in the past 4 years on any of its contracts that were undertaken within the State of Maryland, including the total dollar amount paid by Contractor on each-subcontract or supply contract. Contractor further agrees to-cooperate in any investigation conducted by the State pursuant to the State's Commercial Nondiscrimination Policy as set forth under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, and to provide any documents relevant to any investigation that are requested by the State. Contractor understands that violation of this clause is a material breach of this Agreement and may result in contract termination, disqualification by the State from participating in State contracts, and other sanctions."

Administrative History

Effective date: July 1, 1981 (8:13 Md. R. II-5)

Regulation .09A amended effective May 6, 1985 (12:9 Md. R. 816)

Chapter revised effective January 9, 1989 (15:27 Md. R. 3138)

Regulation .03 amended effective August 2, 1993 (20:15 Md. R. 1221)

Regulation .05 amended effective October 2, 2000 (27:19 Md. R. 1730); July 9, 2001 (28:13 Md. R. 1216)

Regulation .08 amended effective December 25, 2000 (27:25 Md. R. 2284)

Regulation .11A amended effective November 22, 1993 (20:23 Md. R. 1086)

Regulation .12A amended effective November 22, 1993 (20:23 Md. R. 1086)

Regulation .20 amended effective January 26, 1998 (25:2 Md. R. 79); December 25, 2000 (27:25 Md. R. 2284)

Regulation .25 amended effective October 1, 1990 (17:19 Md. R. 2322); August 2, 1993 (20:15 Md. R. 1221); August 8, 2011 (38:16 Md. R. 946)

Regulation .26 adopted as an emergency provision effective August 8, 1997 (24:18 Md. R. 1294); emergency status rescinded effective October 16, 1997 (24:23 Md. R. 1608)

Regulation .26 adopted effective March 12, 2007 (34:5 Md. R. 562)

**PRINCIPLES OF SOCIAL RESPONSIBILITY
and
SOCIAL RESPONSIBILITY AFFIDAVIT INFORMATION**

I. Principles of Social Responsibility

A. As provided for in Section VIII. C. of the University System of Maryland Procurement Policies and Procedures, the University is required to make purchases from and award contracts to “responsible” contractors. The Procurement Officer may use certain factors, including but not limited to a satisfactory record of integrity and business ethics to determine if a bidder or offeror is responsible. The University has determined that a bidder or offeror’s record of integrity and business ethics includes a demonstrated commitment to providing goods and services in an ethical, and socially and environmentally responsible manner by compliance with all applicable:

- (1) Federal and state labor relations and employment laws;
- (2) Federal and state non-discrimination in employment laws;
- (3) State of Maryland Commercial Nondiscrimination laws;
- (4) State of Maryland, Minority Business Enterprise (“MBE”) laws; and,
- (5) Federal and state health, safety and environmental laws.

The above laws are referred to as “Social Responsibility Laws.” The bidder or offeror’s compliance with the above laws is referred to as “Social Responsibility.”

B. Each bidder or offeror shall complete a Social Responsibility Affidavit, in the form that follows, as part of a bid or proposal submitted to the Procurement Officer in response to any solicitation to furnish goods or services of any kind including, but not limited to architectural or engineering services; construction; construction related services; maintenance; consulting; information technology (hardware, software and services); equipment or other commodities.

C. The Procurement Officer shall consider information provided in the Social Responsibility Affidavit to determine if a bidder or offeror is responsible. A determination that a bidder or offeror is not responsible may be considered as the basis for eliminating that bidder or offeror from further consideration for a contract award.

D. After award, the University may terminate a contract for default if the bidder or offeror did not disclose the requested information; misrepresented relevant information to the Procurement Officer; or was subject to a final judgment of non-compliance with applicable Social Responsibility Laws post-award. In such cases, the University may also institute proceedings to debar the vendor from further State contracts, or pursue such other remedies as may be permitted by law or the contract.

II. Social Responsibility Affidavit and Disclosure

A. The bidder or offeror agrees that if it is the subject of a final, non-appealable judgment with respect to compliance with applicable Social Responsibility Laws after the date of this affidavit,

the bidder or offeror will immediately make a full disclosure in writing to the Procurement Officer of all relevant facts and circumstances. This disclosure shall include a description of actions which the bidder or offeror has taken or proposes to take to correct the violation. If the contract has been awarded and performance has begun, the vendor shall continue performance until notified by the Procurement Officer of any contrary action to be taken.

B. CERTIFICATION OF COMPLIANCE WITH SOCIAL RESPONSIBILITY LAWS

I HEREBY AFFIRM THAT:

(1) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for noncompliance with federal or state labor relations and other employment laws or regulations, including but not limited to the National Labor Relations Act, as amended; the Davis-Bacon Act, as amended; the Fair Labor Standards Act, as amended; the Maryland Living Wage law, State Finance and Procurement Article, §18-101 et seq., Annotated Code of Maryland; the Maryland Prevailing Wage law, State Finance and Procurement Article, §17-201 et seq., Annotated Code of Maryland; federal and state child labor laws; federal minimum wage laws and; the Family Medical Leave Act, except as follows (explain below or add additional sheets):

(2) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for violation of federal or state non-discrimination in employment laws or regulations, including but not limited to laws prohibiting discrimination on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or disability unrelated in nature and except so as to reasonably preclude the performance of the employment, except as follows (explain below or add additional sheets):

(3) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for violation of the State of Maryland Commercial Non-Discrimination Policy, State Finance and Procurement Article, §19-101 et seq., Annotated Code of Maryland, except as follows (explain below or add additional sheets):

(4) There have been no instances during the last five years of failure by the bidder or offeror to meet mutually agreed upon goals for minority business participation (MBE) on

projects performed for the University or any other State of Maryland agency, or any other sanctions for MBE program non-compliance; or any final, non-appealable judgment of noncompliance with the State of Maryland Minority Business Participation law, State Finance and Procurement Article, § 14-308 et seq., Annotated Code of Maryland, except as follows (explain below or add additional sheets):

(5) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for violation of federal or state health, safety or environmental laws or regulations , including but not limited to the U.S. Occupational Safety and Health Act standards; Maryland Occupational Health and Safety laws, State Labor and Employment Article, § 5-101 et seq., Annotated Code of Maryland, or the Federal Noise Control Act of 1972, except as follows (explain below or add additional sheets):

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Date: _____ By: _____
(Authorized Representative and Affiant)



UNIVERSITY SYSTEM OF MARYLAND

E. Mandatory Contract Terms and Conditions For Contracts Over \$100,000 Not Documented On a Purchase Order

If unusual circumstances arise that necessitate the modification of any mandatory terms and conditions, a recommendation containing the necessary modification(s) and including written justification must be approved by the Procurement Officer and, if appropriate, by legal counsel.

1. Parties to the Contract
2. Scope of the Contract
3. Compensation and Method of Payment
4. Non-Hiring of Employees
No employee of the State of Maryland or any unit thereof, whose duties as such employee include matters relating to or affecting the subject matter of this contract, shall, while so employed, become or be an employee of the party or parties hereby contracting with the State of Maryland or any unit thereof.
5. Disputes
Pending Resolution of a claim, the Contractor shall proceed diligently with the performance of the contract in accordance with the procurement officer's decision.

One of the following clauses is preferred:

- a. Alternate Disputes Clause (short form). "This contract shall be subject to the USM Procurement Policies and Procedures. Pending resolution of a claim, the Contractor shall proceed diligently with the performance of the contract in accordance with the procurement officer's decision."
- b. Alternate Disputes Clause (long form).
 - (1) This contract is subject to the USM Procurement Policies and Procedures.
 - (2) Except as otherwise may be provided by law, all disputes arising under or as a result of a breach of this contract that are not disposed of by mutual agreement shall be resolved in accordance with this clause.
 - (3) As used herein, "claim" means a written demand or assertion by one of the parties

seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract. A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim under this clause. However, if the submission subsequently is not acted upon in a reasonable time, or is disputed as to liability or amount, it may be converted to a claim for the purpose of this clause.

- (4) A claim shall be made in writing and submitted to the procurement officer for decision in consultation with the Office of the Attorney General within thirty days of when the basis of the claim was known or should have been known, whichever is earlier.
- (5) When a claim cannot be resolved by mutual agreement, the contractor shall submit a written request for final decision to the procurement officer. The written request shall set forth all the facts surrounding the controversy.
- (6) The contractor, at the discretion of the procurement officer, may be afforded an opportunity to be heard and to offer evidence in support of his claim.
- (7) The procurement officer shall render a written decision on all claims within 180 days of receipt of the contractor's written claim, unless the procurement officer determines that a longer period is necessary to resolve the claim. If a decision is not issued within 180 days, the procurement officer shall notify the contractor of the time within which a decision shall be rendered and the reasons for such time extension. The decision shall be furnished to the contractor, by certified mail, return receipt requested, or by any other method that provides evidence of receipt. The procurement officer's decision shall be deemed the final action of the University.
- (8) The procurement officer's decision shall be final and conclusive unless the contractor mails or otherwise files a written appeal with the Maryland State Board of Contract Appeals within 30 days of receipt of the decision.
- (9) Pending resolution of a claim, the contractor shall proceed diligently with the performance of the contract in accordance with the procurement officer's decision."

6. Maryland Law Prevails. "The laws of Maryland shall govern the interpretation and enforcement of this Contract."
7. Nondiscrimination in Employment.
Mandatory provision for all contracts. The following clause is preferred:
"The Contractor agrees: (a) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, or physical or mental handicap unrelated in nature and extent so as reasonably to preclude the performance of such employment; (b) to include a provision similar to that contained in subsection (a), above, in any subcontract except a subcontract for standard commercial supplies or raw materials; and (c) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause."
8. Contingent Fee Prohibition.
Mandatory provision for all contracts:
"The contractor, architect, or engineer (as applicable) warrants that it has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the contractor, architect, or engineer, to solicit or secure this agreement, and that it, has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of this agreement."
9. Multi-Year Contracts Contingent Upon Appropriations.
Mandatory provision for all contracts and contract modifications to be effective in more than one fiscal year:

If the General Assembly fails to appropriate funds or if funds are not otherwise made available for continued performance for any fiscal period of this Contract succeeding the first fiscal period, this Contract shall be canceled automatically as of the beginning of the fiscal year for which funds were not appropriated or otherwise made available; provided, however, that this will not affect either the University's rights or the Contractor's rights under any termination clause in this Contract. The effect of termination of the Contract hereunder will be to discharge both the Contractor and the University from future performance of the Contract, but not from their rights and obligations existing at the time of

termination. The Contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the Contract. The University shall notify the Contractor as soon as it has knowledge that funds may not be available for the continuation of this Contract for each succeeding fiscal period beyond the first."

10. Termination for Default.

Mandatory provision for all contracts. One of the following clauses is preferred:

a. Alternate Clause -Termination for Default (short form).

"If the Contractor fails to fulfill its obligation under this contract properly and on time, or otherwise violates any provision of the contract, the University may terminate the contract by written notice to the Contractor. The notice shall specify the acts or omissions relied upon as cause for termination. All finished or unfinished work provided by the Contractor shall, at the University's option, become the University's property. The University shall pay the Contractor fair and equitable compensation for satisfactory performance prior to receipt of notice of termination, less the amount of damages caused by Contractor's breach. If the damages are more than the compensation payable to the Contractor, the Contractor will remain liable after termination and the University can affirmatively collect damages. Termination hereunder, including the determination of the rights and obligations of the parties, shall be governed by the provisions of USM Procurement Policies And Procedures."

b. Alternate Clause -Termination for Default (long form).

- (1) The University may, subject to the provisions of paragraph (3) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances: (a) If the Contractor fails to perform within the time specified herein or any extension thereof-, or (b) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such

longer period as the procurement officer may authorize in writing) after receipt of notice from the procurement officer specifying such failure.

- (2) In the event the University terminates this contract in whole or in part as provided in paragraph (1) of this clause, the University may procure substitute performance upon terms and in whatever manner the procurement officer may deem appropriate, and the Contractor shall be liable to the University for any excess costs for substitute performance; provided, that the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.
- (3) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the University in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform shall be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if the default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform unless substitute performance for the subcontractor was obtainable from another source in sufficient time to permit the Contractor to meet the performance schedule.
- (4) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the University, be the same as if the notice of termination had been issued pursuant to

such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the University, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

- (5) If this contract is terminated as provided in paragraph (1) of this clause, the University, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the University, in the manner, at the times, and to the extent, if any, directed by the procurement officer, (a) the fabricated or unfabricated parts, work in progress, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (b) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the University; and the Contractor shall, upon direction of the procurement officer, protect and preserve property in the possession of the Contractor in which the University has an interest. Payment for completed supplies delivered to and accepted by the University shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the University and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and procurement officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The University may withhold from amounts otherwise due the Contractor hereunder such sum as the procurement officer determines to be necessary to protect the University against loss because of outstanding liens or claims of former lien holders.
- (6) The rights and remedies of the University

provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

- (7) As used in paragraph (3) of this clause, the terms, "subcontractor" and "subcontractors" mean subcontractor(s) at any tier."

11. Termination for Convenience.

Except as provided in ~~D~~B, mandatory provision for all contracts. One of the following clauses is preferred:

a. Alternate Clause -Termination for Convenience (short form).

"The performance of work under this contract may be terminated by the University in accordance with this clause in whole, or from time to time in part, whenever the University shall determine that such termination is in the best interest of the University. The University will pay all reasonable costs associated with this contract that the Contractor has incurred up to the date of termination and all reasonable costs associated with termination of the Contract. However, the Contractor shall not be reimbursed for any anticipatory profits that have not been earned up to the date of termination. Termination hereunder, including the determination of the rights and obligations of the parties, shall be governed by the provisions of the USM Procurement Policies and Procedures.

b. Alternate Clause -Termination for Convenience (long form).

- (1) The performance of work under this contract may be terminated by the University in accordance with this clause in whole, or from time to time in part, whenever the University shall determine that such termination is in the best interest of the University. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work is terminated and the time when such termination becomes effective.
- (2) After receipt of a Notice of Termination, and except as otherwise directed by the procurement officer, the Contractor shall:
- (a) stop work as specified in the Notice

- of Termination;
- (b) place no further orders or subcontracts for materials, services or facilities, except as may be necessary for completion of the portion of the work under the contract as is not terminated;
 - (c) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;
 - (d) assign to the University, in the manner, at times, and to the extent directed by the procurement officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the University shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
 - (e) settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the procurement officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;
 - (f) transfer title and deliver to the University, in the manner, at the times, and to the extent, if any, directed by the procurement officer,
 - (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and
 - (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the University;
 - (g) use its best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the procurement officer, any property of the types referred to in (f) above; provided, however, that the Contractor

- (i) may not be required to extend credit to any purchaser, and
 - (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the procurement officer; and provided further that the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the University to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the procurement officer may direct;
- (h) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and
- (i) take any action that may be necessary, or as the procurement officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the University has or may acquire an interest. The Contractor shall submit to the procurement officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the procurement officer, and may request the University to remove them or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the University shall accept title to these items and remove them or enter into a storage agreement covering the same; provided, that the list submitted shall be subject to verification by the procurement officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made before

final settlement.

- (3) After receipt of a Notice of Termination, the Contractor shall submit to the procurement officer his termination claim, in the form and with certification prescribed by the procurement officer. This claim shall be submitted promptly but in no event later than one (1) year from the effective date of termination, unless one or more extensions in writing are granted by the procurement officer, upon request of the Contractor made in writing within the one-year period or authorized extension thereof. However, if the procurement officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after the one-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the procurement officer may determine the claim at any time after the one-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the procurement officer may determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.
- (4) Subject to the provisions of paragraph (3), the Contractor and the procurement officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done; provided, that such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (5) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the procurement officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict,

or otherwise determine or affect the amount or amounts that may be agreed upon to be paid to the Contractor pursuant to this paragraph.

- (5) In the event of the failure of the Contractor and the procurement officer to agree as provided in paragraph (4) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the procurement officer shall pay to the Contractor the amounts determined by the procurement officer as follows, but without duplication of any amounts agreed upon in accordance with paragraph (4):
- (a) for completed supplies or services accepted by the University (or sold or acquired as provided in paragraph (2) (g) above) and for which payment has not theretofore been made, a sum equivalent to the aggregate price for the supplies or services computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;
 - (b) the total of-
 - (i) the costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies or services paid or to be paid for under paragraph (5) (a) hereof;
 - (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (2) (e) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors before the effective date of the Notice of Termination, which amounts shall be included in the costs payable under (2) (g) above); and
 - (iii) a sum, as profit on (i) above, determined by the procurement officer to be fair and reasonable; provided,

however, that if it appears that the contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

- (c) the reasonable cost of settlement accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract. The total sum to be paid to the Contractor under (a) and (b) of this paragraph shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the University shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in (5) (a) and (b) (i) above, the fair value, as determined by the procurement officer, of property that is destroyed, lost, stolen, or damaged so as to become undeliverable to the University or to a buyer pursuant to paragraph (2) (g).
- (6) Costs claimed, agreed to, or determined pursuant to (3), (4), (5) and (11) hereof shall be in accordance with USM Procurement Policies and Procedures as in effect on the date of this contract.
- (7) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the procurement officer under paragraph (3), (5), or (9) hereof, except that if the Contractor has failed to submit his claim within the time provided in paragraph (3) or (9) hereof, and has failed

to request extension of the time, he shall have no right of appeal. In any case where the procurement officer has made a determination of the amount due under paragraph (3), (5), or (9) hereof, the University shall pay to the Contractor the following: (a) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the procurement officer, or (b) if an appeal has been taken, the amount finally determined on such appeal.

- (8) In arriving at the amount due the Contractor under this clause there shall be deducted (a) all unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this contract, (b) any claim which the University may have against the Contractor in connection with this contract, and (c) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the University.
- (9) If the termination hereunder be partial, the Contractor may file with the procurement officer a claim for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices. Any claim by the Contractor for an equitable adjustment under this clause shall be asserted within ninety (90) days from the effective date of the termination notice, unless an extension is granted in writing by the procurement officer.
- (10) The University may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the procurement officer the aggregate of such payments shall be within the amount to which the Contractor shall be entitled hereunder. If the total of such payments is in excess of

the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the University upon demand, together with interest computed at the prime rate established by the State Treasurer for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the State; provided, however, that no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or a later date as determined by the procurement officer by reason of the circumstances.

- (11) Unless otherwise provided for in this contract, or by applicable statute, the Contractor shall-from the effective date of termination until the expiration of three years after final settlement under this contract -preserve and make available to the University at , all reasonable times at the office of the Contractor but without direct charge to the University, all his books, records, documents and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the procurement officer, reproductions thereof."

12. Delays and Extensions of Time.

Mandatory provision for all contracts. It shall be in substantially the same form as follows:

"Delays and Extensions of Time"

"The Contractor agrees to prosecute the work continuously and diligently and no charges or claims for damages shall be made by it for any delays or hindrances from any cause whatsoever during the progress of any portion of the work specified in this Contract.

"Time extensions will be granted only for excusable delays that arise from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the State in either its sovereign or contractual capacity, acts of another Contractor in the performance of a contract with the State, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or delays of subcontractors or suppliers arising from

unforeseeable causes beyond the control and without the fault or negligence of either the Contractor or the subcontractors or suppliers."

13. Modifications.
This Contract may be amended with the consent of both parties. Amendments may not change significantly the scope of the Contract.
14. Liquidated Damages.
Mandatory provision for those contracts deemed appropriate by the procurement officer.
15. Variations in Estimated Quantities.
Mandatory provision for all contracts that contain estimated quantity items.
16. Suspension of Work.
Mandatory provision for all contracts. It shall be in substantially the same form as follows:
"The procurement officer unilaterally may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the University."
17. Pre-existing Regulations.
Mandatory provision for all contracts. It shall be in substantially the same form as follows:
"In accordance with the provisions of Section 11-206 of the State Finance and Procurement Article, Annotated Code of Maryland, the regulations set forth in USM Procurement Policies and Procedures in effect on the date of execution of this Contract are applicable to this Contract."
18. Payment of State Obligations.
Mandatory provision for all contracts. The following clause is preferred:
"Payments to the Contractor pursuant to this Contract shall be made no later than 30 days after the State's receipt of a proper invoice from the Contractor. Charges for late payment of invoices, other than as prescribed by Title 15, Subtitle 1, of the State Finance and Procurement Article, Annotated Code of Maryland, or by the Public Service Commission of Maryland with respect to regulated public utilities, as applicable, are prohibited."
19. Financial Disclosure.
Mandatory provision for all contracts:
"The Contractor shall comply with the provisions of Section 13-221 of the State Finance and Procurement Article of the Annotated Code of Maryland, which requires that every business that enters into contracts, leases, or other agreements with the State of Maryland or its agencies during a calendar year

under which the business is to receive in the aggregate \$100,000 or more, shall, within 30 days of the time when the aggregate value of these contracts, leases or other agreements reaches \$100,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business."

20. Political Contribution Disclosure.

Mandatory provision for all contracts:

"The Contractor shall comply with Article 33, Sections 30-1 through 30-4 of the Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State, a county, or an incorporated municipality, or their agencies, during a calendar year in which the person receives in the aggregate \$100,000 or more, shall file with the State Administrative Board of Election Laws a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election. The statement shall be filed with the State Administrative Board of Election Laws:

- a. before a purchase or execution of a lease or contract by the University, a county, an incorporated municipality, or their agencies, and shall cover the preceding two calendar years; and
- b. if the contribution is made after the execution of a lease or contract, then twice a year, throughout the contract term, on (1) February 5, to cover the 6-month period ending January 31; and (2) August 5, to cover the 6-month period ending July 31.

21. Retention of Records.

Mandatory provision for all contracts. The following clause is preferred:

"The Contractor shall retain and maintain all records and documents relating to this Contract for three years after final payment by the University hereunder or any applicable statute of limitations, whichever is longer, and shall make them available for inspection and audit by authorized representatives of the University, including the procurement officer or designee, at all reasonable times."

22. Compliance with Laws.

Mandatory provision for all contracts. The following clause is preferred:

"The Contractor hereby represents and warrants that:

- a. It is qualified to do business in the State of Maryland and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified;
- b. It is not in arrears with respect to the payment

of any moneys due and owing the State of Maryland, or any department or unit thereof, including but not limited to the payment of taxes and employee benefits, and that it shall not become so in arrears during the term of this Contract;

- c. It shall comply with all federal, State, and local laws, regulations, and ordinances applicable to its activities and obligations under this Contract; and
- d. It shall obtain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under this Contract."

23. Cost and Price Certification.

Mandatory provision for all contracts and contract modifications (excluding real property leases and architectural services or engineering services contracts (see 24. below "Truth in Negotiations") if the contract or modification exceeds \$100,000 or a smaller amount determined by the procurement officer under State Finance and Procurement Article, §13-220. The language shall be in substantially the same form as follows:

"Cost and Price Certification"

The Contractor by submitting cost or price information certifies that, to the best of its knowledge, the information submitted is accurate, complete, and current as of a mutually determined specified date prior to the conclusion of any price discussions or negotiations for:

- a. A negotiated contract, if the total contract price is expected to exceed \$100,000, or a smaller amount set by the procurement officer; or
- b. A change order or contract modification, expected to exceed \$100,000, or a smaller amount set by the procurement officer.
- c. The price under this Contract and any change order or modification hereunder, including profit or, fee, shall be adjusted to exclude any significant price increases occurring because the Contractor furnished cost or price information which, as of the date agreed upon between the parties, was inaccurate, incomplete, or not current."

24. Truth-In-Negotiation Certification.

Mandatory provision for architectural services or engineering services contracts exceeding \$100,000. It shall be in substantially the same form as follows:

"Truth- In -Negotiation Certification"

"The Contractor by submitting cost or price information, including wage rates or other actual unit costs, certifies to the best of its knowledge,

information and belief, that:

- a. The wage rates and other factual unit costs supporting the firm's compensation, as set forth in the proposal, are accurate, complete and current as of the contract date;
- b. If any of the items of compensation were increased due to the furnishing of inaccurate, incomplete or noncurrent wage rates or other units of costs, the State is entitled to an adjustment in all appropriate items of compensation, including profit or fee, to exclude any significant sum by which the price was increased because of the defective data. The University's right to adjustment includes the right to a price adjustment for defects in costs or pricing data submitted by a prospective or actual subcontractor; and
- c. If additions are made to the original price of the contract, such additions may be adjusted to exclude any significant sums where it is determined the price has been increased due to inaccurate, incomplete or noncurrent wage rates and other factual costs."

25. Contract Affidavit.

Mandatory contract addendum. The contract addendum shall be in substantially the same form as follows:

CONTRACT AFFIDAVIT

A. AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT

I am the _____ (title) and the duly authorized representative of (business) _____ and that I possess the legal authority to make this affidavit on behalf of myself and the business for which I am acting.

B. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT-

(1) The business named above is a (domestic ☐) (foreign ☐) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation, and that the name and address of its resident agent filed with the State Department of Assessments and Taxation is:

Name: Address:

(2) Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, and the Department of Labor, Licensing, and Regulation, as applicable, and will have paid all withholding taxes due the State of Maryland prior to final

settlement.

C. CERTAIN AFFIRMATIONS VALID

I FURTHER AFFIRM THAT:

To the best of my knowledge, information, and belief, each of the affirmations, certifications, or acknowledgments contained in that certain Bid/Proposal Affidavit dated , __/__/__, and executed by me for the purpose of obtaining the contract to which this Exhibit is attached remains true and correct in all respects as if made as of the date of this Contract Affidavit and as if fully set forth herein.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____ By: _____
(Authorized

Representative and Affiant)
University System of Maryland
3300 Metzerott Road
Adelphi, MD 20783-1690, USA
301.445.2740

**THE CODE OF MARYLAND REGULATIONS (COMAR) IS THE OFFICIAL
COMPILATION OF ALL ADMINISTRATIVE REGULATIONS ISSUED BY
AGENCIES OF THE STATE OF MARYLAND**

21.07.01.26

.26 Commercial Nondiscrimination Clause.

A. The following provision is mandatory for all State contracts and subcontracts: "As a condition of entering into this Agreement, Contractor represents and warrants that it will comply with the State's Commercial Nondiscrimination Policy, as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland. As part of such compliance, Contractor may not discriminate on the basis of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, disability, or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall Contractor retaliate against any person for reporting instances of such discrimination. Contractor shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that this clause does not prohibit or limit lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the marketplace. Contractor understands that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of Contractor from participating in State contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.

B. The following provision is mandatory for all State contracts: "As a condition of entering into this Agreement, upon the request of the Commission on Civil Rights, and only after the filing of a complaint against Contractor under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended from time to time, Contractor agrees to provide within 60 days after the request a complete list of the names of all subcontractors, vendors, and suppliers that Contractor has used in the past 4 years on any of its contracts that were undertaken within the State of Maryland, including the total dollar amount paid by Contractor on each subcontract or supply contract. Contractor further agrees to cooperate in any investigation conducted by the State pursuant to the State's Commercial Nondiscrimination Policy as set forth under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, and to provide any documents relevant to any investigation that are requested by the State. Contractor understands that violation of this clause is a material breach of this Agreement and may result in contract termination, disqualification by the State from participating in State contracts, and other sanctions."

**PRINCIPLES OF SOCIAL RESPONSIBILITY
and
SOCIAL RESPONSIBILITY AFFIDAVIT INFORMATION**

I. Principles of Social Responsibility

A. As provided for in Section VIII. C. of the University System of Maryland Procurement Policies and Procedures, the University is required to make purchases from and award contracts to “responsible” contractors. The Procurement Officer may use certain factors, including but not limited to a satisfactory record of integrity and business ethics to determine if a bidder or offeror is responsible. The University has determined that a bidder or offeror’s record of integrity and business ethics includes a demonstrated commitment to providing goods and services in an ethical, and socially and environmentally responsible manner by compliance with all applicable:

- (1) Federal and state labor relations and employment laws;
- (2) Federal and state non-discrimination in employment laws;
- (3) State of Maryland Commercial Nondiscrimination laws;
- (4) State of Maryland, Minority Business Enterprise (“MBE”) laws; and,
- (5) Federal and state health, safety and environmental laws.

The above laws are referred to as “Social Responsibility Laws.” The bidder or offeror’s compliance with the above laws is referred to as “Social Responsibility.”

B. Each bidder or offeror shall complete a Social Responsibility Affidavit, in the form that follows, as part of a bid or proposal submitted to the Procurement Officer in response to any solicitation to furnish goods or services of any kind including, but not limited to architectural or engineering services; construction; construction related services; maintenance; consulting; information technology (hardware, software and services); equipment or other commodities.

C. The Procurement Officer shall consider information provided in the Social Responsibility Affidavit to determine if a bidder or offeror is responsible. A determination that a bidder or offeror is not responsible may be considered as the basis for eliminating that bidder or offeror from further consideration for a contract award.

D. After award, the University may terminate a contract for default if the bidder or offeror did not disclose the requested information; misrepresented relevant information to the Procurement Officer; or was subject to a final judgment of non-compliance with applicable Social Responsibility Laws post-award. In such cases, the University may also institute proceedings to debar the vendor from further State contracts, or pursue such other remedies as may be permitted by law or the contract.

II. Social Responsibility Affidavit and Disclosure

A. The bidder or offeror agrees that if it is the subject of a final, non-appealable judgment with respect to compliance with applicable Social Responsibility Laws after the date of this affidavit,

the bidder or offeror will immediately make a full disclosure in writing to the Procurement Officer of all relevant facts and circumstances. This disclosure shall include a description of actions which the bidder or offeror has taken or proposes to take to correct the violation. If the contract has been awarded and performance has begun, the vendor shall continue performance until notified by the Procurement Officer of any contrary action to be taken.

B. CERTIFICATION OF COMPLIANCE WITH SOCIAL RESPONSIBILITY LAWS

I HEREBY AFFIRM THAT:

(1) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for noncompliance with federal or state labor relations and other employment laws or regulations, including but not limited to the National Labor Relations Act, as amended; the Davis-Bacon Act, as amended; the Fair Labor Standards Act, as amended; the Maryland Living Wage law, State Finance and Procurement Article, §18-101 et seq., Annotated Code of Maryland; the Maryland Prevailing Wage law, State Finance and Procurement Article, §17-201 et seq., Annotated Code of Maryland; federal and state child labor laws; federal minimum wage laws and; the Family Medical Leave Act, except as follows (explain below or add additional sheets):

(2) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for violation of federal or state non-discrimination in employment laws or regulations, including but not limited to laws prohibiting discrimination on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or disability unrelated in nature and except so as to reasonably preclude the performance of the employment, except as follows (explain below or add additional sheets):

(3) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for violation of the State of Maryland Commercial Non-Discrimination Policy, State Finance and Procurement Article, §19-101 et seq., Annotated Code of Maryland, except as follows (explain below or add additional sheets):

(4) There have been no instances during the last five years of failure by the bidder or offeror to meet mutually agreed upon goals for minority business participation (MBE) on

projects performed for the University or any other State of Maryland agency, or any other sanctions for MBE program non-compliance; or any final, non-appealable judgment of noncompliance with the State of Maryland Minority Business Participation law, State Finance and Procurement Article, § 14-308 et seq., Annotated Code of Maryland, except as follows (explain below or add additional sheets):

(5) There has been no final, non-appealable judgment made during the last five years against the bidder or offeror for violation of federal or state health, safety or environmental laws or regulations , including but not limited to the U.S. Occupational Safety and Health Act standards; Maryland Occupational Health and Safety laws, State Labor and Employment Article, § 5-101 et seq., Annotated Code of Maryland, or the Federal Noise Control Act of 1972, except as follows (explain below or add additional sheets):

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Date: _____ By: _____
(Authorized Representative and Affiant)

VI-1.05 POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION

(Approved by the Board of Regents, July 11, 1997; amended, June 22, 2012)

PURPOSE

This policy affirms that the University System of Maryland's (USM) commitment to the most fundamental principles of academic freedom, equality of opportunity, and human dignity includes the protection of members of the USM community from discrimination based on sexual orientation and gender identity and expression. These principles require that the treatment of students, faculty, and staff of USM institutions, and applicants for admission and employment, be based on individual abilities and qualifications and be free from invidious discrimination.

I. DEFINITIONS

For the purposes of this policy, the following definitions apply:

- A. "Gender identity or Expression" is defined as a person's actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person's gender at birth.
- B. "Sexual Orientation" is defined as the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality.

II. PROHIBITION AGAINST DISCRIMINATION BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY AND EXPRESSION

- A. This policy specifically prohibits discrimination against students, faculty, and staff on the basis of sexual orientation or gender identity and expression in academic admissions, financial aid, educational services, housing, student programs, and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services.

- B. The USM reserves the right to comply with conditions on the application of this policy required by the terms of any bona fide employee benefit plan such as a retirement, pension, or insurance plan, and to enforce or comply with any Federal or State law, regulation, or guidelines, including conditions for the receipt of federal funding.

III. IMPLEMENTATION

- A. The protections of this policy shall be included in all appropriate USM and institution equal opportunity statements and related documents.
- B. The USM and each institution shall include the protections of this policy in its procedures to implement and enforce its equal opportunity and non-discrimination policies, including the identification of those officials responsible for receiving, investigating and resolving complaints of discrimination prohibited by this policy.

Appendix 6



umd.edu ☒ Adele H. Stamp Student Union

Mission & Vision / Directions / Employment / Staff Directory

ADELE H. STAMP STUDENT UNION

Center for Campus Life

STAMP ADVISORY BOARD

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STAMP ADVISORY BOARD



Stamp Student
Union
College Park, MD 20742

Stamp Advisory Board Application for Membership

The Adele H. Stamp Student Union - Center for Campus Life is the community center for all members of the College Park campus including students, faculty, staff, and visitors. The Stamp provides a central place for students and others to learn, socialize, and relax while coming to feel more closely connected to the campus. The Stamp contributes directly to the educational mission of the University of Maryland by providing opportunities and encouragement for participation in educational, social, and recreational activities. It also contributes to the success of student organizations and provides services for the personal convenience of the whole campus community.

As an integral component of managing the Adele H. Stamp Student Union - Center for Campus Life, the opinions and advice of representatives of the campus community are solicited through the Stamp Advisory Board. The purposes of the Board are as follows:

- To advise the Director of the Adele H. Stamp Student Union - Center for Campus Life on matters of policy related to the administration of the Stamp.
- To conduct social, cultural, educational, and recreational programs for all members of the University community including students, faculty, staff, alumni, and guests of the University through support of Student Entertainment Events (SEE).
- To provide for students, opportunities for experience in social responsibility and leadership.
- To strengthen bonds of friendship among all members of the University community.
- To advise the Director of the Adele H. Stamp Student Union - Center for Campus Life, as needed, in the employment of administrative staff.
- To advise the Vice President for Student Affairs, as needed, in the appointment of the Director of the Adele H. Stamp Student Union - Center for Campus Life.

Some of the issues which are addressed by the Board each year include the budget process for the Stamp allocation of student organization office space, review of programs and funds allocated to SEE, selection of the recipient of the Adele H. Stamp Memorial Award, and review of retail and food outlets in the Stamp.

In addition to those members of the Board who are appointed by the Student Government Association and the Graduate Student Government, and those members who serve in an ex officio capacity, there are at-large members of the Board who are selected through an application procedure. Persons interested in serving as at-large representatives are to complete the application form on the reverse side of this sheet and submit it for review by the Stamp Advisory Board.

Maintained by the University of Maryland
Adele H. Stamp Student Union Technology Services [\[Login\]](#)

Part of the **Division of Student Affairs**
MON-THUR 7am-12am / FRI 7am-1:30am / SAT 8am-1:30am / SUN 11am-12am

ADELE H. STAMP STUDENT UNION STAMP ADVISORY BOARD

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**ADELE H. STAMP STUDENT UNION – CENTER FOR CAMPUS LIFE
STAMP ADVISORY BOARD
APPLICATION FOR MEMBERSHIP**

Name: _____

ID#: _____

Address: _____

Work Phone: _____

E-mail: _____

Home Phone: _____

Check one: ☐ Undergraduate Student
 ☐ Non-exempt Staff
 ☐ Faculty
 ☐ Alumnus/a

☐ Anticipated Graduation
☐ Graduate Student (Master's or PhD)
☐ Exempt Staff

GPA: _____

Are you available on Friday afternoons at 3:00pm? ☐ Yes ☐ No

Would you be interested in being a member of the Building Utilization Committee? _____

The Committee on Building Utilization recommends to the Board policies pertaining to the utilization of space and facilities of the Union, including but not limited to space allocations in the Student Involvement Suite for student organizations, space reservations, and general facilities.

Would be interested in joining the University Book Center Advisory Board? _____

The purpose of the UBC board is to maintain two-way communication between the UBC management team and various segments of the university. The UBC advisory board will serve in an advisory capacity to both the Director of the Adele H. Stamp Student Union-Center for Campus Life and the University Book Center management team to assist and provide feedback with regards to making operation improvements, reviewing both short-and long-range goals and reviewing general service and operational philosophy.

1. In what ways have you been involved with the Adele H. Stamp Student Union – Center for Campus Life?

2. What organizations do you belong to?

3. What leadership roles have you held or are you holding?

4. Why do you want to be a member of the Stamp Advisory Board?

I certify that the information above is correct to the best of my knowledge.

Signed: _____ Date: _____

**Application forms must be returned by September 4, 2012, no later than 12:00pm.
to Marie Jenkins in 3100 Stamp Student Union.**

Transforming Maryland: Expectations for Excellence in Diversity and Inclusion

The Strategic Plan for Diversity at the University of Maryland



DIVERSITY STRATEGIC PLAN

University of Maryland

I. The University of Maryland's Commitment to Diversity

The University of Maryland, the flagship of the University System of Maryland and one of the nation's top research universities, has long embraced diversity as a core value and counts a diverse educational community among its great strengths. Our commitment to diversity rests on three tenets:

1. We believe that living and working in a community that accepts and celebrates diversity is a joy and a privilege that contributes to the vitality and excellence of the educational experience.
2. We believe that as a State university, we have a responsibility to assure all citizens access to the transformative experience of an outstanding higher education and the opportunity for success in this experience.
3. We believe it is essential that our students have exposure to different perspectives, that they interact with people from different backgrounds, and that they explore ideas with those from different cultures in order to succeed in an increasingly diverse workplace and global community.

In short, creating an educational and work environment that is rich in diversity, inclusive, and supportive of all students, faculty and staff is morally right and educationally sound. We commit ourselves fully to implementing the strategies set forth in this plan to achieve an optimal environment for all members of the University community.

The University Strategic Plan of 2008, *Transforming Maryland: Higher Expectations*, clearly states the results we strive for as a preeminent university: impact, leadership and excellence. We know without doubt that the diversity of our university faculty, staff and students is a cornerstone of that excellence. This Diversity Plan is aligned with the goals of the University Strategic Plan. It calls for the University to energetically renew its efforts in diversity. The results will be transformative.

The Strategic Plan states the mission of the University with eloquence: "As the flagship, its task is to look over the horizon, attract the most brilliant minds, advance the frontiers of knowledge, stimulate innovation and creativity, and educate those who will be leaders in business, public service, education, the arts, and many other fields." To succeed in this task we must have a community that acknowledges and celebrates diversity in all its dimensions.

Through the goals and strategies outlined in this plan, we intend to secure and maintain a working and learning environment in which all members of our community are welcomed and can flourish regardless of race, color, creed, sex, sexual orientation, gender identity, marital status, personal appearance, age, national origin, political affiliation, hidden or visible disabilities.

We are confident that we can meet the goals outlined in this document because the University has special strengths on which it can build: 1) a history of national leadership in diversity initiatives during the past three decades; 2) a substantial record of scholarship on diversity issues across the disciplines; 3) a location that offers opportunities to engage with a wealth of diverse communities, including large African-American, Hispanic American/Latino/a, and Asian American populations, and thanks to the proximity of the federal government agencies and offices, a substantial international population; and 4) a conviction that a University community energized by diverse perspectives and experiences provides an enriching educational experience and strong competitive edge for our students, our faculty and our State.

We are uniquely positioned to influence the world *outside* the University based on the contributions and research of our faculty, students, and staff. Our vision for the next decade is to become a model diverse community of learning, exploration, and self examination whose impact is felt across the State, the region, and throughout the nation and world.

II. The University's Transformation into a Leader in Diversity

University of Maryland Leaders Embrace Diversity

The University undertakes this new Diversity Plan after three decades of successful initiatives that focus on diversity issues. We are confident in the University's ability to meet new challenges in creating the community of the future. After an early history in which the University engaged in deplorable practices of discrimination and held destructive prejudices against women, we now have a keen appreciation of the moral imperative of equity and diversity. We know that at the time of its founding in 1856, sixteen of the first twenty-four Trustees of the Maryland Agricultural College were slave owners and that slaves labored, if not on campus, certainly throughout Prince George's County, in which it was built. White women were first admitted in 1916, and African-Americans in 1951. Though slower than we would wish in including all citizens and creating an appropriate climate for their success, in the past decades the University eagerly adopted the ideal of diversity and has worked diligently to transform the campus to become a national leader in this area. The University of Maryland's strategies were among those highlighted in the *Diversity Blueprint: A Planning Manual for Colleges and Universities*, published with the American Association for Colleges and Universities (AAC&U) in 1995. Today we are on the path toward realizing our vision of being a "model multiracial, multicultural, and multigenerational academic community."

We have been guided by many dedicated members of the campus community in this transformation, especially three exceptional leaders: Dr. John Slaughter, Chancellor, 1982-1988; Dr. William E. Kirwan, President, 1988-1998; and Dr. C. D. Mote, Jr., President, 1998-2010. Under their leadership, the University embraced a commitment to diversity with unwavering vigor. The journey toward a diverse and inclusive institution began with race and gender, but the imperative to address other identities became apparent as we undertook various initiatives. Indeed our terminology that today favors the word "diversity" evolved from a growing understanding of the complexity of this work.

During his tenure as Chancellor of the University of Maryland (1982-1988), Dr. John B. Slaughter, one of the first African-American chancellors of a major state university, challenged the campus to become a “model multiracial, multicultural, and multigenerational academic community.” Under Dr. Slaughter’s leadership, the University moved from being an institution focused merely on compliance with equity mandates, to an academic community that addressed diversity proactively.

Under the leadership of his successor, President William E. Kirwan, the University made giant strides in its commitment to equity and inclusion for minorities. His administration supported major initiatives designed to involve every campus unit and department in activities that supported minority faculty, staff and students. University leaders raised expectations for recruitment of faculty, undergraduates, and graduate students from under-represented groups; developed major initiatives to support and mentor minority members on our campus; and provided significant financial support for activities likely to increase the success of minority members of the University community. From 1990 through 1995, President Kirwan led the University’s defense of a legal challenge to the University’s Banneker scholarship, a program designed to enroll academically talented African American students. While the court eventually ruled against the race exclusive nature of the scholarship, the University’s defense of the case was a first step in developing the now widespread use of the diversity rationale to advance affirmative action goals in higher education.

President C. D. Mote, Jr., built on these efforts, deepened our understanding of the complexities of diverse backgrounds and identities, and expanded the focus of our commitment. He sponsored innovative and successful programs that reached into Maryland communities with large numbers of disadvantaged students, and created pipelines for students who had overcome adverse circumstances to obtain an affordable college education. In the past decade, the University significantly increased the graduation rates of undergraduates from all racial/ethnic backgrounds, and made substantial progress in closing the achievement gap. In recognition of the University’s growing global impact, President Mote has also vigorously supported programs that offer students life-changing international experiences.

Led by the President, the administration has pushed aggressively to promote the rights of gays, lesbians, and women and has fought to obtain benefits for domestic partners of University employees. The State began providing same-sex domestic partner health benefits to Maryland State employees and retirees in July 2009. Under President Mote’s leadership, the University has also introduced new family-friendly policies and programs to help faculty, staff, and students balance their academic, work, and family responsibilities.

Where We Are Today: Diversity Accomplishments

Diversity and inclusiveness have, over time, become integral and ongoing components of the University’s institutional identity. A quantitative sketch of our successes indicates how far the University of Maryland has progressed in recent decades.

The diversity of our students:

- Students of color comprise 34% of the undergraduate student body.
- African American students constitute 12% of our undergraduates.
- Asian American students comprise 15% of Maryland's undergraduates.
- The Hispanic American/Latino/a student population increased 29% at the undergraduate level and 58% at the graduate level from 2001 to 2009.
- The percentage of new minority graduate students increased from 16% in 2001 to 21% in 2009.

The success of our students:

- The University of Maryland is one of the top degree granting institutions for African American and other minority students in the United States. In 2009, our campus was rated 1st among AAU institutions for the number of African American Ph.D.s.
- In a 2010 study by the Education Trust, the University had the 4th highest ranking for 2007 graduation rates of minorities among public research universities.
- In the same study, the University was ranked 14th in improved graduation rates for minority students (2002-07).
- Six year graduation rates for African American students have increased from 46.3% to 70.4% in the past ten years (Classes of Fall 1993 and Fall 2003). Graduation rates for Hispanic American/Latino/a students rose from 49.3% to 72.0% in the same time period.
- The University has achieved parity between male and female Bachelors and Masters degree recipients since 2001. In fact, between 2001 and 2008 more women than men were awarded Bachelors degrees.
- The gap between male and female doctorates is also narrowing, with women earning 48% of all doctoral degrees in 2009.

The diversity of our faculty and staff:

- Between 2000 and 2009, the percentage of women in the tenured/tenure track faculty increased from 26% to 31% and the percentage of faculty of color in this group increased from 16% to 20%.
- In 2009, one third of new tenured/tenure track faculty hires were women and 43% were members of ethnic minority groups.
- The number of women department chairs grew from 6 in 2004 to 15 in 2009, a 150% increase.
- The University's diverse staff is 16% African American, 7% Asian American, 5% Hispanic American/Latino/a, 17% from other nations, and 52% women.

III. Taking Stock: Diversity Initiatives at Maryland

University Offices that Promote Equity and Diversity

Several campus programs have been established that address diversity issues, and the dates of their inception reflect the growing understanding of the complexity of diversity and the variety of groups that need to be served.

The Office of Human Relations Programs (1971), now known as the Office of Diversity and Inclusion (ODI), is responsible for compliance with the Human Relations Code which contains our official nondiscrimination policy (1976; amended in 1992 to include sexual orientation). The Office also provides a variety of multicultural and diversity education programs, including intergroup dialogues.

Many other offices, centers, and programs address specific issues. These include the:

- Nyumburu Cultural Center (1971)
- Office of Multi-Ethnic Student Education (1971)
- Disability Support Services (1977)
- Office of Lesbian, Gay, Bisexual, and Transgender (LGBT) Equity (1998)
- Maryland Incentive Awards Program (2000)
- Office of Multicultural Involvement and Community Advocacy (2006)
(formerly Student Involvement and Minority Programs 1987)

Special presidential commissions focus on eliminating inequity and fostering community for specific groups on campus. The four President's Commissions focus on: Women's Issues (1973), Ethnic Minority Issues (1973), Disability Issues (1986), and Lesbian, Gay, Bisexual, and Transgender Issues (1997).

The Provost's Conversations on Diversity, Democracy and Higher Education, established in 2003, promote University-wide awareness and dialogue about nationally-important diversity issues.

Diversity in the Curriculum

The University has been a leader in interdisciplinary programs, with its American Studies program (1945) one of the earliest in the nation. This history was a stepping stone for academic programs and concentrations that focus on educational issues surrounding specific areas of diversity. First introduced in the 1960s, these programs have helped to broaden our understanding of diversity, cultivate community, and build support for various social identity groups.

Many programs that began as concentrations in traditional departments led to the establishment of formal academic programs:

- African American Studies (1968)
- Women's Studies (1977)
- Jewish Studies (1980)
- Latin American Studies (1989)
- Asian American Studies (2000)
- Lesbian, Gay, Bisexual, and Transgender Studies (2002)
- Persian Studies (2004)
- U.S. Latino Studies (2007)

The University has also been a national leader in fostering diversity as a serious topic for research and academic exploration. One of the most important and successful initiatives has been the Consortium on Race, Gender, and Ethnicity (1998). Faculty members working through the Consortium have published groundbreaking studies on the complexity of issues surrounding self-identity and diversity.

In 2008, the U.S. Department of Education granted the University status as a minority-serving institution for Asian Americans and Pacific Islanders, a gateway to targeted support for the growth of academic programs and support for student scholarships.

The David C. Driskell Center for the Study of the Visual Arts and Culture of African Americans and the African Diaspora, established at UM in 2001, preserves the heritage of African American visual arts and culture.

Existing and new courses within established disciplines have been infused with elements and principles of diversity with the assistance of the Curriculum Transformation Project (1989). Since 1990, undergraduate students have had a CORE diversity requirement, and they currently have co-curricular opportunities that address diversity such as Words of Engagement: Intergroup Dialogue Program (2000) and the Common Ground Multicultural Dialogue Program (2000).

There are far more activities, campus-wide, and locally, than we can include in this overview, but the programs listed above represent the breadth of our commitment to building a diverse and inclusive campus community.

IV. Recommendations

The University of Maryland has laid a strong and broad foundation for diversity and equity over the past three decades. The recommendations in the Diversity Strategic Plan aim to ensure that the University will build on this foundation and continue as one of the nation's higher education leaders in diversity, equity, and inclusion.

Clearly, the University has made great progress. However, building a community in which support for diversity permeates all levels is an on-going process. The University still has much to do to create the optimal, inclusive, learning and work environment to which it aspires.

Vigorous efforts should be made to further diversify the senior leadership, faculty and student body; to create a more vibrant and inclusive campus community; to support diversity-related research; and to implement a curriculum that prepares our students to succeed in a multicultural, globally interconnected world. This Plan sets forth strategies to take us to the next level.

Our Plan seeks to accomplish three goals:

1. To ensure policies and structures are in place at all levels of the University to support transformational leadership, recruitment and inclusion efforts, and to institutionalize campus diversity goals;
2. To foster a positive climate that promotes student success and encourages faculty and staff members to flourish; and
3. To promote a vision across the University that fully appreciates diversity as a core value and educational benefit to be studied, cultivated, and embraced as a vital component of personal development and growth.

The Plan includes many exciting, bold initiatives to help the University meet its goal of excellence in diversity. Highlights include: the appointment of a Chief Diversity Officer and creation of an Office of University Diversity; the establishment of a representative Diversity Advisory Council that will give a central voice to the needs and visions of diverse groups at all levels of the campus community; the introduction of new initiatives to assist with recruitment and retention, such as cluster faculty hires and work-family initiatives; the creation of a “Building Community” fund to support innovative approaches for enhancing the campus climate; and the emphasis on challenging new General Education diversity requirements that will engage students in learning about plural societies and prepare them to be culturally competent leaders.

Following are the major goals and strategies of the Diversity Strategic Plan, organized in six core areas: Leadership, Climate, Recruitment and Retention, Education, Research and Scholarship, and Community Engagement.

A. Leadership

Leadership is essential to building a more diverse, inclusive, and equitable institution. This Plan proposes to strengthen the diversity leadership throughout the campus. The goals and strategies listed below recognize that leadership in diversity must come from senior leaders as well as from the ranks of students, faculty, and staff.

First, the Plan calls for leadership from the top. When the University’s senior administrators endorse diversity programs and initiatives, they affirm that diversity is a core value and set the tone for action throughout the University. The appointment of a Chief Diversity Officer and establishment of a campus-wide Diversity Advisory Council to replace the current Equity Council will be a visible signal of this commitment. With wide representation from campus

groups, the new Council will focus on major diversity initiatives that can help move the campus forward.

Second, leadership in diversity requires a commitment to increasing the presence of individuals from diverse populations among those in charge at all levels. This plan proposes an energetic effort to increase their numbers through robust recruitment strategies. In addition, the University should expand and strengthen programs of professional development that prepare individuals from underrepresented groups already on campus to move into positions of leadership. Students, faculty, and staff all benefit from a community in which those in charge reflect diversity among their ranks.

Finally, the University should support a vigorous effort to inculcate the principles of diversity, equity, and inclusion in all faculty, staff, and students so that leadership in diversity is something every member of the University community understands and for which each one feels responsible.

GOAL A.1: The University will provide strong leadership for diversity and inclusion at all campus levels.

Strategies

- A. The President will appoint a Chief Diversity Officer (preferably a Vice President with faculty rank) who reports directly to the President and is a member of the President's Cabinet.
- B. The University will create an Office of University Diversity led by the Chief Diversity Officer. The Officer and his or her staff will advocate for diversity and equity issues; provide active oversight, coordination, and evaluation of work in these areas; track University progress in meeting the goals of the *Diversity Strategic Plan*; and encourage and support the efforts of units to achieve their diversity goals.
 - The Office will serve as a resource providing regular and accurate information on existing University equity and diversity programs, centers, academic units, and identity-based organizations.
 - The Office will develop a comprehensive communication plan and strong campus web presence to: provide diversity and equity information; disseminate examples of best practices for promoting diversity and inclusion; and highlight the University's leadership in diversity research, academic and co-curricular programming, minority graduation rates, and other accomplishments.
 - The Office will establish a resource center to share diversity materials (e.g., curricula/syllabi, co-curricular programs, fellowships, funding opportunities) and provide a site for consultation and collaboration on diversity, equity, and climate issues.

- C. The University will create a campus-wide Diversity Advisory Council with representatives from all divisions, schools/colleges, graduate and undergraduate student bodies, and other appropriate units, to play a key role in advising the Chief Diversity Officer regarding diversity decision-making, planning, and training.
- Units represented on the Diversity Advisory Council will appoint Diversity Officers who will be responsible for providing diversity education and training, overseeing climate assessments, and supporting diversity-related recruitment/retention, programming and evaluation efforts within the unit. Diversity Officers will also collaborate on campus-wide diversity initiatives. Responsibilities, expectations, and accountability for Diversity Officers will be clearly defined and consistent across units.
 - Although the Diversity Advisory Council will replace the Equity Council as the major diversity leadership body, units may continue to appoint Equity Administrators to oversee all aspects of search and selection procedures, including data collection.
- D. The President, Vice Presidents and Deans will take steps to increase the diversity of leadership ranks across all divisions, Colleges/Schools, and departments/units to support a diverse and inclusive institution.
- E. The University leadership will help each unit establish measurable goals for diversity and inclusion at the division, College/School and department/unit levels and help units meet their goals. Accountability mechanisms will be used to assess outcomes. Support for diversity and inclusion will be a uniform qualification for all leadership positions and a performance criterion in the annual reviews of all campus leaders.

GOAL A.2: The University will increase opportunities for leadership training, mentoring, professional growth and advancement of diverse faculty and staff in all divisions.

Strategies

- A. The Provost's Office will:
- Provide an annual leadership orientation for all new vice presidents, deans, and department chairs that includes a significant focus on fostering diversity and inclusion. This orientation should address such topics as supporting diversity research/scholarship and teaching, creating an inclusive climate, dealing with sexual harassment, and recruiting and retaining diverse faculty, staff and students.
 - Offer leadership training and mentoring programs, such as the University's Leadership Education and Administrative Development (LEAD) program, which prepare tenured faculty to assume campus and professional leadership positions. Women, minorities, and faculty from diverse backgrounds will be actively encouraged to apply for these programs.

- B. The University will establish leadership education and mentoring programs for talented staff from diverse groups that provide avenues for professional growth, network development, and career advancement.
- C. The Chief Diversity Officer will offer periodic training that prepares faculty and staff from all groups to be influential leaders, advocates and spokespeople for diversity initiatives across the campus.

B. Climate

All individuals in a community need to feel that their individual worth is recognized, their work is respected, and they work in an environment in which they can flourish. If students feel marginalized because they are different from those in the mainstream, if faculty or staff members feel that their contributions are not valued, or if any individual feels isolated and excluded by a climate that is unfriendly or uninterested, the University community is diminished. A welcoming, supportive climate is essential in our academic community.

The University has in place clearly defined policies and legal guidelines to deal with egregious problems such as sexual harassment, hate speech or threats. The initiatives addressed in this Plan aim to ensure that we go beyond a neutral climate to one that is completely supportive and inclusive. This Diversity Plan focuses on ways to enhance day-to-day learning and working conditions. The creation of a climate that nurtures and supports all of its members requires proactive acts of self-examination.

Many useful tools are available for self-assessment of the workplace and classroom climate. Exit surveys, for example, are accepted and valuable ways to measure experiences. The Plan proposes surveys and other formal assessments as initial steps, but units will also find it helpful to gauge climate issues through informal group discussions, spontaneous interviews with individuals in the unit, and other activities.

GOAL B.1: The University will ensure a welcoming and inclusive learning community, workplace, and campus environment.

Strategies

- A. Units will actively support and demonstrate adherence to the University's policies on equity, non-discrimination, compliance, and equal employment opportunity/affirmative action.
- B. The Chief Diversity Officer, in collaboration with the Diversity Advisory Council, will:
 - Create an online Climate Assessment Survey that will be administered by all units to establish a baseline so they can assess their needs in creating a climate conducive to success. The results will be submitted to appropriate unit heads (e.g., deans, vice presidents) for review and feedback. The Climate Assessment Survey will be repeated periodically, maybe even annually, as dictated by the results.

- Create the framework for a Climate Enhancement Plan and help units use the Plan to identify strategies for responding to climate concerns and to create an inclusive, welcoming environment. Climate Enhancement Plans will be submitted to and discussed with appropriate unit heads and unit Diversity Officers.
 - Develop a schedule for unit heads and the Diversity Advisory Council to reach out, work with units, and offer them support and advice as indicated by the results of their Climate Assessment Surveys and the outcomes of their Climate Enhancement Plan activities.
- C. The University will survey graduating students on an annual basis concerning the impact of their diversity-related educational and co-curricular experiences, as well as their perceptions of the campus climate.

GOAL B.2: The University will develop and implement innovative, cross-cutting programs to improve and enhance the campus climate for diverse students, faculty, staff, and visitors.

Strategies

- A. The Chief Diversity Officer, in consultation with the Diversity Advisory Council, will identify common themes that arise from climate assessments and develop campus-wide programs to foster an inclusive, civil environment and to remedy climate-related problems.
- B. The University will create a “Building Community” fund administered by the Chief Diversity Officer to support innovative initiatives for enhancing the climate within and/or across units, and between social identity groups on campus.
- C. Across the University, in campus-wide social activities and campus offices designed to address issues of different cultural and identity groups, the University will celebrate and promote a community based on inclusiveness and respect for differences, encouraging close interaction among individuals on campus with varying backgrounds, experiences, interests, and perspectives.
- D. The President’s Office will continue to support the Commissions on Women’s Issues, Ethnic and Minority Issues, Disability Issues, and Lesbian, Gay, Bisexual, and Transgender Issues in their work to identify campus diversity concerns, educate University constituencies, advocate for programmatic and policy improvements, and celebrate the achievements of diverse members of the campus community. With oversight from the Chief Diversity Officer, the Commissions may hold annual (or periodic) town meetings of their constituencies to identify issues that require University attention, evaluate progress in achieving equity and diversity goals, and make recommendations to the President.

C. Recruitment and Retention

Excellence at the University depends on the recruitment and retention of outstanding faculty and staff. Talented individuals with great potential are found among every group. To build an academic community that is preeminent, the University will actively seek and aggressively recruit these outstanding and diverse individuals to our faculty, staff, administrative ranks, and student body. The University has taken action in recent years to remove impediments to effective recruiting and retention of faculty. For example, new policies recognize the needs of faculty involved in child-rearing, a concern that has disproportionately affected the careers of academic women. A newly established Family Care Resource and Referral Service will provide a variety of child and elder care services to facilitate greater work-life balance for faculty, staff, and students. In 2009-10, the University also instituted a policy for Part-Time Status of Tenured/Tenure Track Faculty due to Childrearing Responsibilities, enabling faculty with young children to work part-time.

Research and experience have shown that achieving a critical mass of colleagues is especially important in recruiting individuals from groups who are not in the mainstream. If many individuals from a particular group find support and success in a department or unit, others from that group will be more eager to join them. It will be our goal, at every level, to build the critical mass that signals the University of Maryland is a welcoming home for every individual who aspires to reach his or her highest potential. The promotion of cluster hires and a renewed emphasis on mentoring of junior faculty will help ensure success in building the corps of minority and women faculty across the University. Likewise, the University will support efforts to recruit, retain and promote diverse staff members, and to overcome unfair barriers to their advancement.

The University's recruitment strategies over the past two decades at the undergraduate level have reaped rewards and successes. We are proud of the steady enrollment of African Americans and Asian Americans, of the increasing numbers of Hispanic American/Latino/a students attending the University, and of the numbers of women in our programs. Innovative recruitment efforts at the undergraduate level will continue. The University's Strategic Plan set forth goals for supporting graduate students, casting a wide net in their recruitment that should greatly help to attract minority students and women, and offer them the highest level of mentoring and guidance. We expect steady increases in the enrollment and success of diverse graduate students as a result of these new measures.

GOAL C.1: The University will continue to recruit, promote, and work to retain a diverse faculty and staff.

Strategies

- A. The Provost's office and Colleges/Schools will implement faculty recruitment strategies, such as cluster hiring, faculty exchanges with minority-serving institutions, and programs that build the pipeline of future faculty, to increase faculty diversity and create an inclusive community that facilitates retention. A faculty recruitment fund will provide support to enhance the diversity of the University's faculty.

- B. The University will join the Higher Education Recruitment Consortium (HERC) to increase its competitive advantage in recruiting talented and diverse faculty and staff, and to identify potential positions for their family members.
- C. The Chief Diversity Officer will work with Deans and Department Chairs to determine the availability of women and minorities in targeted fields, and to ensure that departments are making efforts to hire diverse faculty and staff in proportion to their availability in relevant job pools.
- D. The Provost's Office, Deans, and Chairs will develop mentoring, professional growth, and other retention initiatives, such as collaboration cafes, to reduce disparities in the retention rates of tenure track/tenured faculty from diverse groups. Administrators should replicate best practice models from departments that have been successful in retaining and promoting faculty of color, and should provide mentorship training to faculty who choose to become mentors.
- E. The Chief Diversity Officer will monitor faculty retention and promotion/tenure rates, identify impediments to retention and advancement, and make recommendations for remedying identified disparities.
- F. Deans and Department Chairs will carefully evaluate campus service assignments and mentoring activities of junior faculty, with a particular focus on women and minority faculty, and will ensure that they have time to successfully complete their teaching and research responsibilities required for promotion and tenure.
- G. The Chief Diversity Officer will monitor staff retention, promotion, and turnover rates, identify barriers to career advancement, and make recommendations for remedying identified obstacles.
- H. The University will implement family-friendly policies and provide services to facilitate work-life balance as retention incentives.

GOAL C.2: The University will recruit, retain, and graduate a diverse student body.

Strategies

Undergraduate Students

- A. The Division of Academic Affairs will adopt innovative, high-contact recruitment models, including those that employ alumni of color and international alumni, to attract a diverse student body from all areas of the State, the nation, and the world. The University will set appropriate goals for increasing enrollments.
 - The University will increase the percentage of undergraduate students from underrepresented groups (African American, Asian American, Hispanic

American/Latino/a, Native American, and multiracial) to a target of at least 38% of the total enrollment by 2018.

- The University will increase the percentage of international undergraduate students to a target of at least 8% of the total enrollment by 2018.
- B. The University will continue to create scholarship and financial aid programs to ensure that higher education is accessible to diverse undergraduates, particularly low-income, first generation students.
- C. The Division of Academic Affairs will support initiatives that enhance the academic preparation of low income, first generation students during their pre-college years, and that encourage their college attendance.
- D. The University will regularly review its 25 admission factors, including academic achievement, standardized test scores, and other criteria, to ensure that admissions procedures do not negatively impact women, minority, and low-income students. Members of the University community should make every effort to share information about the individualized, holistic evaluation of student applicants to the University.
- E. The University will work to close the academic achievement gap by bringing the graduation rates of African American, Hispanic American/Latino/a, and Native American students in line with those of the general student body. Specifically, the University will reduce the discrepancy between the six-year graduation rate of students from the above groups and that of all students to 5% or lower by 2018.
- F. The University will continue to support offices and programs that facilitate undergraduate student success, progress to degree and timely graduation, including those that provide smooth transitions to campus life, mentoring/advising, and positive academic and co-curricular experiences.

Graduate Students

- A. The Graduate School and Deans will develop innovative programs to recruit, enroll and retain diverse graduate students, and increase their degree completion rate.
 - The Graduate School and Colleges/Schools will educate Graduate Directors and other interested faculty on best practices for recruiting, retaining and graduating diverse students.
 - Colleges/Schools will periodically review and provide feedback on department plans for recruiting a diverse student body.
- B. The Provost and Graduate School will consider the success of its programs in recruiting and graduating a diverse population of graduate students when allocating institutional financial support to programs, departments, and Colleges/Schools.

D. Education

Consistent with the goals of the *Strategic Plan*, the University strives to provide every student with an education that incorporates the values of diversity and inclusion and prepares its graduates for an increasingly diverse United States and evolving global society. Curricula should ensure that graduates have had significant engagement with different cultures and global issues.

The new General Education plan spells out clearly the courses and curricula that will be required to broaden the vision of all undergraduates. Innovative new diversity courses will increase students' understanding of cultural pluralism, develop their cultural competencies, and provide exceptional opportunities to study abroad. In addition, the University has many outstanding scholars whose work has focused on diversity issues within their disciplines. To name just a few, our School of Public Health has a major research focus on the reduction of health disparities in Maryland's minority populations, our History faculty and students have traced historic connections between African American slavery and the Maryland Agricultural College (which grew into the University of Maryland), and our Education scholars regularly conduct studies with urban schools in Prince George's County and Baltimore City that have large minority populations. University faculty from many disciplines have made important contributions to the scholarship on diversity and self-identity. These and many other programs can be given campus-wide publicity and tapped to provide educational experiences for undergraduates.

Through a collaborative process, the University will consider how best to incorporate the study of diversity and different cultural perspectives in its academic programs, courses, and co-curricular programs. Students will gain knowledge of intellectual approaches and dimensions of diversity, develop an understanding of diverse people and perspectives, and recognize the benefits of working and problem-solving in diverse teams. Programs and activities that promote cross-cultural understanding will help to prepare students for careers in a global economic environment and life in a multicultural society.

GOAL D.1: The University will ensure that undergraduate students acquire the knowledge, experience, and cultural competencies necessary to succeed in a multicultural, globally-interconnected world.

Strategies

- A. The University will implement the new General Education plan with Diversity requirements that increase undergraduates' knowledge of diversity issues, understanding of pluralistic societies, engagement with peers from diverse backgrounds, and multicultural competencies. Academic Affairs and Colleges/Schools will support the development of new courses and modification of existing courses to fulfill requirements of the Understanding Plural Societies and Cultural Competency courses in the University's General Education program.

- B. Academic Affairs and Student Affairs will integrate diversity and social justice education into academic courses, living-learning programs, residence hall programs and other co-curricular activities.
- C. The University will expand opportunities for all students to participate in global learning and leadership experiences, including Education Abroad, alternative breaks, service learning and internships. The University will actively encourage and provide incentives for first generation undergraduates, students from minority groups, students with disabilities, and other students from diverse backgrounds to take advantages of these opportunities.
- D. The University will continue to support intergroup dialogue programs that expose students to the identities, backgrounds, cultural values and perspectives of diverse students, and that enhance their communication, intergroup relations and conflict resolution skills.

GOAL D.2: Departments and programs will equip graduate students with diversity-related expertise.

Strategies

- A. The Center for Teaching Excellence; Office of Diversity and Inclusion; Consortium for Research on Race, Gender and Ethnicity; and Graduate School will collaborate with academic departments to provide Graduate Teaching Assistants with training in how to teach effectively in diverse, multicultural classrooms/settings and incorporate diversity topics in their courses.
- B. Working with the Division of Research and Graduate School, departments will ensure that graduate students are educated in the responsible conduct of research, including research involving vulnerable populations.

GOAL D.3: The University will increase faculty capacity to educate students about diversity issues and to develop inclusive learning environments.

Strategies

- A. The Division of Academic Affairs will work with department and program chairs to establish curriculum transformation programs that prepare faculty to teach students from diverse backgrounds, employ pedagogies that recognize multiple ways of learning, and integrate diversity issues in their courses and laboratory/research environments, including the new General Education courses.
- B. Faculty will work with colleagues from Student Affairs to develop innovative co-curricular experiences, such as service learning, common ground dialogue programs,

internships and international experiences that equip students to work and live in diverse communities.

E. Research and Scholarship

The University's record is filled with instances of groundbreaking scholarship that illuminate the experiences of women, minorities, and other diverse groups in America. In departments such as Women's Studies, African American Studies, Government and Politics, and Family Science, as well as Journalism, Theater and Music (which recently commissioned *Shadowboxer*, an opera on the life of Joe Louis), research has investigated issues of ethnicity, culture, sexuality, religion, gender, age, disability, and a wide range of other identities. Other research focuses on application of theory to practical situations. In the Colleges of Education and Computer, Mathematical and Physical Sciences, as well as the School of Engineering, researchers are identifying the tools for mentoring and teaching specialists in the Science, Technology, Engineering and Mathematics (STEM) fields, including methods for use in urban communities with large minority and first-generation college populations. School of Business scholars study how diversity in management teams contributes to innovation. Such research is making a difference on campus and in the larger society. Communicating the outcomes of our diversity scholarship in lectures, programs, and events has the potential to energize the campus discussion of diversity issues and inspire research by other faculty and students.

This plan calls for multiple strategies that will strengthen, augment, and enhance opportunities for research and scholarship in diversity fields. In addition, every academic and co-curricular unit will be encouraged to incorporate diversity-related topics, themes, and concerns into their curricula. Such efforts will greatly enrich the educational experience of faculty and students, as well as other members of the University community.

GOAL E.1: The University will commit itself to developing and supporting the production of nationally recognized research and scholarship on race, ethnicity, class, gender, and other dimensions of diversity.

Strategies

- A. The Chief Diversity Officer will engage the faculty in opportunities to participate in diversity-themed, interdisciplinary research centers and programs on the campus.
- B. The University will support the recruitment of distinguished senior faculty who can establish world-class, externally funded research/scholarship programs that address race/ethnicity, class, gender, sexual orientation, disability, and other dimensions of diversity.
- C. The Provost will provide seed funding, Research and Scholarship Awards, and/or Creative and Performing Arts Awards for faculty members engaged in cutting-edge diversity research, scholarship, and creative and performing arts projects, including interdisciplinary collaborations.

- D. The Provost will sponsor conferences, symposia and seminars that address diversity research and scholarship, including ways to apply research findings in instructional, co-curricular and institutional improvement activities.
- E. The Provost's Office will work to ensure that diversity research and scholarship is appropriately valued and evaluated in promotion and tenure decisions.
- F. Colleges/Schools will increase opportunities for graduate students to participate in professional development and career preparation activities that support scholarship on diversity issues, such as national/international conference presentations and fellowships for international study. Women, minorities, and other students from diverse backgrounds will be actively encouraged to apply for these opportunities.
- G. The University will create a President's Postdoctoral Fellowship Program, available in all academic fields, for scholars whose research and presence will contribute to the diversity of the academic community.

GOAL E.2: The University will provide a clearinghouse of opportunities for funded research, scholarship, and creative activities addressing diversity issues.

Strategies

- A. The Division of Research will maintain and disseminate information about funded opportunities for regional, national, and international research, scholarship, and creative activities that focus on diversity and equity issues.
- B. The Graduate School will maintain and publicize an up-to-date list of fellowships and outside sources of support from funding agencies and foundations that are specifically for minority and female graduate students.

F. Community Engagement

Community engagement has been an underlying theme in several of the goals listed above. The vision that animates this plan is of a university characterized by intellectual vitality and excitement, where individuals from different backgrounds, ethnic groups, national cultures, socioeconomic groups, and life experiences can share ideas and concerns. This would be a university in which students actively engage with other students, faculty and staff in both formal and informal settings. The Diversity Advisory Council will promote community engagement by sharing examples of other successful campus models. For example, students on the University's Sustainability Council and its student subcommittee share environmental concerns and tackle sustainability issues with faculty and staff from Academic Affairs, Administrative Affairs, Student Affairs, Research, University Relations and the Office of Information Technology. Such engagement enriches the educational experience and leads to personal growth. It builds trust among participants, supports creativity, enlivens intellectual life and creates an ambiance that is characteristic of the great universities.

The University's reach and involvement extend beyond the physical boundaries of the campus. The neighboring communities and regions provide valuable resources for learning and personal growth. For example, the Department of Public and Community Health has maintained a 10-year partnership with the City of Seat Pleasant, with faculty, staff, and students providing health education services to city residents and residents offering feedback on the department's health education curriculum. College Park Scholars partners with the City of College Park to provide weekly tutoring for children through the Lakeland Stars program serving Paint Branch Elementary School. Other community-based activities are described in the Plan, but much, much more interaction takes place between the University and communities throughout the State. Learning experiences include departmental internships, alternative break programs, service learning, and field experiences for credit or for learning, such as Engineers Without Borders, which takes our students to other countries. Engagement in educational, research, and service activities in communities beyond the campus is an important vehicle that broadens perspectives and increases understanding of the value of diversity. This Plan supports University efforts to promote such engagement.

GOAL F.1: The University will promote academic and co-curricular activities that facilitate positive interactions among students, faculty, staff, and alumni.

Strategies

- A. The University will create and support opportunities that facilitate dialogue and engagement among diverse students, faculty, staff and alumni, and that contribute to the professional, social, economic, and spiritual development of all participants.
- B. The University will create initiatives that support and expand collaboration on diversity issues between departments/units in Student Affairs, Academic Affairs, Research, Administrative Affairs, University Relations, and the Office of Information Technology. Initiatives will reflect the University's values of diversity, equity, inclusion, and citizenship with the goal of developing the "whole student." The University will showcase innovative and effective initiatives as models for replication.

GOAL F.2: The University will increase the number of partnerships and the quality of engagement with the diverse external community.

Strategies

- A. The Colleges/Schools, Institute for Internal Programs and Student Affairs will provide increased opportunities for students to participate in community-based internships, service-learning, international exchange programs, and related activities that enhance their knowledge of diverse populations and their cultural competency.
- B. The University will create new community-based research, continuing education, and extension partnerships, as well as leverage existing partnerships, that benefit diverse populations in the State and surrounding areas.

IV. Implementation

This Diversity Plan proposes a leap forward at the University of Maryland over the next ten years. Like the University's 2008 Strategic Plan, it sets high expectations and offers a framework and guide for the University as it fulfills aspirations for future excellence in becoming a model of diversity and inclusion. Its vision and initiatives represent a bold and ambitious agenda for the University.

The goals and strategies recommended in this Plan must be thoughtfully and carefully implemented. The role of the Chief Diversity Officer and the Diversity Advisory Council will be crucial to the success of the implementation. They will need to prioritize the proposed goals and strategies, develop a realistic time table, and assign the Plan's specific tasks to offices or individuals responsible for executing them. Their success will depend, in part, on their ability to seek the advice and counsel of expert and engaged faculty, staff and students from across campus as they pursue these goals; their willingness to support bold initiatives; and their acceptance of patience and flexibility in finding ways to achieve their goals. Future, not yet anticipated opportunities or challenges, may create a need to modify individual goals and strategies, or create new ones. Yet the vision of a University community that thrives on diversity, that uses diversity as an educational instrument for personal growth and enrichment, and that cultivates future leaders who embrace diversity will not change. It remains our fixed star.

GOAL 1: There will be guiding principles developed for the implementation component of the Diversity Strategic Plan. These principles will be developed by the Chief Diversity Officer in consultation with the Diversity Advisory Council.

- A. The President, Provost, Vice Presidents, Deans, Department Chairs, Directors, and the Chief Diversity Officer should use the Diversity Strategic Plan for planning and decision making related to campus diversity issues.
- B. The Chief Diversity Officer should work with the University's senior leadership to develop incentives for implementing strategies presented in the Plan.
- C. The Chief Diversity Officer, in consultation with the Diversity Advisory Council, should develop measures to monitor and evaluate the success of Plan goals and strategies.

GOAL 2: The University will prioritize and set a timeline for the goals and objectives of the Diversity Strategic Plan.

The Chief Diversity Officer, President, and Provost will:

- A. Annually identify high-priority Strategic Plan goals and strategies for implementation.
- B. Identify the individuals/units responsible for implementing and evaluating the progress of prioritized goals and strategies.

- C. Establish realistic timelines and outcome measures for implementing high priority goals and strategies.
- D. Work with the Vice President for University Relations and appropriate development officers to seek financial sources to fund the goals and strategies of the Plan.

GOAL 3: The Chief Diversity Officer will monitor implementation of the Diversity Strategic Plan and will report annually on Plan progress.

- A. The Chief Diversity Officer will annually report on the progress of the Diversity Strategic Plan to the President and the President's Cabinet.
- B. After presentations to the President and Cabinet, the annual progress report of the Diversity Strategic Plan will be posted on the University website and released to the University community, including the Student Government Association, the Graduate Student Government, the University Senate, and the *Diamondback*.

GOAL 4: The University will develop processes for modifying the Diversity Strategic Plan and updating it at least once every ten years.

- A. Members of the University community will have an opportunity to petition for major and/or minor amendments to the Diversity Strategic Plan.
 - Major amendments will require revisiting the goals and strategies of the Plan or the basic assumptions that have provided direction for the Plan. A major amendment would have an impact on many areas of the Plan.
 - Minor amendments might include a change in the wording of a goal or strategy, or changes in responsible leadership.
- B. The President will appoint a Diversity Strategic Plan Steering Committee to complete a major review and update of the Diversity Strategic Plan no less than once every 10 years.
- C. The Chief Diversity Officer will chair the Diversity Strategic Plan Steering Committee.
- D. The Diversity Strategic Plan Steering Committee will include representation from the faculty, staff, senior leadership, and undergraduate and graduate students.

**DIVERSITY PLANNING
STEERING COMMITTEE**

Robert Waters, *Chair*
Associate Vice President
for Academic Affairs
and Special Assistant to
the President

Cordell Black
Associate Provost for
Academic Affairs;
Associate Professor,
School of Languages,
Literatures, and Cultures

Gloria Aparicio Blackwell
Assistant to the Vice
President,
Administrative Affairs

Gloria Bouis
Executive Director,
Office of Diversity and
Inclusion

Kamilia Butler-Peres
Undergraduate Student

Linda Clement
Vice President for
Student Affairs

Pat Cleveland
Associate Dean, R. H.
Smith School of
Business

Roberta Coates
Assistant to the
President and Staff
Ombuds Officer

Carol Corneilse
Graduate Student

Natalia Cuadra-Saez
Undergraduate Student

Gene Ferrick
Assistant to the Dean,
College of Chemical and
Life Sciences

Wanika Fisher
Undergraduate Student

Sharon Fries-Britt
Associate Professor,
Education Leadership,
Higher Education and
International Education

Steven Glickman
Undergraduate Student;
President, Student
Government Association

Gay Gullickson
Professor, Department of
History

April Hamilton
Associate Director,
Academic Affairs

Paul Hanges
Professor and Associate
Chair, Department of
Psychology

Sharon Harley
Associate Professor and
Chair, Department of
African-American
Studies

Luke Jensen
Director, Office of
LGBT Equity

Brian Kelly
Associate Professor,
Architecture Program

Sally Koblinsky
Assistant President and
Chief of Staff; Professor,
Department of Family
Science

Gretchen Metzelaars
Director, Adele H.
Stamp Student Union –
Center for Campus Life

Elliott Morris
Undergraduate Student

Kim Nickerson
Assistant Dean, College
of Behavioral and Social
Sciences and School of
Public Health

Olgalidia Rosas
Undergraduate Student

Larry Hajime Shinagawa
Associate Professor and
Director, Asian
American Studies
Program

Nancy Struna
Professor and Chair,
Department of American
Studies

Cynthia Trombly
Director of Human
Resources, University
Relations

Tanner Wray
Director of Public
Services, Libraries

Ruth Zambrana
Professor, Department of
Women's Studies



University Senate TRANSMITTAL FORM

Senate Document #:	12-13-30
PCC ID #:	N/A
Title:	Review of the Evidentiary Standards in the <i>Code of Student Conduct</i>
Presenter:	Jason Speck, Chair, Senate Student Conduct Committee (SCC)
Date of SEC Review:	November 25, 2013
Date of Senate Review:	December 10, 2013
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
Statement of Issue:	<p>In December 2011, the Senate approved the Student Conduct Committee's (SCC) report and recommendations on Senate Document #11-12-10, "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence." President Loh approved the report and recommendations on January 17, 2012. One of the approved recommendations was a request from the SCC to be charged in Fall 2012 with revisiting the <i>Code of Student Conduct</i> regarding the changes made to comply with the directives in the Department of Education Office of Civil Rights' (OCR) "Dear Colleague Letter" of April 2011. In order to bring the University into compliance with the directives outlined in the OCR letter, the burden of proof requirements in the <i>Code of Student Conduct</i> were changed to include "preponderance of the evidence" (e.g., it is more likely than not that the incident occurred) instead of "clear and convincing" (e.g., it is highly probably or reasonably certain that the incident occurred) as the evidentiary standard in proceedings for complaints of sexual misconduct (including sexual harassment, sexual assault, and other forms of sexual violence or misconduct). As requested, the SCC was charged in November 2012 with reviewing the evidentiary standards in the <i>Code of Student Conduct</i>.</p>
Relevant Policy # & URL:	V-1.00(B) University of Maryland Code of Student Conduct http://www.president.umd.edu/policies/v100b.html

Recommendation:	Due to the fact that there is no evidence that having two different standards of evidence in the <i>Code of Student Conduct</i> is having a negative impact on the review and processing procedures for non-academic misconduct cases, the SCC recommends that no changes to the standards of evidence in the <i>Code of Student Conduct</i> be made at this time. It is the opinion of the SCC that instigating a major new change to the <i>Code of Student Conduct</i> would not be prudent while the expansion of the <i>Code of Student Conduct's</i> application off-campus is still being implemented, and that changing <i>the Code of Student Conduct</i> without clear justification would present a burden on the Office of Student Conduct (OSC) and the honor board system. It may be pertinent to have the SCC revisit this issue in one or two years.
Committee Work:	The SCC began working on this charge in Fall 2012. The SCC consulted with the OSC regarding this issue. In addition, the SCC reviewed the standards of evidence in codes of student conduct at the University's peer institutions in the Big Ten Conference. The SCC also reviewed data provided by the OSC regarding the number of non-academic misconduct cases processed and reviewed during the past five academic years. The SCC learned that there were 0 charges of sexual assault and 0 charges of sexual harassment processed by the OSC or the Office of Rights & Responsibilities during the 2012-2013 academic year. Ultimately, the SCC found no basis for recommending any potential changes to the <i>Code of Student Conduct</i> based on an undue burden, the difficulty in training honor boards for multiple standards, or any other justification.
Alternatives:	To not accept the report of the Student Conduct Committee.
Risks:	There are no associated risks.
Financial Implications:	There are no financial implications.
Further Approvals Required:	N/A

Senate Student Conduct Committee

Report – Senate Document 12-13-30

Review of the Evidentiary Standards in the *Code of Student Conduct*

November 2013

BACKGROUND

In December 2011, the University Senate approved the Student Conduct Committee's (SCC) report and recommendations on Senate Document #11-12-10, "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence" (Appendix 1). President Loh approved the report and recommendations on January 17, 2012. One of the approved recommendations was a request from the committee to be charged in Fall 2012 with revisiting the *Code of Student Conduct* regarding the changes made to comply with the directives in the Department of Education Office of Civil Rights' (OCR) "Dear Colleague Letter" of April 2011.

In order to bring the University into compliance with the directives outlined in the OCR letter, the committee recommended revising the burden of proof requirements in the *Code of Student Conduct* to include "preponderance of the evidence" (e.g., it is more likely than not that the incident occurred) instead of "clear and convincing" (e.g., it is highly probably or reasonably certain that the incident occurred) as the evidentiary standard in proceedings for complaints of sexual misconduct (including sexual harassment, sexual assault, and other forms of sexual violence or misconduct). The change to the *Code of Student Conduct* was made immediately following the President's approval in January 2012.

The *Code of Student Conduct* now has two different standards of evidence, depending on the type of case, which is fairly uncommon for an institution of higher education. Therefore, the SCC submitted a letter to the Senate Executive Committee (SEC) asking that it be charged with exploring whether this situation is in the best interest of the Office of Student Conduct (OSC) and the University (Appendix 2).

CURRENT PRACTICES

For violations of the *Code of Student Conduct*, the burden of proof is on the complainant, who must establish the guilt of the respondent by clear and convincing evidence. However, in disciplinary conferences and hearings under section 10(q) of the *Code of Student Conduct*, which allege violation of VI-1.20(A) University of Maryland Sexual Misconduct Policy, the complainant must establish the guilt of the respondent by a preponderance of the evidence.

Students who violate the *Code of Student Conduct* may participate in a disciplinary conference conducted by the Director of Student Conduct or a designee, or may undergo a hearing before a Conference Board, Residence Board, or the Central Board. Appealed cases may go on to the Appellate Board, an Ad Hoc Board, or the Senate Student Conduct Committee.

COMMITTEE WORK

The SCC received an official charge from the SEC in November 2012 (Appendix 3). The SEC asked the committee to review the *Code of Student Conduct* and consult with a representative

from the OSC regarding this issue. The SCC was also asked to consult with the Senate Student Affairs Committee regarding the potential impact that any changes to the *Code of Student Conduct* would have on students at the University. In addition, the SCC was asked to review the standards of evidence in codes of student conduct at our peer institutions, and to consult with the University's Office of Legal Affairs. Finally, the SCC was asked to recommend whether the *Code of Student Conduct* should be revised to make the standard of evidence for all cases consistent.

The SCC began reviewing this issue at the end of Fall 2012. During the Spring 2013 semester, the committee submitted a request for a deadline extension, which was granted by the SEC (Appendix 4). The committee completed its work on this charge during the Fall 2013 semester.

As requested, the committee reviewed the *Code of Student Conduct* and consulted with the Director of Student Conduct about the standards of evidence used for cases of academic and non-academic misconduct. The committee also reviewed data provided by the OSC regarding the number of non-academic misconduct cases processed and reviewed during the past five academic years. In particular, the committee examined the number of non-academic misconduct cases that were processed and reviewed during the 2012-2013 academic year, which included new referrals, as well as cases carried over from the previous reporting period:

During the 2012-2013 academic year, there were 387 campus cases of non-academic misconduct. Of the 387 cases received by OSC, the majority were resolved in Disciplinary Conferences with staff members. Of the total number of 387 cases, 175 respondents were charged under the *Code of Student Conduct*; 14 hearings went before the Central Board, which included 22 respondents. The remaining cases were either deferred (98), dismissed (84), or were pending resolution at the end of May 2013.

During the 2012-2013 academic year, there were 211 resident cases of non-academic misconduct. Of the 211 cases received by the Department of Resident Life's Office of Rights & Responsibilities, 115 were resolved in Disciplinary Conferences, 11 were heard by the Resident Board, 19 were dismissed, 21 were deferred, 7 were rescinded back to Community Staff for adjudication, and 38 referrals were received near the end of the Spring 2013 semester and were pending adjudication at the end of May 2013.

The committee learned that there were 0 charges of sexual assault and 0 charges of sexual harassment processed by the OSC or the Office of Rights & Responsibilities during the 2012-2013 academic year. As such, the committee has no basis for recommending any potential changes to the *Code of Student Conduct* based on an undue burden, the difficulty in training honor boards for multiple standards, or any other justification.

The committee also looked at the evidentiary standards used at peer institutions, confirming that all institutions use a "preponderance of the evidence" standard for cases of sexual misconduct, as directed by OCR. Many of the University's peers in the Big Ten Conference use "preponderance of the evidence" as the standard for all cases (including Michigan State University, University of Minnesota, The Ohio State University, University of Nebraska, Purdue University, Penn State University, University of Illinois at Urbana-Champaign, University of Iowa, and Northwestern University). The remaining Big Ten Institutions have split standards of evidence, depending on the type of case presented. For example, like our University, the University of Michigan uses a "preponderance of the evidence" standard for sexual misconduct cases and a "clear and convincing" standard for all other cases. Information regarding our Big Ten peer institutions' standards of evidence can be found in Appendix 5.

RECOMMENDATION

Due to the fact that there is no evidence that having two different standards of evidence in the *Code of Student Conduct* is having a negative impact on the review and processing procedures for non-academic misconduct cases, the SCC recommends that no changes to the standards of evidence in the *Code of Student Conduct* be made at this time. It is the opinion of the committee that instigating a major new change to the *Code of Student Conduct* would not be prudent while the expansion of the *Code of Student Conduct*'s application off-campus is still being implemented, and that changing the *Code of Student Conduct* without clear justification would present a burden on the OSC and the honor board system. It may be pertinent to have the committee revisit this issue in one or two years.

APPENDICES

Appendix 1 – SCC Report on “Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence” (Senate Doc #11-12-10) (December 2011)

Appendix 2 – Letter of Request to be Charged from the SCC (November 1, 2012)

Appendix 3 – Charge from the Senate Executive Committee (November 16, 2012)

Appendix 4 – Extension Request Letter from the SCC (March 5, 2013)

Appendix 5 – Peer Institution Research (Big Ten Conference)



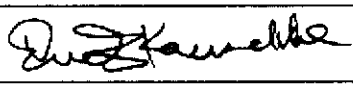
UNIVERSITY OF MARYLAND

UNIVERSITY SENATE

DEC 13 2011

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

SENATE LEGISLATION APPROVAL

Date:	December 12, 2011
To:	Wallace D. Loh
From:	Eric Kasischke Chair, University Senate 
Subject:	Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence
Senate Document #:	11-12-10

I am pleased to forward for your consideration the attached legislation entitled, "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence." Nan Ratner, Chair of the Student Conduct Committee, presented the proposal. The University Senate approved the proposal at its December 8, 2011 meeting.

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

Enclosure: Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence

Senate Document # 11-12-10

EK/rm

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

Approved: _____

Date: _____

1/17/12

Wallace D. Loh
President



University Senate TRANSMITTAL FORM

Senate Document #:	11-12-10
PCC ID #:	N/A
Title:	Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence
Presenter:	Nan Ratner, Chair, Senate Student Conduct Committee
Date of SEC Review:	November 29, 2011
Date of Senate Review:	December 8, 2011
Voting (highlight one):	On resolutions or recommendations one by one, or In a single vote To endorse entire report
Statement of Issue:	In April 2011, the US Department of Education's Office for Civil Rights (OCR) distributed a "Dear Colleague Letter" providing guidance to institutions regarding sexual harassment and sexual violence disciplinary proceedings and appeals processes. As a recipient of Federal financial assistance, the University needs to comply with the directives issued in the letter. In order to be in compliance, the burden of proof requirement and appeals process must be revised in the <i>Code of Student Conduct</i> to include "preponderance of the evidence" instead of "clear and convincing" as the evidentiary standard in proceedings. Additionally, the OCR letter recommends that schools provide an appeals process for findings or remedy, and that they do so for both parties involved. Currently, the <i>Code of Student Conduct</i> provides an appeal to the respondent (accused student) only.
Relevant Policy # & URL:	http://www.president.umd.edu/policies/v100b.html
Recommendation:	The Student Conduct Committee (SCC) recommends that the University make the changes to the <i>Code of Student Conduct</i> necessary to bring the University into compliance with the directives outlined in the OCR letter. The specific changes to the <i>Code</i> are outlined in the attached report. The SCC wishes to reserve the right to revisit the <i>Code</i> and the recommendations in one year, at the beginning of the Fall 2012 semester. If this recommendation is approved, the SCC requests that it be charged

	by the SEC to perform this review in Fall 2012.
Committee Work:	<p>The SCC reviewed this issue during the Fall 2011 semester. The committee consulted with the Office of Student Conduct and the President's Legal Office, to ensure that any proposed changes to the <i>Code of Student Conduct</i> would be appropriate for the University. The committee stayed abreast of developments within the Senate Equity, Diversity, & Inclusion (EDI) Committee, as the EDI Committee worked on two similar charges related to the University's Sexual Harassment Policy. The SCC received information regarding peer institution research on evidentiary standards and researched national responses to the OCR letter and its guidance.</p> <p>At its meeting on November 8, 2011, following deliberation, the SCC voted unanimously in favor of recommending the University make the changes to the <i>Code of Student Conduct</i> necessary to be in compliance with the directives outlined in the OCR letter.</p>
Alternatives:	The University could continue to use "clear and convincing evidence" for cases of student-on-student sexual harassment and sexual violence, as outlined in the <i>Code of Student Conduct</i> ; the University would then not be in compliance with the OCR.
Risks:	There are no associated risks. However, if this recommendation is not endorsed, the University could face penalties (unspecified) from the OCR.
Financial Implications:	There are no related financial implications.
Further Approvals Required: (*Important for PCC Items)	Senate Approval, Presidential Approval.

Senate Student Conduct Committee

Senate Document 11-12-10

Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence

November 2011

BACKGROUND:

In April 2011, the US Department of Education's Office for Civil Rights (OCR) distributed a "Dear Colleague Letter" providing guidance to institutions regarding sexual harassment and sexual violence disciplinary proceedings and appeals processes (Appendix 5). This letter outlined an institution's current responsibilities under Title IX for dealing with complaints of sexual harassment and sexual violence. As a recipient of Federal financial assistance, the University of Maryland needs to comply with the directives issued in the letter. In order to be in compliance, the burden of proof requirement and appeals process must be revised in the *Code of Student Conduct* to include "preponderance of the evidence" (i.e., it is more likely than not that the sexual harassment or violence occurred) instead of "clear and convincing" (i.e., it is highly probable or reasonably certain that the sexual harassment or violence occurred) as the evidentiary standard in proceedings. Additionally, the OCR letter recommends that institutions provide an appeals process for findings or remedies, and that they do so for both parties involved.

The OCR letter explains that the "preponderance of the evidence" evidentiary standard is the standard of proof established for violations of civil rights laws, and is thus "the appropriate standard for investigating allegations of sexual harassment or violence" (US Department of Education, Office for Civil Rights. 2011, April 4. Dear Colleague Letter, p. 11). The letter states that grievance procedures that use "clear and convincing" standards for cases of sexual harassment and sexual violence are not equitable under Title IX.

According to the National Institute of Justice (NIJ), "Surveys of college students confirm that many sexual assaults are not reported to the police. Researchers asked students why they did not report the incidents to law enforcement officers. The most commonly reported response—offered by more than half the students—was that they did not think the incident was serious enough to report. More than 35 percent said they did not report the incident because they were unclear as to whether a crime was committed or that harm was intended" (<http://nij.gov/>).

In response to the OCR letter, a Sexual Violence Policy Working Group was formed at the University and charged with the following:

- 1) Review and Evaluate current policy and practice;
- 2) Evaluate OCR Guidance;
- 3) Recommend policy changes consistent with OCR guidance;
- 4) Recommend changes in practice to ensure compliance.

The members of the Sexual Violence Policy Working Group include:

- John Zacker, Assistant Vice President of Student Affairs, CHAIR
- Allison Bennett, Coordinator, Sexual Assault Response and Prevention, Health Center
- Roger Candelaria, Campus Compliance Officer, Office of Diversity Education & Compliance

- Kevin Glover, Athletic Department
- Andrea Goodwin, Director, Office of Student Conduct
- Major Chris Jagoe, Department of Public Safety
- Diane Krejsa, Legal Counsel
- Keira Martone, Manager of Resident Office of Rights and Responsibilities in the Department of Resident Life
- Steve Petkas, Associate Director, Department of Resident Life
- Matt Supple, Director, Department of Fraternity and Sorority Life

Following deliberation between the end of the Spring 2011 semester and the Fall 2011 semester, the Sexual Violence Policy Working Group developed a proposal for the University Senate with proposed changes to the *Code of Student Conduct*.

CURRENT PRACTICE:

The *Code of Student Conduct* (University of Maryland Policy V-1.00(B)) defines prohibited conduct by students and the review process for violations and appeals. Title IX of the Education Amendments of 1972 prohibits sex-based discrimination at educational institutions that receive Federal funding. The OCR maintains that sexual harassment and sexual violence interfere with a student's right to an education free of discrimination.

Currently, the evidentiary standard used in the *Code of Student Conduct* for all disciplinary cases is "clear and convincing." Additionally, the *Code of Student Conduct* currently provides an appeal to the respondent (accused student) only.

COMMITTEE WORK:

The Senate Student Conduct Committee (SCC) was charged (Appendix 3) by the Senate Executive Committee (SEC) with reviewing the proposal, "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence" on October 3, 2011 (Appendix 4). The SEC asked the SCC to make recommendations on whether the University of Maryland *Code of Student Conduct* should be revised.

The SEC asked the SCC to consult with the Office of Student Conduct (OSC) and the subcommittee charged with proposing revisions to the *Code of Student Conduct*. Dr. Andrea Goodwin, Director of the OSC and a member of the subcommittee, sits on the SCC and provided input throughout the review process. A member of the University's Office of Legal Affairs also sat on the subcommittee charged with proposing revisions to the *Code of Student Conduct*. The committee received the proposed revisions on October 25, 2011 (Appendix 1).

The SCC stayed abreast of developments within the Senate's Equity, Diversity, and Inclusion (EDI) Committee during its review process, as the EDI Committee was similarly charged with reviewing two proposals (Senate Docs 11-12-05 and 11-12-09) related to the University's Sexual Harassment Policy (VI-1.20(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON SEXUAL HARASSMENT). The SCC determined that the proposed changes to the *Code of Student Conduct* will have minimal, if any, impact on the University of Maryland *Code of Equity, Diversity, and Inclusion*, as the *Code of Student Conduct* deals solely with cases of student-on-student sexual harassment and sexual violence.

The SCC reviewed how the University's peer institutions have implemented the changes suggested in the OCR letter. The SCC found that two institutions, Eastern Michigan University and Notre Dame College in Ohio, were recently under investigation and received letters with guidelines for handling allegations of sexual assault (Ashburn, E. 2010, December 10. Education Dept. Tells 2 Colleges to Revamp Sexual-Harassment Policies. *The Chronicle of Higher Education*. Retrieved online from <http://chronicle.com/>).

Additionally, the Sexual Violence Policy Working Group provided a list of peer institution evidentiary standards, which it had used when originally researching this issue (Appendix 2). Standards were reviewed at both public and private institutions across the nation. The list includes all of the University of Maryland's peers, including University of California, Berkeley, University of Illinois at Urbana-Champaign, University of California, Los Angeles (UCLA), the University of North Carolina at Chapel Hill, and University of Michigan, Ann Arbor. Of the twenty-three institutions reviewed, only one uses anything other than "preponderance of the evidence" for cases of sexual harassment and sexual violence. Most use a "preponderance of the evidence" standard for all violations. Therefore, the University of Maryland is atypical in using "clear and convincing" as an evidentiary standard. According to the OSC, even within the University System of Maryland (USM), most institutions use a "preponderance of the evidence" standard.

The committee also researched criticism of the Education Department's sexual harassment guidance, noting that the American Association of University Professors (AAUP) has written and sent at least two letters of criticism to the OCR. The AAUP asserts that lowering the standard of evidence to a "preponderance of the evidence" would make it "more likely that faculty members will be unfairly accused and found guilty, their careers ruined" (2011, August 18. AAUP Renews Criticism of Education Dept.'s Sexual Harassment Guidance. *The Chronicle of Higher Education*. Retrieved online from <http://chronicle.com/>).

The SCC considered whether the proposed evidentiary standard of "preponderance of the evidence" should apply to all violations of the *Code of Student Conduct*, in addition to complaints of sexual harassment and sexual violence. Additionally, the SCC considered whether the proposed change to the appeals procedures—that schools provide an appeals process for **both** parties—should apply to all violations of the *Code of Student Conduct*.

RECOMMENDATIONS:

At its meeting on November 8, 2011, the SCC voted unanimously in favor of recommending that the University make the changes to the *Code of Student Conduct* necessary to get to the University in compliance with the directives outlined in the OCR letter. However, the committee wishes to reserve the right to revisit the *Code* and the recommendations in one year, at the beginning of the Fall 2012 semester. If approved, the SCC requests that it be charged by the SEC as such.

Therefore, in order for the University to be in compliance with the United States Department of Education Office for Civil Rights, the Senate Student Conduct Committee recommends that the attached policy changes be made to the *Code of Student Conduct* (Appendix 1). The recommended changes are outlined below:

1) The SCC recommends that the following section be added to the *Code of Student Conduct*, in order to reflect OCR compliance:

BURDEN OF PROOF²⁹

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 evidence³⁰. 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

The SCC recommends that items 42 and 43 of the Appeals section in the *Code of Student Conduct* be updated as follows, in order to comply with OCR:

APPEALS

42. Except as provided below, any determination made pursuant to this *Code* resulting in expulsion or suspension⁴⁶ 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

The SCC recommends that the following three items be added to the Annotations section of the *Code of Student Conduct*, in order to reflect OCR compliance:

ANNOTATIONS

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).

APPENDICES:

Appendix 1 – Recommended Policy Changes to the *Code of Student Conduct*

Appendix 2 – Peer Institution Evidentiary Standards Research

Appendix 3 – Charge from the Senate Executive Committee, October 3, 2011

Appendix 4 – Proposal from the Office of Student Conduct, September 12, 2011

Appendix 5 – Dear Colleague Letter from the Office for Civil Rights, April 4, 2011

Proposed Revisions October 2011

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

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, suspension⁶ or disciplinary removal from University housing⁷ 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 drug¹¹ 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 University¹⁵, 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 SUSPENSION¹⁷

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 parties¹⁸ 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 offense²⁵ 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 person²⁶ 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 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 PROOF²⁹

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 evidence³⁰. 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 evidence³¹.

Comment [AG1]: This section was added to reflect the OCR compliance

DISCIPLINARY CONFERENCES³²

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 file³³ 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 record⁴¹ 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 collectively⁴³ or individually responsible when violations of this *Code* by those associated with⁴⁴ 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 spokespersons⁴⁵ 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 suspension⁴⁶ 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

Comment [AG2]: This section has been added to comply with OCR

Comment [AG3]: This section has been added to comply with OCR

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 47 and 47(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 voided⁵⁸ 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 LaFare, *Criminal Law Treatise* 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 *Codes* 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.

Comment [AG4]: Added to reflect OCR compliance

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).

Comment [AG5]: All of these sections are new to comply with OCR

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.

Appendix Two (Senate Doc #11-12-10)

Peer Institution Review – Standards of Evidence

School	Institution Type	Standard of Evidence
Berkeley	4 year-Public	Preponderance of Evidence
College of Charleston	4 year- Public	Preponderance of Evidence for all violations
Emory University	4 year- Private	Preponderance of Evidence for all violations
Florida Atlantic University	4 year-Public	Preponderance of Evidence for all violations
Georgia Tech	4 year- Public	Preponderance of Evidence for all violations
Illinois	4 year-Public	Preponderance of Evidence
James Madison University	4 year- Public	Preponderance of Evidence for all violations
Montclair State University	4 year- Public	Preponderance of Evidence for all violations
Northern Illinois University	4 year- Public	Preponderance of Evidence for all violations
Portland State University	4 year-Public	Preponderance of Evidence for all violations
Purdue University	4 year- Public	Preponderance of Evidence for all violations
UCLA	4 Year-Public	Preponderance of Evidence
UNC-Chapel Hill	4 year-Public	Beyond a reasonable doubt
Union College, NY	4 year -Private	Preponderance of Evidence
University of Delaware	4 year- Public	Preponderance of Evidence for all violations
University of Florida	4 year- Public	Preponderance of Evidence for all violations
University of Miami	4 year-Private	Preponderance of Evidence for all violations
University of Michigan-Ann Arbor	4 year-Public	Preponderance of the evidence for all community living standard violations in Housing; Clear and Convincing for statement violations
University of North Carolina- Charlotte	4 year- Public	Preponderance of Evidence for all violations
University of Texas at Arlington	4 year- Public	Preponderance of Evidence for all violations
University of Wisconsin- Madison	4 year- Public	Preponderance of Evidence for suspension, expulsion, sexual assault
Worcester State University	4 year -Public	Preponderance of Evidence for all violations
Wright State University	4 Year- Public	Preponderance of Evidence



**University Senate
CHARGE**

Date:	October 3, 2011
To:	Nan Ratner Chair, Student Conduct Committee
From:	Eric Kasischke Chair, University Senate 
Subject:	Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence
Senate Document #:	11-12-10
Deadline:	March 30, 2012

The Senate Executive Committee (SEC) requests that the Student Conduct Committee review the attached proposal “Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence” and make recommendations on whether the University of Maryland Code of Student Conduct V-1.00(B) should be revised.

The University’s Code of Student Conduct defines prohibited conduct by students and the review process for violations. Recently, the US Department of Education’s Office of Civil Rights (OCR) distributed a letter providing guidance to institutions regarding sexual harassment and sexual violence disciplinary proceedings and appeals processes. As a recipient of Federal financial assistance, we must comply with the directives issued in the letter. In order to be in compliance, our burden of proof requirement and appeals process must be revised in our Code of Student Conduct to include “preponderance of the evidence” instead of “clear and convincing” as the evidentiary standard in our proceedings. The SEC requests that the Student Conduct Committee review the proposal and recommend appropriate changes to the Code of Student Conduct.

Specifically, we ask that you:

1. Consult with the Office of Student Conduct and the subcommittee charged with proposing revisions to the Code of Student Conduct.
2. Consult with the University’s Office of Legal Affairs.
3. Consult with the Senate’s Equity, Diversity, and Inclusion (EDI) Committee on the impact that any changes to the Code of Student Conduct might have on the

University's Sexual Harassment Policy and the University of Maryland Code on Equity, Diversity, and Inclusion.

4. Review how our peer institutions have implemented the changes suggested in the OCR letter.
5. Consider whether the proposed evidentiary standard should apply to all violations of the Code of Student Conduct in addition to complaints of sexual harassment or violence.

We ask that you submit your report and recommendations to the Senate Office no later than March 30, 2012. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



University Senate PROPOSAL FORM

Name:	Andrea Goodwin
Date:	9/12/11
Title of Proposal:	Code of Student Conduct Revisions
Phone Number:	301-314-8206
Email Address:	agoodwin@umd.edu
Campus Address:	2118 Mitchell Building
Unit/Department/College:	Director, Office of Student Conduct
Constituency (faculty, staff, undergraduate, graduate):	Staff
Description of issue/concern/policy in question:	<p>In April, 2011, the US Department of Education's Office of Civil Rights issued a "Dear Colleague Letter" (attached) providing guidance to schools, including colleges and universities, regarding sexual harassment and sexual violence. Recipients of Federal financial assistance must comply with the directives issued in the letter including directives that pertain to disciplinary proceedings. In reviewing the <i>Code of Student Conduct</i>, it is clear that our policies, as currently stated, do not meet the procedural requirements outlined in the "Dear Colleague Letter." Specifically we are not in compliance with two major requirements:</p> <p style="padding-left: 40px;">1) Burden of Proof in University Disciplinary Proceedings</p> <p>In order for a grievance procedure to be consistent with the Office of Civil Rights requirements, the school must use a Preponderance of the Evidence Standard (<i>i.e.</i>, it is more likely than not that the sexual harassment or violence occurred.) Currently the University <i>Code of Student Conduct</i> requires us to utilize the "clear and convincing standard" (<i>i.e.</i>, it is highly probably or reasonably certain that that the sexual assault occurred) in all discipline cases.</p> <p style="padding-left: 40px;">2) Appeals</p> <p>OCR recommends that schools provide an appeals process and if a school provides for appeal of findings or remedy, it must do so for both parties. Currently, the University's <i>Code of Student Conduct</i> provides an appeal to the respondent (accused student) only.</p>

Description of action/changes you would like to see implemented and why:	<p>In order for the University of Maryland to be in compliance with the Office of Civil Rights, the <i>Code of Student Conduct</i> must be amended to reflect the requirements made explicit in the "Dear Colleague Letter." Attached is a draft revision of the changes to the <i>Code</i> that would be required to be in compliance with the Office of Civil Rights.</p> <p>I request that the Campus Senate Committee on Student Conduct approve changes to the <i>Code of Student Conduct</i> so that the University is in compliance with the Office of Civil Rights.</p>
Suggestions for how your proposal could be put into practice:	The <i>Code of Student Conduct</i> can be amended.
Additional Information:	Attached is a copy of the "Dear Colleague Letter." Revisions to the <i>Code of Student Conduct</i> are currently being drafted and can be provided to the Campus Senate Committee on Student Conduct for review.

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

U.S. Department of Education
Office for Civil Rights



Dear Colleague Letter: Sexual Violence
Background, Summary, and Fast Facts
April 4, 2011

Sexual Violence Statistics and Effects

- Acts of sexual violence are vastly under-reported.¹ Yet, data show that our nation's young students suffer from acts of sexual violence early and the likelihood that they will be assaulted by the time they graduate is significant. For example:
 - Recent data shows nearly 4,000 reported incidents of sexual battery and over 800 reported rapes and attempted rapes occurring *in our nation's public high schools*.² Indeed, by the time girls graduate from high school, more than one in ten will have been physically forced to have sexual intercourse in or out of school.³
 - When young women get to *college*, nearly 20% of them will be victims of attempted or actual sexual assault, as will about 6% of undergraduate men.⁴
- Victims of sexual assault are more likely to suffer academically and from depression, post-traumatic stress disorder, to abuse alcohol and drugs, and to contemplate suicide.⁵

Why is ED Issuing the Dear Colleague letter (DCL)?

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec.1681, *et seq.*, prohibits discrimination on the basis of sex in any federally funded education program or activity. ED is issuing the DCL to explain that the requirements of Title IX cover sexual violence and to remind schools⁶ of their responsibilities to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX. In the context of the letter, sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

¹ For example, see HEATHER M. KARJANE ET AL. SEXUAL ASSAULT ON CAMPUS: WHAT COLLEGES AND UNIVERSITIES ARE DOING ABOUT IT 3 (Nat'l. Institute of Justice, Dec. 2005).

² SIMONE ROBERS ET AL. INDICATORS OF SCHOOL CRIME AND SAFETY 104 (U.S. Dep't of Education & U.S. Dep't of Justice, Nov. 2010), *available at* <http://nces.ed.gov/pubs2011/2011002.pdf>.

³ EATON, D. K., KANN, L., KINCHEN, S., SHANKLIN, S., ROSS, J., HAWKINS, J., ET AL., YOUTH RISK BEHAVIOR SURVEILLANCE-UNITED STATES 2009, *Morbidity and Mortality Weekly Report*, 1-148.

⁴ CHRISTOPHER P. KREBS ET AL., THE CAMPUS SEXUAL ASSAULT STUDY FINAL REPORT xiii, 5-5. (Nat'l. Criminal Justice Reference Service, Oct. 2007), *available at* <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>.

⁵ For example, see WORLD HEALTH ORGANIZATION, WORLD REPORT ON VIOLENCE AND HEALTH 162-164 (Etienne G. Krug, et al. eds., 2002), *available at* http://whqlibdoc.who.int/publications/2002/9241545615_eng.pdf; CENTERS FOR DISEASE CONTROL, UNDERSTANDING SEXUAL VIOLENCE: FACT SHEET 1 (2011), *available at* http://www.cdc.gov/violenceprevention/pdf/SV_factsheet_2011-a.pdf.

⁶ "Schools" includes all recipients of federal funding and includes school districts, colleges, and universities.

What does the DCL do?

- Provides guidance on the unique concerns that arise in sexual violence cases, such as the role of criminal investigations and a school's independent responsibility to investigate and address sexual violence.
- Provides guidance and examples about key Title IX requirements and how they relate to sexual violence, such as the requirements to publish a policy against sex discrimination, designate a Title IX coordinator, and adopt and publish grievance procedures.
- Discusses proactive efforts schools can take to prevent sexual violence.
- Discusses the interplay between Title IX, FERPA, and the Clery Act⁷ as it relates to a complainant's right to know the outcome of his or her complaint, including relevant sanctions facing the perpetrator.
- Provides examples of remedies and enforcement strategies that schools and the Office for Civil Rights (OCR) may use to respond to sexual violence.

What are a school's obligations under Title IX regarding sexual violence?

- Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
- If sexual violence has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation.
- A school must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.
- A school must provide a grievance procedure for students to file complaints of sex discrimination, including complaints of sexual violence. These procedures must include an equal opportunity for both parties to present witnesses and other evidence and the same appeal rights.
- A school's grievance procedures must use the preponderance of the evidence standard to resolve complaints of sex discrimination.
- A school must notify both parties of the outcome of the complaint.

How can I get help from OCR?

OCR offers technical assistance to help schools achieve voluntary compliance with the civil rights laws it enforces and works with schools to develop approaches to preventing and addressing discrimination. A school should contact the OCR enforcement office serving its jurisdiction for technical assistance. For contact information, please visit ED's website at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

A complaint of discrimination can be filed by anyone who believes that a school that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. For information on how to file a complaint with OCR, visit <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or contact OCR's Customer Service Team at 1-800-421-3481.

⁷ The Family Educational Rights and Privacy Act is at 20 U.S.C. Sec. 1232g, and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act is at 20 U.S.C. Sec 1092(f).



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 4, 2011

Dear Colleague:

Education has long been recognized as the great equalizer in America. The U.S. Department of Education and its Office for Civil Rights (OCR) believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. In order to assist recipients, which include school districts, colleges, and universities (hereinafter "schools" or "recipients") in meeting these obligations, this letter¹ explains that the requirements of Title IX pertaining to sexual harassment also cover sexual violence, and lays out the specific Title IX requirements applicable to sexual violence.² Sexual violence, as that term is used in this letter, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape,

¹ The Department has determined that this Dear Colleague Letter is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at:

http://www.whitehouse.gov/sites/default/files/omb/assets/regulatory_matters_pdf/012507_good_guidance.pdf. OCR issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that we enforce. OCR's legal authority is based on those laws and regulations. This letter does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov, or write to us at the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

² Use of the term "sexual harassment" throughout this document includes sexual violence unless otherwise noted. Sexual harassment also may violate Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c), which prohibits public school districts and colleges from discriminating against students on the basis of sex, among other bases. The U.S. Department of Justice enforces Title IV.

sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

The statistics on sexual violence are both deeply troubling and a call to action for the nation. A report prepared for the National Institute of Justice found that about 1 in 5 women are victims of completed or attempted sexual assault while in college.³ The report also found that approximately 6.1 percent of males were victims of completed or attempted sexual assault during college.⁴ According to data collected under the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), in 2009, college campuses reported nearly 3,300 forcible sex offenses as defined by the Clery Act.⁵ This problem is not limited to college. During the 2007-2008 school year, there were 800 reported incidents of rape and attempted rape and 3,800 reported incidents of other sexual batteries at public high schools.⁶ Additionally, the likelihood that a woman with intellectual disabilities will be sexually assaulted is estimated to be significantly higher than the general population.⁷ The Department is deeply concerned about this problem and is committed to ensuring that all students feel safe in their school, so that they have the opportunity to benefit fully from the school's programs and activities.

This letter begins with a discussion of Title IX's requirements related to student-on-student sexual harassment, including sexual violence, and explains schools' responsibility to take immediate and effective steps to end sexual harassment and sexual violence. These requirements are discussed in detail in OCR's *Revised Sexual Harassment Guidance* issued in 2001 (*2001 Guidance*).⁸ This letter supplements the *2001 Guidance* by providing additional guidance and practical examples regarding the Title IX requirements as they relate to sexual violence. This letter concludes by discussing the proactive efforts schools can take to prevent sexual harassment and violence, and by providing examples of remedies that schools and OCR may use to end such conduct, prevent its recurrence, and address its effects. Although some examples contained in this letter are applicable only in the postsecondary context, sexual

³ CHRISTOPHER P. KREBS ET AL., THE CAMPUS SEXUAL ASSAULT STUDY: FINAL REPORT xiii (Nat'l Criminal Justice Reference Serv., Oct. 2007), *available at* <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>. This study also found that the majority of campus sexual assaults occur when women are incapacitated, primarily by alcohol. *Id.* at xviii.

⁴ *Id.* at 5-5.

⁵ U.S. Department of Education, Office of Postsecondary Education, Summary Crime Statistics (data compiled from reports submitted in compliance with the Clery Act), *available at* <http://www2.ed.gov/admins/lead/safety/criminal2007-09.pdf>. Under the Clery Act, forcible sex offenses are

defined as any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent. Forcible sex offenses include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. 34 C.F.R. Part 668, Subpt. D, App. A.

⁶ SIMONE ROBERS ET AL., INDICATORS OF SCHOOL CRIME AND SAFETY: 2010 at 104 (U.S. Dep't of Educ. & U.S. Dep't of Justice, Nov. 2010), *available at* <http://nces.ed.gov/pubs2011/2011002.pdf>.

⁷ ERIKA HARRELL & MICHAEL R. RAND, CRIME AGAINST PEOPLE WITH DISABILITIES, 2008 (Bureau of Justice Statistics, U.S. Dep't of Justice, Dec. 2010), *available at* <http://bjs.ojp.usdoj.gov/content/pub/pdf/capd08.pdf>.

⁸ The *2001 Guidance* is available on the Department's Web site at <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>. This letter focuses on peer sexual harassment and violence. Schools' obligations and the appropriate response to sexual harassment and violence committed by employees may be different from those described in this letter. Recipients should refer to the *2001 Guidance* for further information about employee harassment of students.

harassment and violence also are concerns for school districts. The Title IX obligations discussed in this letter apply equally to school districts unless otherwise noted.

Title IX Requirements Related to Sexual Harassment and Sexual Violence

Schools' Obligations to Respond to Sexual Harassment and Sexual Violence

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX.⁹

As explained in OCR's *2001 Guidance*, when a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For instance, a single instance of rape is sufficiently severe to create a hostile environment.¹⁰

Title IX protects students from sexual harassment in a school's education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program

⁹ Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The Title IX obligations discussed in this letter also apply to gender-based harassment. Gender-based harassment is discussed in more detail in the *2001 Guidance*, and in the 2010 Dear Colleague letter on Harassment and Bullying, which is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

¹⁰ See, e.g., *Jennings v. Univ. of N.C.*, 444 F.3d 255, 268, 274 n.12 (4th Cir. 2006) (acknowledging that while not an issue in this case, a single incident of sexual assault or rape could be sufficient to raise a jury question about whether a hostile environment exists, and noting that courts look to Title VII cases for guidance in analyzing Title IX sexual harassment claims); *Vance v. Spencer Cnty. Pub. Sch. Dist.*, 231 F.3d 253, 259 n.4 (6th Cir. 2000) ("[w]ithin the context of Title IX, a student's claim of hostile environment can arise from a single incident" (quoting *Doe v. Sch. Admin. Dist. No. 19*, 66 F. Supp. 2d 57, 62 (D. Me. 1999))); *Soper v. Hoben*, 195 F.3d 845, 855 (6th Cir. 1999) (explaining that rape and sexual abuse "obviously qualify as...severe, pervasive, and objectively offensive sexual harassment"); see also *Berry v. Chi. Transit Auth.*, 618 F.3d 688, 692 (7th Cir. 2010) (in the Title VII context, "a single act can create a hostile environment if it is severe enough, and instances of uninvited physical contact with intimate parts of the body are among the most severe types of sexual harassment"); *Turner v. Saloon, Ltd.*, 595 F.3d 679, 686 (7th Cir. 2010) (noting that "[o]ne instance of conduct that is sufficiently severe may be enough," which is "especially true when the touching is of an intimate body part" (quoting *Jackson v. Cnty. of Racine*, 474 F.3d 493, 499 (7th Cir. 2007))); *McKinnis v. Crescent Guardian, Inc.*, 189 F. App'x 307, 310 (5th Cir. 2006) (holding that "the deliberate and unwanted touching of [a plaintiff's] intimate body parts can constitute severe sexual harassment" in Title VII cases (quoting *Harvill v. Westward Commc'ns, L.L.C.*, 433 F.3d 428, 436 (5th Cir. 2005))).

sponsored by the school at another location, or elsewhere. For example, Title IX protects a student who is sexually assaulted by a fellow student during a school-sponsored field trip.¹¹

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.¹² Schools also are required to publish a notice of nondiscrimination and to adopt and publish grievance procedures. Because of these requirements, which are discussed in greater detail in the following section, schools need to ensure that their employees are trained so that they know to report harassment to appropriate school officials, and so that employees with the authority to address harassment know how to respond properly. Training for employees should include practical information about how to identify and report sexual harassment and violence. OCR recommends that this training be provided to any employees likely to witness or receive reports of sexual harassment and violence, including teachers, school law enforcement unit employees, school administrators, school counselors, general counsels, health personnel, and resident advisors.

Schools may have an obligation to respond to student-on-student sexual harassment that initially occurred off school grounds, outside a school's education program or activity. If a student files a complaint with the school, regardless of where the conduct occurred, the school must process the complaint in accordance with its established procedures. Because students often experience the continuing effects of off-campus sexual harassment in the educational setting, schools should consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. For example, if a student alleges that he or she was sexually assaulted by another student off school grounds, and that upon returning to school he or she was taunted and harassed by other students who are the alleged perpetrator's friends, the school should take the earlier sexual assault into account in determining whether there is a sexually hostile environment. The school also should take steps to protect a student who was assaulted off campus from further sexual harassment or retaliation from the perpetrator and his or her associates.

Regardless of whether a harassed student, his or her parent, or a third party files a complaint under the school's grievance procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. As discussed later in this letter, the school's Title IX investigation is different from any law enforcement investigation, and a law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct. The specific steps in a school's

¹¹ Title IX also protects third parties from sexual harassment or violence in a school's education programs and activities. For example, Title IX protects a high school student participating in a college's recruitment program, a visiting student athlete, and a visitor in a school's on-campus residence hall. Title IX also protects employees of a recipient from sexual harassment. For further information about harassment of employees, see *2001 Guidance* at n.1.

¹² This is the standard for administrative enforcement of Title IX and in court cases where plaintiffs are seeking injunctive relief. See *2001 Guidance* at ii-v, 12-13. The standard in private lawsuits for monetary damages is actual knowledge and deliberate indifference. See *Davis v. Monroe Cnty. Bd. of Ed.*, 526 U.S. 629, 643, 648 (1999).

investigation will vary depending upon the nature of the allegations, the age of the student or students involved (particularly in elementary and secondary schools), the size and administrative structure of the school, and other factors. Yet as discussed in more detail below, the school's inquiry must in all cases be prompt, thorough, and impartial. In cases involving potential criminal conduct, school personnel must determine, consistent with State and local law, whether appropriate law enforcement or other authorities should be notified.¹³

Schools also should inform and obtain consent from the complainant (or the complainant's parents if the complainant is under 18 and does not attend a postsecondary institution) before beginning an investigation. If the complainant requests confidentiality or asks that the complaint not be pursued, the school should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the school should inform the complainant that its ability to respond may be limited.¹⁴ The school also should tell the complainant that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

As discussed in the *2001 Guidance*, if the complainant continues to ask that his or her name or other identifiable information not be revealed, the school should evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the school may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.¹⁵ The school should inform the complainant if it cannot ensure confidentiality. Even if the school cannot take disciplinary action against the alleged harasser because the complainant insists on confidentiality, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence. Examples of such steps are discussed later in this letter.

Compliance with Title IX, such as publishing a notice of nondiscrimination, designating an employee to coordinate Title IX compliance, and adopting and publishing grievance procedures, can serve as preventive measures against harassment. Combined with education and training programs, these measures can help ensure that all students and employees recognize the

¹³ In states with mandatory reporting laws, schools may be required to report certain incidents to local law enforcement or child protection agencies.

¹⁴ Schools should refer to the *2001 Guidance* for additional information on confidentiality and the alleged perpetrator's due process rights.

¹⁵ For example, the alleged harasser may have a right under FERPA to inspect and review portions of the complaint that directly relate to him or her. In that case, the school must redact the complainant's name and other identifying information before allowing the alleged harasser to inspect and review the sections of the complaint that relate to him or her. In some cases, such as those where the school is required to report the incident to local law enforcement or other officials, the school may not be able to maintain the complainant's confidentiality.

nature of sexual harassment and violence, and understand that the school will not tolerate such conduct. Indeed, these measures may bring potentially problematic conduct to the school's attention before it becomes serious enough to create a hostile environment. Training for administrators, teachers, staff, and students also can help ensure that they understand what types of conduct constitute sexual harassment or violence, can identify warning signals that may need attention, and know how to respond. More detailed information and examples of education and other preventive measures are provided later in this letter.

Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence

Recipients of Federal financial assistance must comply with the procedural requirements outlined in the Title IX implementing regulations. Specifically, a recipient must:

- (A) Disseminate a notice of nondiscrimination;¹⁶
- (B) Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX;¹⁷ and
- (C) Adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.¹⁸

These requirements apply to all forms of sexual harassment, including sexual violence, and are important for preventing and effectively responding to sex discrimination. They are discussed in greater detail below. OCR advises recipients to examine their current policies and procedures on sexual harassment and sexual violence to determine whether those policies comply with the requirements articulated in this letter and the *2001 Guidance*. Recipients should then implement changes as needed.

(A) Notice of Nondiscrimination

The Title IX regulations require that each recipient publish a notice of nondiscrimination stating that the recipient does not discriminate on the basis of sex in its education programs and activities, and that Title IX requires it not to discriminate in such a manner.¹⁹ The notice must state that inquiries concerning the application of Title IX may be referred to the recipient's Title IX coordinator or to OCR. It should include the name or title, office address, telephone number, and e-mail address for the recipient's designated Title IX coordinator.

The notice must be widely distributed to all students, parents of elementary and secondary students, employees, applicants for admission and employment, and other relevant persons. OCR recommends that the notice be prominently posted on school Web sites and at various

¹⁶ 34 C.F.R. § 106.9.

¹⁷ *Id.* § 106.8(a).

¹⁸ *Id.* § 106.8(b).

¹⁹ *Id.* § 106.9(a).

locations throughout the school or campus and published in electronic and printed publications of general distribution that provide information to students and employees about the school's services and policies. The notice should be available and easily accessible on an ongoing basis.

Title IX does not require a recipient to adopt a policy specifically prohibiting sexual harassment or sexual violence. As noted in the *2001 Guidance*, however, a recipient's general policy prohibiting sex discrimination will not be considered effective and would violate Title IX if, because of the lack of a specific policy, students are unaware of what kind of conduct constitutes sexual harassment, including sexual violence, or that such conduct is prohibited sex discrimination. OCR therefore recommends that a recipient's nondiscrimination policy state that prohibited sex discrimination covers sexual harassment, including sexual violence, and that the policy include examples of the types of conduct that it covers.

(B) Title IX Coordinator

The Title IX regulations require a recipient to notify all students and employees of the name or title and contact information of the person designated to coordinate the recipient's compliance with Title IX.²⁰ The coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX coordinator or designee should be available to meet with students as needed. If a recipient designates more than one Title IX coordinator, the notice should describe each coordinator's responsibilities (*e.g.*, who will handle complaints by students, faculty, and other employees). The recipient should designate one coordinator as having ultimate oversight responsibility, and the other coordinators should have titles clearly showing that they are in a deputy or supporting role to the senior coordinator. The Title IX coordinators should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest.

Recipients must ensure that employees designated to serve as Title IX coordinators have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the recipient's grievance procedures operate. Because sexual violence complaints often are filed with the school's law enforcement unit, all school law enforcement unit employees should receive training on the school's Title IX grievance procedures and any other procedures used for investigating reports of sexual violence. In addition, these employees should receive copies of the school's Title IX policies. Schools should instruct law enforcement unit employees both to notify complainants of their right to file a Title IX sex discrimination complaint with the school in addition to filing a criminal complaint, and to report incidents of sexual violence to the Title IX coordinator if the complainant consents. The school's Title IX coordinator or designee should be available to provide assistance to school law enforcement unit employees regarding how to respond appropriately to reports of sexual violence. The Title IX coordinator also should be given access to school law enforcement unit investigation notes

²⁰ *Id.* § 106.8(a).

and findings as necessary for the Title IX investigation, so long as it does not compromise the criminal investigation.

(C) Grievance Procedures

The Title IX regulations require all recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of sex discrimination complaints.²¹ The grievance procedures must apply to sex discrimination complaints filed by students against school employees, other students, or third parties.

Title IX does not require a recipient to provide separate grievance procedures for sexual harassment and sexual violence complaints. Therefore, a recipient may use student disciplinary procedures or other separate procedures to resolve such complaints. Any procedures used to adjudicate complaints of sexual harassment or sexual violence, including disciplinary procedures, however, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution.²² These requirements are discussed in greater detail below. If the recipient relies on disciplinary procedures for Title IX compliance, the Title IX coordinator should review the recipient's disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX.²³

Grievance procedures generally may include voluntary informal mechanisms (e.g., mediation) for resolving some types of sexual harassment complaints. OCR has frequently advised recipients, however, that it is improper for a student who complains of harassment to be required to work out the problem directly with the alleged perpetrator, and certainly not without appropriate involvement by the school (e.g., participation by a trained counselor, a trained mediator, or, if appropriate, a teacher or administrator). In addition, as stated in the *2001 Guidance*, the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process. Moreover, in cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis. OCR recommends that recipients clarify in their grievance procedures that mediation will not be used to resolve sexual assault complaints.

²¹ *Id.* § 106.8(b). Title IX also requires recipients to adopt and publish grievance procedures for employee complaints of sex discrimination.

²² These procedures must apply to all students, including athletes. If a complaint of sexual violence involves a student athlete, the school must follow its standard procedures for resolving sexual violence complaints. Such complaints must not be addressed solely by athletics department procedures. Additionally, if an alleged perpetrator is an elementary or secondary student with a disability, schools must follow the procedural safeguards in the Individuals with Disabilities Education Act (at 20 U.S.C. § 1415 and 34 C.F.R. §§ 300.500-300.519, 300.530-300.537) as well as the requirements of Section 504 of the Rehabilitation Act of 1973 (at 34 C.F.R. §§ 104.35-104.36) when conducting the investigation and hearing.

²³ A school may not absolve itself of its Title IX obligations to investigate and resolve complaints of sexual harassment or violence by delegating, whether through express contractual agreement or other less formal arrangement, the responsibility to administer school discipline to school resource officers or "contract" law enforcement officers. See 34 C.F.R. § 106.4.

Prompt and Equitable Requirements

As stated in the *2001 Guidance*, OCR has identified a number of elements in evaluating whether a school's grievance procedures provide for prompt and equitable resolution of sexual harassment complaints. These elements also apply to sexual violence complaints because, as explained above, sexual violence is a form of sexual harassment. OCR will review all aspects of a school's grievance procedures, including the following elements that are critical to achieve compliance with Title IX:

- Notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
- Application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties;
- Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
- Designated and reasonably prompt time frames for the major stages of the complaint process;
- Notice to parties of the outcome of the complaint;²⁴ and
- An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

As noted in the *2001 Guidance*, procedures adopted by schools will vary in detail, specificity, and components, reflecting differences in the age of students, school sizes and administrative structures, State or local legal requirements, and past experiences. Although OCR examines whether all applicable elements are addressed when investigating sexual harassment complaints, this letter focuses on those elements where our work indicates that more clarification and explanation are needed, including:

(A) *Notice of the grievance procedures*

The procedures for resolving complaints of sex discrimination, including sexual harassment, should be written in language appropriate to the age of the school's students, easily understood, easily located, and widely distributed. OCR recommends that the grievance procedures be prominently posted on school Web sites; sent electronically to all members of the school community; available at various locations throughout the school or campus; and summarized in or attached to major publications issued by the school, such as handbooks, codes of conduct, and catalogs for students, parents of elementary and secondary students, faculty, and staff.

(B) *Adequate, Reliable, and Impartial Investigation of Complaints*

OCR's work indicates that a number of issues related to an adequate, reliable, and impartial investigation arise in sexual harassment and violence complaints. In some cases, the conduct

²⁴ "Outcome" does not refer to information about disciplinary sanctions unless otherwise noted. Notice of the outcome is discussed in greater detail in Section D below.

may constitute both sexual harassment under Title IX and criminal activity. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. In addition, a criminal investigation into allegations of sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably.

A school should notify a complainant of the right to file a criminal complaint, and should not dissuade a victim from doing so either during or after the school's internal Title IX investigation. For instance, if a complainant wants to file a police report, the school should not tell the complainant that it is working toward a solution and instruct, or ask, the complainant to wait to file the report.

Schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. For example, a school should not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime. Any agreement or Memorandum of Understanding (MOU) with a local police department must allow the school to meet its Title IX obligation to resolve complaints promptly and equitably. Although a school may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are gathering evidence, once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the school must promptly resume and complete its fact-finding for the Title IX investigation.²⁵ Moreover, nothing in an MOU or the criminal investigation itself should prevent a school from notifying complainants of their Title IX rights and the school's grievance procedures, or from taking interim steps to ensure the safety and well-being of the complainant and the school community while the law enforcement agency's fact-gathering is in progress. OCR also recommends that a school's MOU include clear policies on when a school will refer a matter to local law enforcement.

As noted above, the Title IX regulation requires schools to provide equitable grievance procedures. As part of these procedures, schools generally conduct investigations and hearings to determine whether sexual harassment or violence occurred. In addressing complaints filed with OCR under Title IX, OCR reviews a school's procedures to determine whether the school is using a preponderance of the evidence standard to evaluate complaints. The Supreme Court has applied a preponderance of the evidence standard in civil litigation involving discrimination under Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e *et seq.* Like Title IX,

²⁵ In one recent OCR sexual violence case, the prosecutor's office informed OCR that the police department's evidence gathering stage typically takes three to ten calendar days, although the delay in the school's investigation may be longer in certain instances.

Title VII prohibits discrimination on the basis of sex.²⁶ OCR also uses a preponderance of the evidence standard when it resolves complaints against recipients. For instance, OCR's Case Processing Manual requires that a noncompliance determination be supported by the preponderance of the evidence when resolving allegations of discrimination under all the statutes enforced by OCR, including Title IX.²⁷ OCR also uses a preponderance of the evidence standard in its fund termination administrative hearings.²⁸ Thus, in order for a school's grievance procedures to be consistent with Title IX standards, the school must use a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred). The "clear and convincing" standard (*i.e.*, it is highly probable or reasonably certain that the sexual harassment or violence occurred), currently used by some schools, is a higher standard of proof. Grievance procedures that use this higher standard are inconsistent with the standard of proof established for violations of the civil rights laws, and are thus not equitable under Title IX. Therefore, preponderance of the evidence is the appropriate standard for investigating allegations of sexual harassment or violence.

Throughout a school's Title IX investigation, including at any hearing, the parties must have an equal opportunity to present relevant witnesses and other evidence. The complainant and the alleged perpetrator must be afforded similar and timely access to any information that will be used at the hearing.²⁹ For example, a school should not conduct a pre-hearing meeting during which only the alleged perpetrator is present and given an opportunity to present his or her side of the story, unless a similar meeting takes place with the complainant; a hearing officer or disciplinary board should not allow only the alleged perpetrator to present character witnesses at a hearing; and a school should not allow the alleged perpetrator to review the complainant's

²⁶ See, e.g., *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 99 (2003) (noting that under the "conventional rule of civil litigation," the preponderance of the evidence standard generally applies in cases under Title VII); *Price Waterhouse v. Hopkins*, 490 U.S. 228, 252-55 (1989) (approving preponderance standard in Title VII sex discrimination case) (plurality opinion); *id.* at 260 (White, J., concurring in the judgment); *id.* at 261 (O'Connor, J., concurring in the judgment). The 2001 Guidance noted (on page vi) that "[w]hile *Gebser* and *Davis* made clear that Title VII agency principles do not apply in determining liability for money damages under Title IX, the *Davis* Court also indicated, through its specific references to Title VII caselaw, that Title VII remains relevant in determining what constitutes hostile environment sexual harassment under Title IX." See also *Jennings v. Univ. of N.C.*, 482 F.3d 686, 695 (4th Cir. 2007) ("We look to case law interpreting Title VII of the Civil Rights Act of 1964 for guidance in evaluating a claim brought under Title IX.").

²⁷ OCR's Case Processing Manual is available on the Department's Web site, at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

²⁸ The Title IX regulations adopt the procedural provisions applicable to Title VI of the Civil Rights Act of 1964. See 34 C.F.R. § 106.71 ("The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference."). The Title VI regulations apply the Administrative Procedure Act to administrative hearings required prior to termination of Federal financial assistance and require that termination decisions be "supported by and in accordance with the reliable, probative and substantial evidence." 5 U.S.C. § 556(d). The Supreme Court has interpreted "reliable, probative and substantial evidence" as a direction to use the preponderance standard. See *Steadman v. SEC*, 450 U.S. 91, 98-102 (1981).

²⁹ Access to this information must be provided consistent with FERPA. For example, if a school introduces an alleged perpetrator's prior disciplinary records to support a tougher disciplinary penalty, the complainant would not be allowed access to those records. Additionally, access should not be given to privileged or confidential information. For example, the alleged perpetrator should not be given access to communications between the complainant and a counselor or information regarding the complainant's sexual history.

statement without also allowing the complainant to review the alleged perpetrator's statement.

While OCR does not require schools to permit parties to have lawyers at any stage of the proceedings, if a school chooses to allow the parties to have their lawyers participate in the proceedings, it must do so equally for both parties. Additionally, any school-imposed restrictions on the ability of lawyers to speak or otherwise participate in the proceedings should apply equally. OCR strongly discourages schools from allowing the parties personally to question or cross-examine each other during the hearing. Allowing an alleged perpetrator to question an alleged victim directly may be traumatic or intimidating, thereby possibly escalating or perpetuating a hostile environment. OCR also recommends that schools provide an appeals process. If a school provides for appeal of the findings or remedy, it must do so for both parties. Schools must maintain documentation of all proceedings, which may include written findings of facts, transcripts, or audio recordings.

All persons involved in implementing a recipient's grievance procedures (e.g., Title IX coordinators, investigators, and adjudicators) must have training or experience in handling complaints of sexual harassment and sexual violence, and in the recipient's grievance procedures. The training also should include applicable confidentiality requirements. In sexual violence cases, the fact-finder and decision-maker also should have adequate training or knowledge regarding sexual violence.³⁰ Additionally, a school's investigation and hearing processes cannot be equitable unless they are impartial. Therefore, any real or perceived conflicts of interest between the fact-finder or decision-maker and the parties should be disclosed.

Public and state-supported schools must provide due process to the alleged perpetrator. However, schools should ensure that steps taken to accord due process rights to the alleged perpetrator do not restrict or unnecessarily delay the Title IX protections for the complainant.

(C) Designated and Reasonably Prompt Time Frames

OCR will evaluate whether a school's grievance procedures specify the time frames for all major stages of the procedures, as well as the process for extending timelines. Grievance procedures should specify the time frame within which: (1) the school will conduct a full investigation of the complaint; (2) both parties receive a response regarding the outcome of the complaint; and (3) the parties may file an appeal, if applicable. Both parties should be given periodic status updates. Based on OCR experience, a typical investigation takes approximately 60 calendar days following receipt of the complaint. Whether OCR considers complaint resolutions to be timely, however, will vary depending on the complexity of the investigation and the severity and extent of the harassment. For example, the resolution of a complaint involving multiple incidents with multiple complainants likely would take longer than one involving a single incident that

³⁰ For instance, if an investigation or hearing involves forensic evidence, that evidence should be reviewed by a trained forensic examiner.

occurred in a classroom during school hours with a single complainant.

(D) Notice of Outcome

Both parties must be notified, in writing, about the outcome of both the complaint and any appeal,³¹ *i.e.*, whether harassment was found to have occurred. OCR recommends that schools provide the written determination of the final outcome to the complainant and the alleged perpetrator concurrently. Title IX does not require the school to notify the alleged perpetrator of the outcome before it notifies the complainant.

Due to the intersection of Title IX and FERPA requirements, OCR recognizes that there may be confusion regarding what information a school may disclose to the complainant.³² FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, as stated in the *2001 Guidance*, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.³³ Disclosure of other information in the student's "education record," including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

Further, when the conduct involves a crime of violence or a non-forcible sex offense,³⁴ FERPA permits a postsecondary institution to disclose to the alleged victim the final results of a

³¹ As noted previously, "outcome" does not refer to information about disciplinary sanctions unless otherwise noted.

³² In 1994, Congress amended the General Education Provisions Act (GEPA), of which FERPA is a part, to state that nothing in GEPA "shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." 20 U.S.C. § 1221(d). The Department interprets this provision to mean that FERPA continues to apply in the context of Title IX enforcement, but if there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions. *See 2001 Guidance* at vii.

³³ This information directly relates to the complainant and is particularly important in sexual harassment cases because it affects whether a hostile environment has been eliminated. Because seeing the perpetrator may be traumatic, a complainant in a sexual harassment case may continue to be subject to a hostile environment if he or she does not know when the perpetrator will return to school or whether he or she will continue to share classes or a residence hall with the perpetrator. This information also directly affects a complainant's decision regarding how to work with the school to eliminate the hostile environment and prevent its recurrence. For instance, if a complainant knows that the perpetrator will not be at school or will be transferred to other classes or another residence hall for the rest of the year, the complainant may be less likely to want to transfer to another school or change classes, but if the perpetrator will be returning to school after a few days or weeks, or remaining in the complainant's classes or residence hall, the complainant may want to transfer schools or change classes to avoid contact. Thus, the complainant cannot make an informed decision about how best to respond without this information.

³⁴ Under the FERPA regulations, crimes of violence include arson; assault offenses (aggravated assault, simple assault, intimidation); burglary; criminal homicide (manslaughter by negligence); criminal homicide (murder and

disciplinary proceeding against the alleged perpetrator, regardless of whether the institution concluded that a violation was committed.³⁵ Additionally, a postsecondary institution may disclose to anyone—not just the alleged victim—the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or a non-forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the institution’s rules or policies.³⁶

Postsecondary institutions also are subject to additional rules under the Clery Act. This law, which applies to postsecondary institutions that participate in Federal student financial aid programs, requires that “both the accuser and the accused must be informed of the outcome³⁷ of any institutional disciplinary proceeding brought alleging a sex offense.”³⁸ Compliance with this requirement does not constitute a violation of FERPA. Furthermore, the FERPA limitations on redisclosure of information do not apply to information that postsecondary institutions are required to disclose under the Clery Act.³⁹ Accordingly, postsecondary institutions may not require a complainant to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of this information.

Steps to Prevent Sexual Harassment and Sexual Violence and Correct its Discriminatory Effects on the Complainant and Others

Education and Prevention

In addition to ensuring full compliance with Title IX, schools should take proactive measures to prevent sexual harassment and violence. OCR recommends that all schools implement preventive education programs and make victim resources, including comprehensive victim services, available. Schools may want to include these education programs in their (1) orientation programs for new students, faculty, staff, and employees; (2) training for students who serve as advisors in residence halls; (3) training for student athletes and coaches; and (4) school assemblies and “back to school nights.” These programs should include a

non-negligent manslaughter); destruction, damage or vandalism of property; kidnapping/abduction; robbery; and forcible sex offenses. Forcible sex offenses are defined as any sexual act directed against another person forcibly or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent. Forcible sex offenses include rape, sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are incest and statutory rape. 34 C.F.R. Part 99, App. A.

³⁵ 34 C.F.R. § 99.31(a)(13). For purposes of 34 C.F.R. §§ 99.31(a)(13)–(14), disclosure of “final results” is limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed against the perpetrator by the school. 34 C.F.R. § 99.39.

³⁶ 34 C.F.R. § 99.31(a)(14).

³⁷ For purposes of the Clery Act, “outcome” means the institution’s final determination with respect to the alleged sex offense and any sanctions imposed against the accused. 34 C.F.R. § 668.46(b)(11)(vi)(B).

³⁸ 34 C.F.R. § 668.46(b)(11)(vi)(B). Under the Clery Act, forcible sex offenses are defined as any sexual act directed against another person forcibly or against that person’s will, or not forcibly or against the person’s will where the person is incapable of giving consent. Forcible sex offenses include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses include incest and statutory rape. 34 C.F.R. Part 668, Subpt. D, App. A.

³⁹ 34 C.F.R. § 99.33(c).

discussion of what constitutes sexual harassment and sexual violence, the school's policies and disciplinary procedures, and the consequences of violating these policies.

The education programs also should include information aimed at encouraging students to report incidents of sexual violence to the appropriate school and law enforcement authorities. Schools should be aware that victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of school or campus rules were involved.⁴⁰ As a result, schools should consider whether their disciplinary policies have a chilling effect on victims' or other students' reporting of sexual violence offenses. For example, OCR recommends that schools inform students that the schools' primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that use of alcohol or drugs never makes the victim at fault for sexual violence.

OCR also recommends that schools develop specific sexual violence materials that include the schools' policies, rules, and resources for students, faculty, coaches, and administrators. Schools also should include such information in their employee handbook and any handbooks that student athletes and members of student activity groups receive. These materials should include where and to whom students should go if they are victims of sexual violence. These materials also should tell students and school employees what to do if they learn of an incident of sexual violence. Schools also should assess student activities regularly to ensure that the practices and behavior of students do not violate the schools' policies against sexual harassment and sexual violence.

Remedies and Enforcement

As discussed above, if a school determines that sexual harassment that creates a hostile environment has occurred, it must take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects. In addition to counseling or taking disciplinary action against the harasser, effective corrective action may require remedies for the complainant, as well as changes to the school's overall services or policies. Examples of these actions are discussed in greater detail below.

Title IX requires a school to take steps to protect the complainant as necessary, including taking interim steps before the final outcome of the investigation. The school should undertake these steps promptly once it has notice of a sexual harassment or violence allegation. The school should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow students to change academic or living situations as appropriate. For instance, the school may prohibit the alleged perpetrator from having any contact with the complainant pending the results of the school's investigation. When taking steps to separate the complainant and alleged perpetrator, a school should minimize the burden on the

⁴⁰ The Department's Higher Education Center for Alcohol, Drug Abuse, and Violence Prevention (HEC) helps campuses and communities address problems of alcohol, other drugs, and violence by identifying effective strategies and programs based upon the best prevention science. Information on HEC resources and technical assistance can be found at www.higheredcenter.org.

complainant, and thus should not, as a matter of course, remove complainants from classes or housing while allowing alleged perpetrators to remain. In addition, schools should ensure that complainants are aware of their Title IX rights and any available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement.⁴¹

Schools should be aware that complaints of sexual harassment or violence may be followed by retaliation by the alleged perpetrator or his or her associates. For instance, friends of the alleged perpetrator may subject the complainant to name-calling and taunting. As part of their Title IX obligations, schools must have policies and procedures in place to protect against retaliatory harassment. At a minimum, schools must ensure that complainants and their parents, if appropriate, know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred.

When OCR finds that a school has not taken prompt and effective steps to respond to sexual harassment or violence, OCR will seek appropriate remedies for both the complainant and the broader student population. When conducting Title IX enforcement activities, OCR seeks to obtain voluntary compliance from recipients. When a recipient does not come into compliance voluntarily, OCR may initiate proceedings to withdraw Federal funding by the Department or refer the case to the U.S. Department of Justice for litigation.

Schools should proactively consider the following remedies when determining how to respond to sexual harassment or violence. These are the same types of remedies that OCR would seek in its cases.

Depending on the specific nature of the problem, remedies for the complainant might include, but are not limited to:⁴²

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes;
- moving the complainant or alleged perpetrator to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;

⁴¹ The Clery Act requires postsecondary institutions to develop and distribute a statement of policy that informs students of their options to notify proper law enforcement authorities, including campus and local police, and the option to be assisted by campus personnel in notifying such authorities. The policy also must notify students of existing counseling, mental health, or other student services for victims of sexual assault, both on campus and in the community. 20 U.S.C. §§ 1092(f)(8)(B)(v)-(vi).

⁴² Some of these remedies also can be used as interim measures before the school's investigation is complete.

- arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.⁴³

Remedies for the broader student population might include, but are not limited to:

Counseling and Training

- offering counseling, health, mental health, or other holistic and comprehensive victim services to all students affected by sexual harassment or sexual violence, and notifying students of campus and community counseling, health, mental health, and other student services;
- designating an individual from the school's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed;
- training the Title IX coordinator and any other employees who are involved in processing, investigating, or resolving complaints of sexual harassment or sexual violence, including providing training on:
 - the school's Title IX responsibilities to address allegations of sexual harassment or violence
 - how to conduct Title IX investigations
 - information on the link between alcohol and drug abuse and sexual harassment or violence and best practices to address that link;
- training all school law enforcement unit personnel on the school's Title IX responsibilities and handling of sexual harassment or violence complaints;
- training all employees who interact with students regularly on recognizing and appropriately addressing allegations of sexual harassment or violence under Title IX; and
- informing students of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by school employees in notifying those authorities.

Development of Materials and Implementation of Policies and Procedures

- developing materials on sexual harassment and violence, which should be distributed to students during orientation and upon receipt of complaints, as well as widely posted throughout school buildings and residence halls, and which should include:
 - what constitutes sexual harassment or violence
 - what to do if a student has been the victim of sexual harassment or violence
 - contact information for counseling and victim services on and off school grounds
 - how to file a complaint with the school
 - how to contact the school's Title IX coordinator

⁴³ For example, if the complainant was disciplined for skipping a class in which the harasser was enrolled, the school should review the incident to determine if the complainant skipped the class to avoid contact with the harasser.

- what the school will do to respond to allegations of sexual harassment or violence, including the interim measures that can be taken
- requiring the Title IX coordinator to communicate regularly with the school's law enforcement unit investigating cases and to provide information to law enforcement unit personnel regarding Title IX requirements;⁴⁴
- requiring the Title IX coordinator to review all evidence in a sexual harassment or sexual violence case brought before the school's disciplinary committee to determine whether the complainant is entitled to a remedy under Title IX that was not available through the disciplinary committee;⁴⁵
- requiring the school to create a committee of students and school officials to identify strategies for ensuring that students:
 - know the school's prohibition against sex discrimination, including sexual harassment and violence
 - recognize sex discrimination, sexual harassment, and sexual violence when they occur
 - understand how and to whom to report any incidents
 - know the connection between alcohol and drug abuse and sexual harassment or violence
 - feel comfortable that school officials will respond promptly and equitably to reports of sexual harassment or violence;
- issuing new policy statements or other steps that clearly communicate that the school does not tolerate sexual harassment and violence and will respond to any incidents and to any student who reports such incidents; and
- revising grievance procedures used to handle sexual harassment and violence complaints to ensure that they are prompt and equitable, as required by Title IX.

School Investigations and Reports to OCR

- conducting periodic assessments of student activities to ensure that the practices and behavior of students do not violate the school's policies against sexual harassment and violence;
- investigating whether any other students also may have been subjected to sexual harassment or violence;
- investigating whether school employees with knowledge of allegations of sexual harassment or violence failed to carry out their duties in responding to those allegations;
- conducting, in conjunction with student leaders, a school or campus "climate check" to assess the effectiveness of efforts to ensure that the school is free from sexual harassment and violence, and using the resulting information to inform future proactive steps that will be taken by the school; and

⁴⁴ Any personally identifiable information from a student's education record that the Title IX coordinator provides to the school's law enforcement unit is subject to FERPA's nondisclosure requirements.

⁴⁵ For example, the disciplinary committee may lack the power to implement changes to the complainant's class schedule or living situation so that he or she does not come in contact with the alleged perpetrator.

- submitting to OCR copies of all grievances filed by students alleging sexual harassment or violence, and providing OCR with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals.

Conclusion

The Department is committed to ensuring that all students feel safe and have the opportunity to benefit fully from their schools' education programs and activities. As part of this commitment, OCR provides technical assistance to assist recipients in achieving voluntary compliance with Title IX.

If you need additional information about Title IX, have questions regarding OCR's policies, or seek technical assistance, please contact the OCR enforcement office that serves your state or territory. The list of offices is available at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. Additional information about addressing sexual violence, including victim resources and information for schools, is available from the U.S. Department of Justice's Office on Violence Against Women (OVW) at <http://www.ovw.usdoj.gov/>.⁴⁶

Thank you for your prompt attention to this matter. I look forward to continuing our work together to ensure that all students have an equal opportunity to learn in a safe and respectful school climate.

Sincerely,

/s/

Russlynn Ali
Assistant Secretary for Civil Rights

⁴⁶ OVW also administers the Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program. This Federal funding is designed to encourage institutions of higher education to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking. Under this competitive grant program, campuses, in partnership with community-based nonprofit victim advocacy organizations and local criminal justice or civil legal agencies, must adopt protocols and policies to treat these crimes as serious offenses and develop victim service programs and campus policies that ensure victim safety, offender accountability, and the prevention of such crimes. OVW recently released the first solicitation for the Services, Training, Education, and Policies to Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking in Secondary Schools Grant Program. This innovative grant program will support a broad range of activities, including training for school administrators, faculty, and staff; development of policies and procedures for responding to these crimes; holistic and appropriate victim services; development of effective prevention strategies; and collaborations with mentoring organizations to support middle and high school student victims.



UNIVERSITY OF
MARYLAND
UNIVERSITY SENATE

1100 Marie Mount Hall
College Park, Maryland 20742-4111
Tel: (301) 405-5805 Fax: (301) 405-5749
<http://www.senate.umd.edu>

November 1, 2012

Dr. Martha Nell Smith
Chair, University Senate
3238 Tawes Hall
College Park, MD 20742-8878

Dear Dr. Smith:

In December 2011, the University Senate approved the Student Conduct Committee's (SCC) report and recommendations on Senate Document #11-12-10, "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence." Likewise, President Loh approved the report and recommendations on January 17, 2012. One of the approved recommendations included a request from the committee to be charged in Fall 2012 with revisiting the *Code of Student Conduct* regarding the changes made to comply with the directives in the Department of Education Office of Civil Rights' (OCR) "Dear Colleague Letter" of April 2011.

In order to bring the University into compliance with the directives outlined in the OCR letter, the committee recommended revising the burden of proof requirements in the *Code of Student Conduct* to include "preponderance of the evidence" (e.g., it is more likely than not that the sexual harassment or violence occurred) instead of "clear and convincing" (e.g., it is highly probably or reasonably certain that the sexual harassment or violence occurred) as the evidentiary standard in proceedings for complaints of sexual harassment and violence only. This change to the *Code* has been made. In doing so, however, the *Code* now has two different standards of evidence, depending on the type of case, which is uncommon for an institution of higher education. The committee would like to explore whether this situation is in the best interest of the Office of Student Conduct and the University.

The SCC respectfully requests to be charged by the SEC with performing this review as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Speck".


Jason Speck
Chair, University Senate Student Conduct Committee

JS/cb

Cc: Reka Montfort, Director, University Senate
Andrea Goodwin, Director, Office of Student Conduct



University Senate CHARGE

Date:	November 16, 2012
To:	Jason Speck Chair, Student Conduct Committee
From:	Martha Nell Smith Chair, University Senate 
Subject:	Review of the Evidentiary Standards in the Code of Student Conduct
Senate Document #:	12-13-30
Deadline:	March 29, 2013

The Senate Executive Committee (SEC) requests that the Student Conduct Committee reexamine the evidentiary standards in order to guarantee consistency throughout the University of Maryland Code of Student Conduct (V-1.00(B)). The Senate and President Loh approved the committee's recommendation (Senate Doc. No. 11-12-10 - Approved December 2011) to amend the Code to comply with the directives in the Department of Education's Office of Civil Rights' (OCR) "Dear Colleague Letter." This recommendation revised the burden of proof requirements to include "preponderance of the evidence" as the evidentiary standard in proceedings for complaints of sexual harassment. However, this change has created two different standards of evidence depending on the type of case. Therefore, the SEC requests that the Student Conduct Committee consider whether this differentiation within the Code is in the best interest of the University.

Specifically, we ask that you:

1. Review the University of Maryland Code of Student Conduct V-1.00(B).
2. Consult with a representative from the University's Office of Student Conduct.
3. Consult with the Senate Student Affairs Committee regarding the potential impact that any changes to the code would have on students at the University.
4. Review the standards of evidence in codes of student conduct at our peer institutions.
5. Consult with the University's Office of Legal Affairs.
6. If appropriate, recommend whether the University of Maryland Code of Student Conduct V-1.00(B) should be revised to make the standard of evidence for all cases consistent.

We ask that you submit your report and recommendations to the Senate Office no later than March 29, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



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March 5, 2013

Dr. Martha Nell Smith
Chair, University Senate
3238 Tawes Hall
College Park, MD 20742-8878

Dear Dr. Smith:

I am writing on behalf of the Senate Student Conduct Committee (SCC) in regard to our charge for the "Review of the Evidentiary Standards in the *Code of Student Conduct*" (Senate Doc #12-13-30). The SCC was charged by the Senate Executive Committee (SEC) with this review in November 2012, following the committee's request to be charged as a result of the passage of Senate Doc #11-12-10 "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence" last December. The deadline for our charge is March 29, 2013. I am writing to respectfully request an extension for the committee's review of this complex topic.

As you know, one of the approved recommendations of the "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence" was a wish from the committee to be charged with revisiting the *Code of Student Conduct* regarding the changes made to comply with the directives in the Department of Education Office of Civil Rights' (OCR) "Dear Colleague Letter" of April 2011. In order to bring the University into compliance with the directives outlined in the OCR letter, the SCC had recommended revising the burden of proof requirements in the *Code* to include "preponderance of the evidence" (e.g., it is more likely than not that the sexual harassment or violence occurred) instead of "clear and convincing" (e.g., it is highly probable or reasonably certain that the sexual harassment or violence occurred) as the evidentiary standard in proceedings for complaints of sexual harassment and violence only. In making this change, however, the *Code* now has two different standards of evidence, depending on the type of case, which is uncommon for an institution of higher education.

Because of other pressing charges, including the "Expansion of Promoting Responsible Action in Medical Emergencies" and the "*Code of Student Conduct* Expansion of Jurisdiction," the SCC has not been able to conduct a thorough review of the evidentiary standards in the *Code* this year. The committee would like more time to explore whether the current situation is in the best interest of the Office of Student Conduct and the University.

We respectfully request an extension until December 13, 2013. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Speck".

Jason Speck
Chair, University Senate Student Conduct Committee

Enclosure(s): Charge from SEC, November 16, 2012

Cc: Reka Montfort, Director, University Senate
Andrea Goodwin, Director, Office of Student Conduct

Big Ten Peer Institution Research

Institution	Standard of Evidence
Michigan State University	Preponderance of the Evidence
University of Minnesota	Preponderance of the Evidence
The Ohio State University	Preponderance of the Evidence
University of Nebraska	Preponderance of the Evidence
Purdue University	Preponderance of the Evidence
Penn State University	Preponderance of the Evidence
University of Illinois at Urbana-Champaign	Preponderance of the Evidence
University of Iowa	Preponderance of the Evidence
Northwestern University	Preponderance of the Evidence
Rutgers University	Clear & Convincing for academic integrity cases. Preponderance of the Evidence for conduct cases.
Indiana University	Preponderance of the Evidence for Title IX & VAWA cases. Clear & Convincing Evidence for all other cases.
University of Wisconsin	Preponderance of the Evidence for all sexual assault, dating violence, stalking and any non-academic misconduct case resulting in disciplinary probation or a lesser sanction. Clear and Convincing Evidence for suspension & expulsion cases.
University of Michigan	Preponderance of the evidence for sexual misconduct cases. Clear & Convincing Evidence for all other cases.



University Senate TRANSMITTAL FORM

Senate Document #:	13-14-10
PCC ID #:	N/A
Title:	Nominations Committee Slate 2013-2014
Presenter:	Donald Webster, Chair of the 2013-2014 Committee on Committees
Date of SEC Review:	November 25, 2013
Date of Senate Review:	December 10, 2013
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	<p>The University Senate Bylaws state, "By no later than the scheduled December meeting of the Senate, the Committee on Committees shall present to the Senate at least eight nominees from among outgoing Senate members to serve on the Nominations Committee. The nominees shall include four faculty members, one exempt staff member, one non-exempt staff member, one graduate student, and one undergraduate student. Further nominations shall be accepted from the floor of the Senate. The Senate, as a body, shall elect four faculty members, one exempt staff member, one non-exempt staff member, one graduate student, and one undergraduate to serve as the Nominations Committee."</p>
Relevant Policy # & URL:	N/A
Recommendation:	To approve the slate as presented.
Committee Work:	<p>The Committee on Committees met on October 17, 2013, to discuss a process for soliciting nominations for the Senate Nominations Committee. The Senate Office had previously emailed the Outgoing Senators regarding the opportunity to serve on the Nominations Committee and received a few volunteers. The Committee on Committees discussed the volunteers at the meeting. Additional recruitment tasks were assigned. As required by the Bylaws, the committee assembled at least eight nominees from amongst the Outgoing Senators to present to the Senate. The Committee on Committees voted to approve the attached slate on Friday, November 15, 2013.</p>
Alternatives:	To not approve the slate or to hold an election following any additional nominations received from the floor of the Senate.
Risks:	There are no related risks.
Financial Implications:	There are no financial implications.
Further Approvals Required:	Senate Approval.

2013-2014 Senate Nominations Committee Slate

<u>Name/Constituency</u>	<u>Department/Unit</u>	<u>College</u>	<u>Term</u>
Non-Voting Ex-Officio			
Donald Webster	UME-Wye Rec/Senate Chair-Elect	AGNR	2014
Faculty			
Missy Meharg	Intercollegiate Athletics	PRES	2014
Jason Speck	University Libraries	LIBR	2014
Eric Uslaner	Government & Politics	BSOS	2014
William Walters	Chemistry & Biochemistry	CMNS	2014
Exempt Staff			
Barbara Hansborough	Astronomy	CMNS	2014
Non-Exempt Staff			
Daniel Simison	Transportation Services	VPSC	2014
Graduate Student			
Ravi Ranjan	Electrical & Computer Engineering	ENGR	2014
Undergraduate Student			
Nima Farshchi	Accounting & Operations Management	BMGT	2014



University Senate TRANSMITTAL FORM

Senate Document #:	13-14-12
PCC ID #:	13018
Title:	Establish a New Upper-Division Certificate in Leadership Studies
Presenter:	Marilee Lindemann, Chair, Senate Programs, Curricula and Courses Committee
Date of SEC Review:	November 25, 2013
Date of Senate Review:	December 10, 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:	<p>The College of Education and the Department of Counseling, Higher Education, and Special Education propose to offer a new upper-division certificate in Leadership Studies. An upper-division certificate is a formal award for undergraduate students that is recognized by the state of Maryland Higher Education Commission. An upper-division certificate requires at least 12 credits at the junior or senior level. The Department of Counseling, Higher Education, and Special Education currently offers a minor in Leadership Studies, and proposes to add a 21-credit upper-division certificate for undergraduate students who wish to take more coursework in Leadership Studies than the minor program currently requires.</p> <p>Building on the current minor program, the upper-division certificate in Leadership Studies will prepare students to serve effectively in formal and informal leadership roles in campus, local, national, and global contexts. Students are exposed to diverse theories and perspectives on leadership and are encouraged to apply analytical skills to develop their own working philosophy of leadership that will serve them in organizational and career contexts. The upper-division certificate program will have the same requirements as the minor program, and will add two additional experiential-learning courses that will allow students to bring leadership and leadership theory into practice</p>

	<p>through the exploration of a social issue. These two additional courses, EDCP320 and EDCP321, will require students to research a social issue, develop a plan to utilize leadership theories to address the social issue, and implement and assess their efforts of engaging and creating social change. Should the upper-division certificate program be approved, the current minor will be reduced from 18 credits to 15 credits.</p> <p>This proposal received the unanimous support of the Senate Programs, Curricula, and Courses committee at its meeting on November 1, 2013.</p>
Relevant Policy # & URL:	N/A
Recommendation:	The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this new area of concentration.
Committee Work:	The committee considered this proposal at its meeting on November 1, 2013. Robert Lent, Noah Drezner, and Stephanie Chang of the Department of Counseling, Higher Education and Special Education presented the proposal. After discussion, the committee voted unanimously to recommend the proposal.
Alternatives:	The Senate could decline to approve this new upper-division certificate program.
Risks:	If the Senate declines to approve this new upper-division certificate program, the University will lose an opportunity to encourage interested undergraduates from across campus to engage in a more enriched and experiential leadership studies program.
Financial Implications:	There are no significant financial implications with this proposal.
Further Approvals Required:	If the Senate approves this proposal, it would 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.

PCC LOG NO.

13018

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

College/School: College of Education

Please also add College/School Unit Code-First 8 digits: 012031001310701

Unit Codes can be found at: https://hypprod.umd.edu/Html_Reports/units.htm

Department/Program:

Please also add Department/Program Unit Code-Last 7 digits:

Type of Action (choose one):

- ☒ Curriculum change (including informal specializations) ☒ 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:

The Minor in Leadership Studies is proposing changes to (1) change the Minor in Leadership Studies to the name Leadership Studies; (2) reduce the Minor course requirements from 18 to 15 credit hours; (3) add a Certificate in Leadership Studies option that requires 21 credit hours; (4) add two new requires courses for the Certificate requirement to enhance the study and practice of leadership theories and models with social change and action.

=====

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

1. Department Committee Chair Paul Maccini 8/28/13
2. Department Chair [Signature] 8/28/13
3. College/School PCC Chair Dennis J Sullivan SULLIVAN 9/19/13
4. Dean [Signature] 8/28/13
5. Dean of the Graduate School (if required) _____
6. Chair, Senate PCC [Signature] 11/1/13
7. University Senate Chair (if required) _____
8. Senior Vice President and Provost _____

**Departmental Approval Form
(DAF)**

Department of Counseling, Higher Education, and
Special Education Programs

Directions: As noted in the *PCC Review Process within CHSE*, step 4 involves the preparation of materials for submission to the College PCC. The College submission form requires the signatures of the Department Chair and one of the PCC representatives. The process within the Department involves preparing materials using the Campus PCC format for submission, as well as completing a Departmental Approval Form (DAF) that is signed by the Program Area Director to indicate approval at the Program level and by the Department Chair to indicate approval by the DAC. The final step is for one of the Departmental PCC representatives to sign both the DAF and the COE PCC Submission Form (provide at least 3 working days to obtain this signature). Signature by the Department PCC representative does not constitute another layer of "approval" but documents that Departmental procedures have been followed and that the proposal is sufficiently detailed to move forward for review by the COE PCC in which the representatives participate. The Departmental PCC reps may not think of everything that is important to assure that the College PCC does not see any issues within the College and that the proposal is ready for review by the Campus. However, the Departmental Reps can clarify any substantive changes requested by the COE PCC following the discussion of the College PCC. The completed DAF and completed materials will be submitted to the PCC Chair for review at the next College PCC meeting.

I) Course or Programmatic Information:

Course or Program Change: Minor in Leadership Studies Changes

Proposed by: Noah D Drezner

II) Signatures of Approval:

- Approved by Program Area:

Program Area Director (print name and sign):

Steve Klees **Steve Klees**
x5-2212 / sklees@umd.edu

- Approved by DAC:

Department Chair (signature) [Signature] Date: 8/28/13

- Department PCC Representative (need only one the representatives to sign):

Dept. PCC Chair/Co-Chair (signature) Paul Mann Date: Aug 2013

* Note: The Department Chair and one of the Departmental PCC representatives sign the College of Education PCC Submission Form

MEMORANDUM

Date: March 29, 2013

TO: PCC and VPAC
Via Department and College Committees

FROM: Noah D. Drezner, Assistant Professor
Higher Education, Student Affairs, and International Education
Counseling, Higher Education, and Special Education Department

RE: **Minor in Leadership Studies Program Revisions**

This packet contains PCC and VPAC proposals to change the name and curriculum requirements of the Minor in Leadership Studies, add a Certificate in Leadership Studies, and add two additional leadership courses to the Leadership Studies course offerings.

Rationale: The Minor in Leadership Studies has successfully grown in demand and course offerings since its start in fall 2007. To respond to growing interests in leadership studies, the Minor wants to change from a Minor in Leadership Studies to a Leadership Studies program and offer both a Minor and Certificate in Leadership Studies to undergraduate students. By changing the Minor to a Minor and Certificate offering in Leadership Studies, students have greater flexibility in deciding to what degree they want to engage in an academic leadership program. Currently, the goal of the Minor is to prepare students to serve effectively in formal and informal leadership roles in campus, local, national, and global contexts. Students learn leadership theories and models that increases their sense of intrapersonal and interpersonal development and understanding of functioning and working in groups and organizations.

Although the current Minor in Leadership Studies provides Minor students a variety of contextual applications for using leadership theories and models in students' future aspirations, the program has a strong desire to enhance the application of leadership theories and models to practice. In particular, the program will add two additional courses to increase the opportunity students have to enact and engage leadership in the context of social change. The two additional courses will be a yearlong or two-sequential-semester-experience where students research a social issue, develop a plan to utilize leadership theories to address the social issue, and implement and assess their efforts of engaging and creating social change. Instead of increasing the academic requirements of the Minor and limiting students' options for enrollment in the Minor and Minor courses, this proposal is to change the Minor in Leadership Studies to a Minor and Certificate offering in a Leadership Studies program.

The option of a Minor or Certificate in Leadership Studies provides students with greater academic choice and flexibility and allows the program to expand without a concern of limiting or restricting student enrollment. Thus, this proposal seeks to reduce the current Minor in Leadership Studies requirement from 18 to 15 credit hours and add a Certificate in Leadership Studies that is achieved with 21 credit hours. The format of altering the Minor in Leadership Studies to a Leadership Studies Program that offers both a Minor and Certificate is most similar to the University's current LGBT Studies Program that offers undergraduates a certificate and minor.

Packet: This packet contains a cover memo, a grid noting current and proposed curriculum requirements including credit hours and titles. Also, comments and rationale on the proposed changes are included. A syllabus for the new two-semester seminar course is included for new course approval. Materials for advertising the Minor to prospective students are included. PCC and VPAC forms are also included.

Contents	page
Leadership Studies Curricular Program Requirements	3
Current and Proposed Curricular Changes	4
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PCC Cover and Proposal	9
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VPAC Regularize (ADD) Form, EDCP 321 (1 credit)	34

Leadership Studies
Curricular Program Requirement Changes

MINOR Requirement Changes			
Course Number	Current Course Title	Proposed	Comments
EDCP 217 (3)	Introduction to Student Leadership	EDCP 217 (3)	No change
EDCP 315 (3)	Student Leadership in Groups and Organizations	EDCP 315 (3)	No change
EDCP 318 (3)	Applied Contextual Leadership	EDCP 318 (3)	No change
EDCP 418 (3)	Special Topics in Leadership	EDCP 418 (3)	No change
EDCP 417 (3)	Advanced Leadership Seminar	EDCP 417 (3)	No change
One Elective Course from preapproved listing, online (3 credit hours)			
CERTIFICATE Requirement Changes, includes all courses listed above plus the courses listed below			
Two Elective Course from preapproved listing, online (6 credit hours)			
Require Two elective courses (6 cred hours), taken from original Minor requirements (adds one additional elective from proposed Minor requirement)			
Add			
EDCP 320 (2)	Social Action Seminar	EDCP 321 (2)	Add and Regularize as "Social Action Seminar"; new seminar course to research and develop a social action plan using leadership models and theories
EDCP 320 (1)	Advanced Social Action Seminar	EDCP 321 (1)	Add and Regularize as "Advanced Social Action Seminar"; new seminar course to implement and assess a social action plan using leadership models and theories

Current MINOR Course Requirement	Proposed MINOR Changes to Course Requirement
<p>The Minor in Leadership Studies consists of 18 credit hours. No more than six credits can also be applied to a student's major, and no more than six credits may be taken at an institution other than the University of Maryland College Park. No course with an earned grade below C- may count towards the minor.</p> <p><u>Required Courses:</u></p> <ul style="list-style-type: none"> • EDCP 217 - Introduction to Leadership (3 credits) • EDCP 315 - Leadership in Groups and Organizations (3 credits) • EDCP 318 - Applied Contextual Leadership OR EDCP 418 - Leadership and Identity (3 credits) • EDCP 417 - Advanced Leadership Seminar (3 credits) • Two elective course, from a pre-approved elective list found online (total 6 credits) (See Addendum B) 	<p>The Minor in Leadership Studies consists of 15 credit hours. No more than six credits can also be applied to a student's major, and no more than six credits may be taken at an institution other than the University of Maryland College Park. No course with an earned grade below C- may count towards the minor.</p> <p><u>Required Courses:</u></p> <ul style="list-style-type: none"> • EDCP 217 - Introduction to Leadership (3 credits) • EDCP 315 - Leadership in Groups and Organizations (3 credits) • EDCP 318 - Applied Contextual Leadership OR EDCP 418 - Leadership and Identity (3 credits) • EDCP 417 - Advanced Leadership Seminar (3 credits) • ONE elective course, from a pre-approved elective list found online (total 3 credits) (See Addendum B)

Current MINOR Course Requirement	Proposed CERTIFICATE Course Requirement
<p>The Minor in Leadership Studies consists of 18 credit hours. No more than six credits can also be applied to a student's major, and no more than six credits may be taken at an institution other than the University of Maryland College Park. No course with an earned grade below C- may count towards the minor.</p> <p><u>Required Courses:</u></p> <ul style="list-style-type: none"> • EDCP 217 - Introduction to Leadership (3 credits) • EDCP 315 - Leadership in Groups and Organizations (3 credits) • EDCP 318 - Applied Contextual Leadership OR EDCP 418 - Leadership and Identity (3 credits) • EDCP 417 - Advanced Leadership Seminar (3 credits) • Two elective course, from a pre-approved elective list found online (total 6 credits) (See Addendum B) 	<p>The Certificate in Leadership Studies consists of 21 credit hours. No more than six credits can also be applied to a student's major, and no more than six credits may be taken at an institution other than the University of Maryland College Park. No course with an earned grade below C- may count towards the minor.</p> <p><u>Required Courses:</u></p> <ul style="list-style-type: none"> • EDCP 217 - Introduction to Leadership (3 credits) • EDCP 315 - Leadership in Groups and Organizations (3 credits) • EDCP 318 - Applied Contextual Leadership OR EDCP 418 - Leadership and Identity (3 credits) • EDCP 417 - Advanced Leadership Seminar (3 credits) • EDCP 320 – Social Action Seminar (2 credits) • EDCP 321 – Advanced Social Action Seminar (1 credit) • TWO elective course, from a pre-approved elective list found online (total 6 credits) (See Addendum B)

***CURRENT* Minor in Leadership Studies**
Department of Counseling, Higher Education, and Special Education

Description

The EDCP Minor in Leadership Studies promotes college student leadership development by educating undergraduate students *for* and *about* leadership in a complex world. The goal of the minor is to prepare students to serve effectively in formal and informal leadership roles in campus, local, national, and global contexts. Faculty and students in the minor are dedicated to advancing the field of leadership studies by building upon and critically evaluating existing theoretical, research-based, and practical knowledge. Core courses in the minor are sequenced to meet increasingly complex sets of learning outcomes across cognitive, personal development, and group/organizational domains. Students in the minor are exposed to diverse theories and perspectives on leadership and are encouraged to apply analytical skills to develop their own working philosophy of leadership that will serve them in organizational and career contexts. Civic engagement and multicultural competence are viewed as necessary requirements for leadership.

Eligibility

In order to apply for the minor in Leadership Studies, students must have:

1. Completed at least 30 credit hours prior to application to the program.
2. Be in good academic standing.
3. Completed EDCP 217 with a C- or better.
4. Been admitted into the Minor prior to the completion of the final 9 credits of Minor coursework and no later than one full academic year before the expected date of graduation.

The EDCP Minor in Leadership Studies consists of **18 credit hours**. No more than six credits can also be applied to a student's major, and no more than six credits may be taken at an institution other than the University of Maryland College Park. No course with an earned grade below C may count towards the minor.

Application Process

Applications are made available as an online form, during select times each semester, for a period of two weeks. The application will ask eligible students to identify demographic information, a list of (on and off-campus) involvements (if any), and respond to three short-essay questions. Applicants must also provide a resume and an unofficial University transcript. The online form will be made available on the following days:

- Fall 2013 :
 - opening Friday, September 20th at 12:00 p.m.
 - closing Friday, October 4th at 11:59 p.m.

After the closing application date, applications will be reviewed and applicants will be notified within two to three weeks by email.

Selection Criteria:

- Demonstrates a commitment or experience in leadership, either in studying or practicing leadership
- Increases the diversity of students in the Minor

- Illustrates capacity to utilize leadership theories and skills
- Exhibits a commitment to intrapersonal and interpersonal growth and development through the study of leadership

Required Courses

- EDCP 217 - Introduction to Leadership
- EDCP 315 - Leadership in Groups and Organizations
- EDCP 318 - Applied Contextual Leadership
OR
- EDCP 418 - Leadership and Identity
- EDCP 417 - Advanced Leadership Seminar

Elective Courses

Students must choose two 3-credit courses; at least one of the courses must be at the 300 level or higher, from an approved list of electives.

Pre-Approved Elective Courses

African-American Studies Department (AASD), Asian American Studies (AAS), College Park Scholars Program (CPSP), East Asian Studies, Latin American Studies (LASC), Lesbian, Gay, Bisexual, and Transgender Studies Program (LGBT), Women's Studies (WMST).

EDCP courses

Courses in education and counseling expose students to theories of influence, attribution, individual and collective efficacy, interaction and social learning theories, all which shape student leadership development.

EDCP 220 - Introduction to Human Diversity in Social Institutions
 EDCP 310 - Peer Counseling Theory and Skills
 EDCP312 - Multi Ethnic Peer Counseling
 EDCP318 - Applied Contextual Leadership
 EDCP 386 - Experiential Learning**
 EDCP418 - Special Topics in Leadership
 EDCP 420 - Advanced Topics in Human Diversity and Advocacy
 EDCP 470 - Introduction to Student Personnel
 EDCP 489 - Field Experiences in Counseling and Personnel Services**
 EDCP 498 - Special Problems in Counseling and Personnel Services

****subject for approval**

Agriculture & Natural Resources

Colleges of agriculture/extension have long been a home for youth leadership education. Courses focus on developing leadership in youth and contemporary issues in leadership.

AGNR 323 - Developing Youth Leadership Programs

Behavioral and Social Sciences

Courses from the behavioral and social sciences focus on the processes of leadership - the behaviors, skills, and styles that are useful in accomplishing tasks and developing people.

*BSOS 301 - Leadership in a Multicultural Society

Business and Management

The functions of leadership and management are overlapping - both processes involve influencing a group of individuals toward goal attainment. Courses such as entrepreneurship address the role of vision and change in leadership processes.

*BMGT 361 - Entrepreneurship

*BMGT 364 - Management and Organization Theory

Communication

Leadership is often referred to as a special form of communication that modifies the attitudes and behaviors of others in order to meet shared group goals and needs (Hackman & Johnson, 2004). By studying intrapersonal and organizational communication, students learn to analyze processes of influence essential to leadership.

COMM 330 - Argument and Public Policy

COMM 420 - Theories of Group Discussion

COMM 424 - Communication in Complex Organizations

COMM 461 - Voices of Public Leadership in the Twentieth Century

COMM 469 - The Discourse of Social Movements

Higher Education, Student Affairs, and International Education

EDHI 338 Teaching and Learning about Cultural Diversity through Intergroup Dialogue (Note: This is usually a 1-credit course. If you take this course as an elective for the Minor you will still need at least 2 additional credits at the 300/400 level to fulfill one elective course.)

Gemstone

*GEMS 208 - Special Topics in Leadership and Team Development

Journalism

The investigation of ethics is critical when focusing on leadership. Issues such as the moral development of individuals, the influence of role models, values-driven leadership, and creating ethical organizations all must be addressed. Examining the application of ethics in a particular discipline, field, or context is essential to answering the question of "leadership for what purpose?"

*JOUR300 - Journalism Ethics

Psychology

The study of psychology and psychodynamics sheds insight into individual motives for leadership as well as how leadership occurs in groups and organizations. The pathology of leadership has also been examined.

PSYCH221 - Social Psychology

PSYC334 - Psychology of Interpersonal Relationships

PSYC361 - Survey of Industrial and Organizational Psychology

Public Policy

Courses in public policy address political theories of leadership, conflict and coalition-building, and systems of governance.

*PUAF 201 - Leadership for the Common Good

*PUAF 202 - Contemporary Issues in Leadership and Public Policy

PUAF 359C - Contemporary Issues in Political Leadership and Participation: Advocacy in the American Political System

PUAF 359R - Contemporary Issues in Political Leadership and Participation: African American Leadership

PUAF 359W - Contemporary Issues in Political Leadership and Participation: Women in Leadership

Women's Studies

WMST 250 - Introduction to Women's Studies

Current Summary of Credit Hours Required In the Minor

Total Credit Hours Required	
Required Core Courses	12
Electives	6
<hr/>	
TOTAL CREDIT HOURS	18

Sample Schedule for Incoming MINOR in Leadership Studies Student, 15 credit hours

Academic Term Course Number	
Starting Second Year/Sophomore Year, Second Semester	
Fall #1	EDCP 217
Spring #1	Apply to the Minor and EDCP 315
Fall #2	EDCP 318 or 418
Spring #2	Elective #1
Fall #3	EDCP 417

Academic Term Course Number	
Starting Second Year/Sophomore Year, Second Semester	
Spring #1	EDCP 217
Fall #1	Apply to the Minor
Spring #2	EDCP 315 and EDCP 320
Fall #2	EDCP 318 or 418 and EDCP 321
Spring #3	EDCP 417

The proposed EDCP 320 and EDCP 321 sequence totals 3 credit hours and may count as the 1 elective requirement in the proposed Minor curriculum.

Sample Schedule for Incoming CERTIFICATE in Leadership Studies Student, 21 credit hours

Year One/First Year/First Semester	
Fall #1	EDCP 217
Spring #1	Apply to the Minor and EDCP 315
Fall #2	EDCP 318 or 418 and EDCP 320
Spring #2	Elective #1 and EDCP 321
Fall #3	Elective #2
Fall #3	EDCP 417

Year One/First Year/Second Semester	
Spring #1	EDCP 217
Fall #1	Apply to the Minor and Elective #1
Spring #2	EDCP 315 and EDCP 320
Fall #2	EDCP 318 or 418 and EDCP 321
Spring #3	Elective #2 and EDCP 417

The proposed EDCP 320 and EDCP 321 sequence totals 3 credit hours. The semester after enrollment in the Leadership Studies program students will be encouraged to enroll in the Social Action or EDCP 320 and EDCP 321 sequence, to ensure that EDCP 320 and 321 are taken in consecutive semesters.

Proposed Minor in Leadership Studies Changes

Background:

The EDCP Minor in Leadership Studies was approved in May of 2007 and began accepting students during the fall of that year. The Minor promotes college student leadership development by educating undergraduate students *for* and *about* leadership in a complex world. The goal of the minor is to prepare students to serve effectively in formal and informal leadership roles in campus, local, national, and global contexts. Faculty and students in the minor are dedicated to advancing the field of leadership studies by building upon and critically evaluating existing theoretical, research-based, and practical knowledge. Core courses in the minor are sequenced to meet increasingly complex sets of learning outcomes across cognitive, personal development, and group/organizational domains. Students in the minor are exposed to diverse theories and perspectives on leadership and are encouraged to apply analytical skills to develop their own working philosophy of leadership that will serve them in organizational and career contexts. Civic engagement and multicultural competence are viewed as necessary requirements for leadership.

More information on the Minor in Leadership Studies can be found at:

http://www.education.umd.edu/CHSE/academics/degree_programs/MinorLeadershipStudies.html

Abstract of Request:

The current Minor in Leadership curriculum requires Minor students successfully complete 9 courses for a total of 18 credit hours. Instead of increasing the credit hour requirement of the Minor, this proposal is to reduce the Minor requirement from 18 to 15 credit hours and add a Certificate in Leadership Studies. The Certificate in Leadership Studies will require Leadership Studies students to successfully complete 21 credit hours; which increases the original Minor requirement by 3 credit hours. The additional 3 credit hours for the Certificate will come from two new seminar courses that bridge leadership to practice or social action and change.

The two-semester seminar course focuses on bringing leadership and leadership theory into practice through the exploration of a social issue. Students will (1) identify a current and compelling social issue; (2) explore the historical, social, and political aspects of social issues; (3) identify and select applicable leadership theories to confront the social issue; (4) create and develop a plan that integrates leadership theories and the social issue; and (5) implement and evaluate the overall social action project. This course spans two consecutive semesters with students registering for two academic credits in the first semester and one academic credit in the second semester. During the first semester, students will explore, identify, and plan their social action project through a series of readings and assignments. With the development of a social action plan, over the course of the second semester, students will continue to work collaboratively to implement their plans. The two-semester sequence provides students time and opportunity to craft and implement their understanding of leadership and leadership theories in the context of a social issue (see Addendum A for complete syllabus); which is difficult to accomplish in one regular academic semester. This new two-semester seminar course relates to the core values of the Leadership Studies program; which promotes leadership theories in multiple contexts and seeks students to embrace leadership for the purpose of social change and civic engagement. The two new courses are also only made available to students in Leadership Studies.

Impact of Changes:

The proposed changes will not impact any current students enrolled in the Minor. The proposed changes, if approved before fall 2013, will be advertised and implemented for all newly enrolled fall 2013 and future applicants. The application process, that was approved fall 2012, will remain the same. However, instead of applying the Minor in Leadership Studies, students will apply to a Leadership Studies program and self-select if they want to complete the Minor or Certificate option.

Changing the existing Minor requirement, without adding a Certificate, may limit and restrict the number of students interested or able to complete the Minor. Thus, offering a Minor and Certificate increases the ways Leadership Studies students engage with the Program and still allows the Leadership Studies program to offer the two additional social action courses without concern of decreasing student enrollment.

In addition, the option of moving from a Minor that requires 18 credit hours to 15 credit hours better meets the needs of students who may struggle to meet 18 credit hours due to traveling abroad or other course requirements of their major and academic course plan. For students who may travel abroad, the Certificate option may prove to be more difficult since the EDCP 320 and EDCP 321 (two-semester Social Action Seminar) must be completed in consecutive semesters. However, traveling abroad will not impede students from engaging in the program. This demonstrates that a Minor and Certificate option in Leadership Studies only expands students' options and opportunities of graduating with a Minor or Certificate in Leadership Studies.

All current Minor in Leadership Studies eligibility requirements and application processes will remain the same. The current eligibility requirements are the following:

In order to apply for the minor in Leadership Studies, students must have:

1. Completed at least 30 credit hours prior to application to the program.
2. Be in good academic standing.
3. Completed EDCP 217 with a C- or better.
4. Been admitted into the Minor prior to the completion of the final 9 credits of Minor coursework and no later than one full academic year before the expected date of graduation.

After admission in the Leadership Studies program students must indicate if they are interested in the Minor or Certificate track, but students can change their decision while in enrolled as a Leadership Studies student. In addition, in the event a student fails a course in the Leadership Studies program, the student is still bound by the program requirement of completing requirements with at C- or better. That is, no course with an earned grade below C- may count towards the certificate or minor. Students must also have a 2.0 GPA in all courses used to meet the requirements for the certificate program.

ADDENDUM A:
Social Action Seminar & Advanced Social Action Seminar Syllabi

**EDCP 320: Social Action Seminar
and EDCP 321 Advanced Social Action Seminar**

COURSE OVERVIEW

Course Description

The purpose of these courses is to use leadership theories to inform the practice of addressing social issues in society, on campus, or within the surrounding community. Through this course, students will (1) identify a current and compelling social issue; (2) explore the historical, social, and political aspects of social issues; (3) identify and select applicable leadership theories to confront the social issue; (4) create and develop a plan that integrates leadership theories and the social issue; and (5) implement and evaluate the overall social action project. Students will begin their investigation of social issues by reviewing theories and models of leadership that promote social action and change. Using models of social change, students will work collaboratively in small teams to navigate the process of putting theory into action. Students will spend a significant amount of time outside-of-class investigating their selected social issue, developing a social action plan, implementing their plan, and assessing their overall project.

This course spans two semesters with students registering for two academic credits in the first semester and one academic credit in the second semester. During the first semester, students will explore, identify, and plan their social action project through a series of readings and assignments. With the development of a social action plan, over the course of the second semester, students will continue to work collaboratively to implement their plans. The two-semester sequence provides students the time and opportunity to both craft and implement their understanding of leadership and leadership theories in the context of a social issue.

Course Instructor (Office Hours by Appointment)

Daniel Ostick, Ph.D.

Coordinator for Leadership Curriculum Development and Academic Partnerships

Adele H. Stamp Student Union-Center for Campus Life

0110 Stamp Student Union

301-314-1347 (office)

dostick@umd.edu

Course Materials (instructors will supply students with all required text):

Additional readings will be available via Canvas (umd.instructure.com)

Course Learning Objectives

Through active participation in this class, students will:

- Develop an understanding of social action and the relationship between social action and leadership
- Explore the relevance of addressing social issues, problems, and topics
- Foster a sustained commitment towards a social issue that can lead to enhanced awareness around other causes
- Identify and apply leadership theories that can inform and guide the experience of addressing a social issue
- Develop and identify challenges in integrating theory into practice
- Acquire program evaluation and assessment skills through evaluating the limitations and successes of the project
- Gain an understanding around the differences and similarities with leading, participating, and evaluating a long-term project
- Clarify one's leadership self-efficacy, values, and ability to work collaboratively in groups and teams
- Identify and reaffirm a leadership philosophy and lifelong commitment towards leadership

COURSE POLICIES & PROCEDURES

Class Seminar

Our learning community will engage in active learning. We will work together to raise the collective level of meaning of the class content. We will all have the responsibility to advance our understanding of the material in its application to your internships and the world. The class will be based on case study methodology, peer-to-peer knowledge dissemination, teamwork, lectures, and group discussions.

Code of Academic Integrity:

Students will conduct themselves with the highest standards of academic integrity. The UMCP Code of Academic Integrity defines academic dishonesty as “cheating,” “plagiarism,” “fabrication,” or “facilitating academic dishonest.” Academic dishonesty is a serious offense, which will not be tolerated in this class and may result in suspension or expulsion from the University. For more information, see p.43-46 of the University Catalogue; contact the Office of Student Judicial Programs and Student Ethical Development at 301-314-8204; or visit their website at www.inform.umd.edu/jpo/code_acinteg.html. Students are asked to submit the following honor pledge on all papers, assignments, and tests:

I pledge on my honor that I have not given or received any unauthorized assistance on any assignment or examination. – Sign your name

Religious Observations:

Because we are a diverse community and enroll students with many spiritual beliefs, we will be sensitive to students' requests for excused absences and make-up requests due to reasons of religious observances. Be mindful that it is the student's responsibility to inform instructors of any intended absences for religious observances in advance. Notice should be provided as soon as possible.

Course Cancellations/Delays:

Please check with 301-405-SNOW or the university website (www.umd.edu) for any cancellations or delays due to inclement weather or emergencies. You may also sign up for the free university text messaging system, UMD Alerts, and receive text messages with alerts such as cancellations or delays. (www.alert.umd.edu). This course will comply with any university cancellations or delays accordingly.

Students with Disabilities:

Students with disabilities are encouraged to contact the instructors so reasonable accommodations can be made to assist learning and evaluation in the class. In addition, students should contact the Office of Disability Support Services (DSS) to document their disability and identify appropriate accommodations. DSS (301-314-7682) provides a variety of services to students with disabilities; staff are available to consult with students at any time. (www.counseling.umd.edu/DSS). It is the student's responsibility to notify the instructor at the beginning of the semester of any documented disabilities.

Students in Need of Assistance:

The University of Maryland offers a variety of services for students in need of either educational or psychological assistance. **Learning Assistance Services (LAS)** offers services and programs on writing skills, English as a second language, study and time management skills, math skills, and issues for students over 25 years of age. They also offer a range of handouts, available on-line. If you need other educational services or support, please contact your instructor for additional resources.

If you are experiencing personal stress that is interfering with your ability to succeed, please consider contacting the **Counseling Center** or the **Mental Health Service at the University Health Center** for an appointment. The Counseling Center also offers on-line resources on a series of topics.

Learning Assistance Services (LAS)
2201 Shoemaker Hall
Email – LAS-CC@umd.edu
Phone – 301-314-7693

Counseling Center
Shoemaker Hall
Phone – 301-314-7651
Website – www.counseling.umd.edu

Website – www.counseling.umd.edu/LAS

University Health Center, Mental Health Service

2nd Floor, University Health Center (across from The Stamp Student Union)

Phone – 301-314-8106

Website - www.health.umd.edu/services/mentalhealth.html

Participation and Attendance:

Your participation grade is based on several factors:

1. Attendance – your attendance is vital to your class participation grade. If you are more than ten minutes late for a class period, your attendance for that class will not count. Attendance is approximately half of your class participation grade and will suffer as a result of unexcused absences or tardiness.
2. Reading – in order to participate fully in class, all assigned readings must be completed. Failure to complete the readings will be obvious during class discussions and will cause your class participation grade to suffer.
3. Raising and answering questions
4. Sharing ideas, observations, and personal experiences
5. Relating and synthesizing ideas of others
6. Pointing out relationships to earlier discussions
7. Helping others develop their views and ideas
8. Successfully completing non-graded assignments for class.
9. Meeting one on one with your instructor(s) during the semester.
10. Working collaboratively with others in your social action project teams.

You are not expected to have all the “right” answers in every class, nor should you dominate every in-class discussion. You are, however, required to be prepared and contribute regularly to our class discussion. The quality of the discussion in class will depend on how well prepared you are, and how willing you are to share the results of your preparation with the class. Thus, your participation can be based on contributions to in-class discussions, sharing your ideas and work experiences, asking questions of the instructors and other students, and directing the instructors and class to new and relevant material.

Attendance at all class sessions is expected. Unexcused absences from class sessions will impact your participation grade. Absences from a portion of a class session (i.e., late arrivals or early departures) will also be factored into your participation grade. Excused absences will only be provided on a limited basis for illness (self or dependant), religious observations, participation in university activities at the request of university authorities, or compelling circumstance beyond the student’s control. Absences will only be excused with prior notice, in writing, except in case of emergency. For both excused and unexcused absences, students are still responsible for course work missed and turning in assignments on time.

The university has instituted a new attendance policy related to medically necessitated absences (available at <http://www.president.umd.edu/policies/docs/V-100G.pdf>). The general attendance policy is available at <http://www.testudo.umd.edu/soc/atedasse.html>.

Usage of electronic and multimedia devices (e.g., cell phones, iPods, laptops) is not permitted during class time, unless permission was obtained from the instructors.

Course Evaluations

While we hope to create a learning environment in this course that allows students to provide timely feedback to instructors, there are more formal ways we will engage in evaluation as a class. One of these is the university’s campus-wide online course evaluation system, CourseEvalUM. Your participation in this system will make a real contribution to our academic program. We value this student feedback, and other students will benefit from having evaluation data for all courses readily available. CourseEvalUM will be open for students to complete their evaluations at the end of the semester and can go directly to the website (www.courseevalum.umd.edu) to do so. Students will be alerted via their official University e-mail account when the website is active for this semester. Students who complete evaluations for all of their courses in the previous semester (excluding summer), can access the posted results via Testudo's CourseEvalUM

Reporting link for any course on campus that has at least a 70% response rate. More information regarding this system is available at www.irpa.umd.edu/Assessment/CourseEval/stdt_faq.shtml.

Expectations of Instructors

Students can expect their instructors will arrive on time and be prepared for class, respond in a timely fashion to student work, and take students' interests and experiences into consideration when preparing for class. Instructors will be available to students outside the class period. Students are encouraged to make extensive use of instructors in and outside class sessions.

COURSE ASSIGNMENTS

FIRST SEMESTER ASSIGNMENTS

Social Action Brief: (15 points)

You will identify readings and resources that assist you with understanding and defining the term "social issue" and/or "social action". Create a 1-2 page executive briefing on how you conceptualize what constitutes social issue, social action, and a social action project. This executive brief ought to be clear, concise, and succinct. You will share your briefing with your classmates to identify similarities and differences in understanding and defining the term "social issue" and/or "social action".

Individual Annotated Bibliography: (30 points)

Create an annotated bibliography on a selected social issue. Research and review existing literature on your topic to gain a breadth and depth of understanding around the social issue you will address and investigate throughout this two-semester seminar. This annotated bibliography must include at least 5-8 scholarly readings. For each individual reading, you will provide a brief summary of the article, identify central points, and describe how the social issue or topic is addressed in your reading. You will also generate a list of campus and community organizations that engage in social change related to your topic. In your listing of organizations, you will want to describe and identify how the organization does or does not address your topic. Remember, your individual annotated bibliography is intended to help you explore your selected social issue in more breadth and depth. So, to achieve this outcome, you may choose to identify additional points of interest in your readings beyond what is recommended here.

Identify Leadership Theories: (30 points)

Using resources from past leadership courses and additional research on leadership theories or conceptual frameworks, identify leadership theories or conceptual frameworks that are specifically applicable to your group's social action project. The selected theories and conceptual frameworks will inform and guide your project. As a group, you will create a 4-5 page summary of selected theories or conceptual frameworks and identify how they are applicable to your social action project. This summary should convey (1) a clear description of the selected theories or frameworks; (2) examples of how the theory is used in other forms of practice, action or research; and (3) how will you use the selected theories as a guide to inform your project.

Preliminary Plan: (30 points)

Your group will create a 2 -3 page social action plan (single-spaced). This plan needs to address the following questions: (1) what is the social issue your group is addressing and why; (2) what leadership theory (or theories) will your group use to inform and guide your plan; (3) what do you hope to accomplish; (4) how will your group implement a plan; (5) how will you assess the effectiveness of the plan; and finally (6) what are the challenges and limitations of the overall plan. This plan must include a timeline that indicates when and what your group will be doing with the project throughout the year. This is not a traditional research paper – it should be in the format of a report/plan.

Potential Partner Interviews: (20 points)

After identifying a social issue and drafting a preliminary plan, your group will identify an organization or department who addresses an issue closely aligned with your group's issue. Each group member will interview individuals who work with the organization and ideally participate or volunteer with the organization's services in some way. The objective of this immersion experience is to explore how an existing organization addresses either the same or a similar social issue.

This will help your group enhance the preliminary social action plan. Be prepared to share reflections of this experience during class.

Revised Plan: (15 points)

Based on instructor and peer feedback and the immersion experience, revise your preliminary social action plan. This revised plan must demonstrate an integration of ongoing feedback and experiences that will improve and enhance your group's ability to implement your social action project.

Journal Entries: (20 points)

Throughout the courses, individually, you will maintain a journal and provide ongoing reflections on the process of leading and participating in the social action project. These journal entries must reflect your group's ongoing progress and challenges and successes of working with your group members and on the project itself. To provide structure, you may choose to follow the following format:

What did you do over the past few weeks to enact Social Action Plan? (this section should be relatively short, just enough so that we know what it is that you have done)

So What? What did you learn from those experiences? Are these activities helping you to achieve your goals? How does it relate to class discussions and/or readings? You do not receive a grade based on what you did, but rather for what you learned.

Now What? What is next in the implementation of your plan? What might you do in the future (both this semester and beyond) to further your global leadership development?

SECOND SEMESTER ASSIGNMENTS

Digital Images Storyboard Outline: (25 points)

As a group, you will develop a storyboard or outline for presenting your social action project. You will receive feedback about the structure, technology, and reflective learning components from others.

Continue Journal Entries: (20 points)

Throughout the courses, individually, you will maintain a journal and provide ongoing reflections on the process of leading and participating in the social action project. These journal entries must reflect your group's ongoing progress and challenges and successes of working with your group members and on the project itself. To provide structure, you may choose to follow the following format:

What did you do over the past few weeks to enact Social Action Plan? (this section should be relatively short, just enough so that we know what it is that you have done)

So What? What did you learn from those experiences? Are these activities helping you to achieve your goals? How does it relate to class discussions and/or readings? You do not receive a grade based on what you did, but rather for what you learned.

Now What? What is next in the implementation of your plan? What might you do in the future (both this semester and beyond) to further your global leadership development?

Impact Interviews: (25 points)

Each group member will interview and engage with people affected by your social action project. Individually, create a 2-3 page reflection paper on how your group's social action project is influencing and affecting others. This reflection should follow the format of a journal entry, but with more clarity and focus on what you learned from other people.

Presentation on Project Update and Beginning of Digital Story : (30 points)

Your group will create a presentation that provides updates on the overall social action project. Updates will include: (1) overview of accomplishments, (2) challenges thus far with the project, (3) applicability of selected leadership theories, (4) a summary of interviews and engagement with others on how the social action project influences them, (5) any proposed adjustments, and (6) review unfinished elements of the project. The presentation will also include the beginning work on the final digital story presentation.

Digital Story: (50 points)

Your group will develop a short digital story that documents your social action project. This short film (5-7 minutes) will document your work over the past semester and year on your group's social action project. The film tells us the story of your group project, the importance of the social issue, and how leadership theories can inform a social action project.

Public Showcase

The showcase is a chance to share your experiences with other Minor students, the campus community, and any community agencies with which your group worked for the social action project.

Specifics about this project will be discussed throughout the semester. Additional formal expectations and a grading rubric will be provided.

GRADING & ASSESSMENT

Format: Written assignments should be submitted in person during class. Papers should be written double-spaced in 12pt Times New Roman font with one-inch margins unless noted otherwise (NOTE: MS Word does not automatically set 1-inch margins, so please check to be sure that your margins are correct).

Citations: Although much of the work you do for this class will be self-reflective in nature, at times you will find it necessary to consult our text book, readings, or other outside sources of information in completing an assignment. When you do so, it is essential that you properly quote, paraphrase, and give credit to the material that you have consulted. Although APA style is preferred for citations, you may also use MLA or Chicago style if you are more comfortable with one of those styles. Regardless of what style you use, you **MUST** use a recognized style and you **MUST** properly cite any material used that is not your own. Failure to do so may be considered a violation of the honor code. If you need assistance in properly citing sources, please visit the Writing Center for help.

Due dates and late assignments: Assignments turned in late will result in the loss of 10% of the total points for the assignment, plus an additional 10% for each subsequent 24-hour period after the due date time. **If you anticipate having trouble turning an assignment in on time, please make arrangements with your instructors in advance.** Computer and printing problems are **not** acceptable excuses for late papers.

Grading Criteria:

All assignments will be graded with the following criteria:

Content:

The degree to which the student responds to all the specific items in the assignment. The degree to which a student indicates his or her recall and understanding of the material and concepts covered in the course.

Introspection, Elaboration and Synthesis:

The degree to which a student is insightful, thoughtful, innovative and self-aware in the application of course concepts to his or her individual experiences. The degree to which a student provides detail, depth and development in written work. Instructors will be looking for the student's ability to reason and provide rationales for conclusions, the extent of critical thinking, the development of examples and analogies, and the application of leadership concepts. The degree to which the student "brings it all together" and incorporates leadership theory in the creation of new insights, unique products and/or creative solutions.

Form:

The care and clarity with which a student completes papers and presentations. Written assignments should be of very high quality. Grammar, syntax, punctuation and structure of assignments should support and enhance the concepts that the student intends to convey. The organization, clarity and polish of the group presentation should do the same.

In addition to these graded assignments, you may also be given several non-graded assignments which will count towards your participation grade. These are provided to flesh out the material or to prepare you for a class discussion.

Fall Semester

Social Action Brief	15 points
Individual Annotated Bibliography	30 points
Identify Leadership Theories	30 points
Preliminary Plan	30 points
Partner Interviews	20 points
Revised Plan	15 points
Participation Points	50 points
Journal Entries	20 points (2@ 10 points each)
Total Points	210 points

Spring Semester

Digital Images Story Board Outline	25 points
Journal Entries	20 points (2 @ 10 points each)
Impact Interviews	25 points
Plan Update	30 points
Digital Story	50 points
Participation	50 points
Total Points	200 points

97 – 100% = A+
94 – 96.99% = A
90 – 93.99% = A-
87 – 89.99 = B+
84 – 86.99% = B
80 – 83.99% = B-
77 – 79.99% = C+
74 – 76.99% = C
70 – 73.99% = C-
67 – 69.99% = D+
64 – 66.99% = D
60 – 63.99% = D-
59.99% and below = F

Please note that this syllabus is subject to change at any time during this course. All students will be notified if any changes occur.

COURSE CALENDAR – SEMESTER ONE, meeting once a week for 2hours

Class	Topic	Readings/Assignments
Week 1	Introductions Overview of Syllabus Introduction to Social Action	
Week 2	Review and Define Social Action/Change/Justice	<i>Leadership for Better World</i> , Chapter 1 <i>Leadership for Better World</i> , Chapter 12 Astin, H. S. (1996). Leadership for Social Change. <i>About Campus</i> , 1(3), 4-10. DUE: Social Action Brief
Week 3	Explore Social Issues Get into Groups	<i>Johnson</i> , Chapter 9 <i>Reading for Diversity and Social Justice</i> , Chapter 3 & 4
Week 4	Identify Social Issues	Hackman, H. W. (2005). Five essential components for social justice education. <i>Equity & Excellence in Education</i> , 38(2), 103-109. Shields, C. M. (2004). Dialogic leadership for social justice: Overcoming pathologies of silence. <i>Educational Administration Quarterly</i> , 40(1), 109-132
Week 5	Review Leadership Theories, Part I	Avolio, B. J., Walumbwa, F. O., & Weber, T. J. (2009). Leadership: Current theories, research, and future directions. <i>Annual review of psychology</i> , 60, 421-449. DUE: Individual Annotated Bibliography
Week 6	Review Leadership Theories , Part II	van Knippenberg, D., van Knippenberg, B., De Cremer, D., & Hogg, M. A. (2004). Leadership, self, and identity: A review and research agenda. <i>The Leadership Quarterly</i> , 15(6), 825-856.
Week 7	Social Action Constituents	King, B. (2008). A social movement perspective of stakeholder collective action and influence. <i>Business & Society</i> , 47(1), 21-49. DUE: Leadership Theories
Week 8	Social Action Influence (in surrounding communities)	DUE: Preliminary Plan
Week 9	Explore Social Change	<i>Leadership for a Better World</i> , Chapter 4 <i>The Heart of Change</i> , Chapter 1
Week 10	Present Preliminary Plan & Implementing Social Action	DUE: Journal #1
Week 11	Challenges and Limitations with Social Action	
Week 12	Report on Partner Interviews	DUE: Partner Interviews
Week 13	Assessing Social Action	<i>Leadership for the Common Good</i> , Chapter 11
Week 14	Present on Revised Plan	DUE: Journal #2 & Revisited Plan

COURSE CALENDAR – SEMESTER TWO, meeting once every other week for 1 hour

Class	Topic	Readings/Assignments
Session 1	Doing Social Action Project Address Digital Storyboarding	
Session 2	Types of Change & Maintaining Action (individual, community, institutional, cultural, and systemic)	<i>The Heart of Change</i> , Chapter 8 & Conclusion DUE: Digital Storyboard
Session 3	Personal Narratives in Social Action	Nash, R. J. (2008). A personal reflection on educating for meaning. <i>About Campus</i> , 13(2), 17-24. DUE: Journal #3
Session 4	Social Action – Reciprocity?	<i>The Dance of Change</i> , section VII DUE: Impact Papers
Session 5	Presentations & Peer Feedback	DUE: Plan Updates Presentations
Session 6	Sustaining Social Action & Leaving a Legacy	DUE: Journal #4
Session 7	Wrap-Up	DUE: Digital Story
Date? Time?	Public Showcase	



**Department of Counseling, Higher
Education, and Special Education
College of Education**



**University Career Center and The
President's Promise**

This course has been developed through the collaboration and partnership of the Department of Counseling, Higher Education, and Special Education within the College of Education, The Adele H. Stamp Student Union - Center for Campus Life, and the University Career Center and The President's Promise.

Readings

- Adams, M., Hackman, H. W., Peters, M. L., & Zúñiga, X. (2000). *Readings for diversity and social justice*. W. J. Blumenfeld, & R. Castañeda (Eds.). New York, NY: Routledge.
- Astin, H. S. (1996). Leadership for Social Change. *About Campus*, 1(3), 4-10.
- Avolio, B. J., Walumbwa, F. O., & Weber, T. J. (2009). Leadership: Current theories, research, and future directions. *Annual review of psychology*, 60, 421-449.
- Bryson, J. M., & Crosby, B. C. (1992). *Leadership for the common good*. San Francisco, CA: Jossey-Bass.
- Hackman, H. W. (2005). Five essential components for social justice education. *Equity & Excellence in Education*, 38(2), 103-109.
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- Komives, S. R., & Wagner, W. (2012). *Leadership for a better world: Understanding the social change model of leadership development*. Jossey-Bass.
- Kotter, J. P., & Cohen, D. S. (2002) *The Heart of change: Real-life stories of how people change their organizations*. Boston, MA: Harvard Business School Press.
- Nash, R. J. (2008). A personal reflection on educating for meaning. *About Campus*, 13(2), 17-24.
- Senge, P., Kleiner, A., Roberts, C., Ross, R., Roth, G., & Smith, B. (1999). *The Dance of change: The Challenge to sustaining momentum in learning organizations*. New York, NY: Doubleday.
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- van Knippenberg, D., van Knippenberg, B., De Cremer, D., & Hogg, M. A. (2004). Leadership, self, and identity: A review and research agenda. *The Leadership Quarterly*, 15(6), 825-856.

ADDENDUM B: ELECTIVE COURSES

Students must choose two 3-credit courses; at least one of the courses must be at the 300 level or higher, from an approved list of electives.

Pre-Approved Elective Courses

African-American Studies Department (AASD), Asian American Studies (AAS), College Park Scholars Program (CPSP), East Asian Studies, Latin American Studies (LASC), Lesbian, Gay, Bisexual, and Transgender Studies Program (LGBT), Women's Studies (WMST).

EDCP courses

Courses in education and counseling expose students to theories of influence, attribution, individual and collective efficacy, interaction and social learning theories, all which shape student leadership development.

EDCP 220 - Introduction to Human Diversity in Social Institutions
EDCP 310 - Peer Counseling Theory and Skills
EDCP312 - Multi Ethnic Peer Counseling
EDCP318 - Applied Contextual Leadership
EDCP 386 - Experiential Learning**
EDCP418 - Special Topics in Leadership
EDCP 420 - Advanced Topics in Human Diversity and Advocacy
EDCP 470 - Introduction to Student Personnel
EDCP 489 - Field Experiences in Counseling and Personnel Services**
EDCP 498 - Special Problems in Counseling and Personnel Services

****subject for approval**

Agriculture & Natural Resources

Colleges of agriculture/extension have long been a home for youth leadership education. Courses focus on developing leadership in youth and contemporary issues in leadership.

AGNR 323 - Developing Youth Leadership Programs

Behavioral and Social Sciences

Courses from the behavioral and social sciences focus on the processes of leadership - the behaviors, skills, and styles that are useful in accomplishing tasks and developing people.

*BSOS 301 - Leadership in a Multicultural Society

Business and Management

The functions of leadership and management are overlapping - both processes involve

influencing a group of individuals toward goal attainment. Courses such as entrepreneurship address the role of vision and change in leadership processes.

*BMGT 361 - Entrepreneurship

*BMGT 364 - Management and Organization Theory

Communication

Leadership is often referred to as a special form of communication that modifies the attitudes and behaviors of others in order to meet shared group goals and needs (Hackman & Johnson, 2004). By studying intrapersonal and organizational communication, students learn to analyze processes of influence essential to leadership.

COMM 330 - Argument and Public Policy

COMM 420 - Theories of Group Discussion

COMM 424 - Communication in Complex Organizations

COMM 461 - Voices of Public Leadership in the Twentieth Century

COMM 469 - The Discourse of Social Movements

Higher Education, Student Affairs, and International Education

EDHI 338 Teaching and Learning about Cultural Diversity through Intergroup Dialogue (Note: This is usually a 1-credit course. If you take this course as an elective for the Minor you will still need at least 2 additional credits at the 300/400 level to fulfill one elective course.)

Gemstone

*GEMS 208 - Special Topics in Leadership and Team Development

Journalism

The investigation of ethics is critical when focusing on leadership. Issues such as the moral development of individuals, the influence of role models, values-driven leadership, and creating ethical organizations all must be addressed. Examining the application of ethics in a particular discipline, field, or context is essential to answering the question of "leadership for what purpose?"

*JOUR300 - Journalism Ethics

Psychology

The study of psychology and psychodynamics sheds insight into individual motives for leadership as well as how leadership occurs in groups and organizations. The pathology of leadership has also been examined.

PSYCH221 - Social Psychology

PSYC334 - Psychology of Interpersonal Relationships

PSYC361 - Survey of Industrial and Organizational Psychology

Public Policy

Courses in public policy address political theories of leadership, conflict and coalition-building, and systems of governance.

*PUAF 201 - Leadership for the Common Good

*PUAF 202 - Contemporary Issues in Leadership and Public Policy

PUAF 359C - Contemporary Issues in Political Leadership and Participation: Advocacy in the American Political System

PUAF 359R - Contemporary Issues in Political Leadership and Participation: African American Leadership

PUAF 359W - Contemporary Issues in Political Leadership and Participation: Women in Leadership

Women's Studies

WMST 250 - Introduction to Women's Studies



[VPAC Main Page](#)

Add Course Proposal Data Entry Form

Required fields are marked by an asterisk. **Please be sure to complete all required information to avoid a delay in processing. New courses must be accompanied by a syllabus.**

Testudo and the Student Information System (SIS) are both good sources for information on existing courses. In particular, the following SIS screens may be helpful: Approved Course (APCRS); Approved Course Notes (APNOTES); Course (CRS).

Action: *Add Course* General Course Information

(*) College: **College of Education**

(*) Department: **Counseling, Higher Education, and Special Education**

(*) Course Prefix and Number: **EDCP 320**

(*) Proposed Effective Term: **FALL 2013**

(*) Course Title: **Social Action Seminar**

(*) Transcript Title: **Social Action Seminar**

Credit Information

(*) Credits: Minimum Credits: **2** Maximum Credits: **2**

(*) Repeatable to a maximum of 0 hours if content differs.

ATTENTION:

Repeatable courses must use a course number that ends in "8" or "9", e.g., FMST 498. Please consider the appearance of a student's transcript upon graduation when setting the repeatable credit maximum.

(*) Hour commitment per week:

Please see Course Policies page for more information on "contact hours" requirements.

Lecture: Internship: Discussion: Laboratory: Seminar: **2 hours**

AP and CORE

(*) Can Advanced Placement (AP) or International Baccalaureate (IB) be attributed to this course?

Please see the CORE website for information on CORE approval. Proposal forms may be obtained through the Faculty Affairs section of ARES.

Yes ☐ No ☐

(*) Has this course been approved to fulfill a CORE distributive requirement?

Yes ☐ No ☐

PCC

(*) Will this change affect the requirements of an academic degree program?

Contact Academic Planning & Programs for more information 301-405-5626

Yes ☐ No ☐

If so, has a PCC proposal been submitted?

Yes ☐ No ☐

Specific Course Information

(*) Grading Method:

Please see Course Policies page for more information

Regular/Audit (R/A)

Prerequisite(s):

Please use specific course numbers if possible

EDCP 217

Corequisite(s):

Recommended course(s): N/A

Restrictions:

For example: "For BIOE majors only," "Junior standing" or "Not open to students who have completed MATH 220"

Limited to Minor in Leadership Studies students only

Formerly: N/A

Crosslisted with: N/A

Shared with: N/A

Credit will be given for only one of the following courses: N/A

Will this course be offered at another location or through an alternate delivery method? If so, please describe briefly in the comments section.

For example: offered at Shady Grove, online, or in an accelerated format (excepting standard Winter and Summer formats)

Yes ☐ No ☒

Description and Comments

(*) Catalog description:

Keep descriptions short and do not begin with "This course will..." Do not include pre/co-requisite information or title. Sample description (for HIST 344: Revolutionary Russia): An exploration of the roots, dynamics, and consequences of the Russian Revolution of 1917. Major interpretations of the fall of tsarism, social and political forces at play, Leninism and Stalinism.

The purpose of these courses is to use leadership theories to inform the practice of addressing social issues in society, on campus, or within the surrounding community. Throughout this course provide students will (1) identify a current and compelling social issue; (2) explore the historical, social, and political aspects of social issues; (3) identify and select applicable leadership theories to confront the social issue; (4) create and develop a plan that integrates leadership theories and the social issue; and (5) implement and evaluate the overall social action project.

Reason for proposal/comments:

This proposal is to add Social Action Seminar as a required course in the Minor in Leadership Studies curriculum.

Learning outcomes

Outcomes Statement:

A statement of the learning outcomes and related objectives for the course, including the kinds of skills and/or knowledge the students are to take away from the course.

The learning outcomes for this course include developing and fostering a practice for bridging leadership theories and models into action in the context of social issues. Students will explore and identify social issues and create a social action plan to select social issues.

Through active participation in this class, students will:

- Develop an understanding of what is social action and the relationship between social action and leadership
- Explore the relevance of addressing social issues, problems, and topics
- Foster a sustained commitment towards a social issue that can lead into enhanced awareness around other causes
- Identify and apply leadership theories that can inform and guide the experience of addressing a social issue
- Develop and identify challenges in integrating theory into practice
- Acquire program evaluation and assessment skills through evaluating the limitations and successes of the project
- Gain an understanding around the differences and similarities with leading, participating, and evaluating a long-term project
- Clarify one's leadership self-efficacy, values, and ability to work collaboratively in groups and teams
- Identify and reaffirm a leadership philosophy and lifelong commitment towards leadership

Assessment

Assessment Policy:

How will student grades be determined? Assessment policies (including the policy on religious observance) should be explicitly stated, including the attendance policy, if applicable, and the final examination plans for the course.

Evaluation and assessment of students' work in the course will utilize the following criteria: ability to incorporate individual ideas; soundness of arguments and use of evidence (i.e., theories, literature, examples, and empirical research) to justify claims; and writing style (i.e., organization, coherence, transitions, clarity, engagingness, use of headers, logical flow, word choice, free from grammatical and spelling errors).

In accordance with University's policy on attendance, students are required to provide appropriate documentation for illness (of the student or dependent), religious observance, participation in University activities at the request of University authority, and compelling circumstances beyond the students' control. Documentation should align with the date(s) of the absences. Absences without appropriate documentation will affect students' participation grade for the course since a significant part of the course relies on in-class participation. Additionally, students must attempt to notify the instructor as soon as possible that they will be absent from class with a rationale and plans to show the instructor documentation.

Texts/Resources Materials

Provide Examples:

Examples of text, readings, or other resource materials that will be used. (It is understood that the specific texts are subject to change. Examples should, however, provide a representative sample.)

- Adams, M., Hackman, H. W., Peters, M. L., & Zúñiga, X. (2000). *Readings for diversity and social justice*. W. J. Blumenfeld, & R. Castañeda (Eds.). New York, NY: Routledge.
- Astin, H. S. (1996). Leadership for Social Change. *About Campus*, 1(3), 4-10.
- Avolio, B. J., Walumbwa, F. O., & Weber, T. J. (2009). Leadership: Current theories, research, and future directions. *Annual review of psychology*, 60, 421-449.
- Bryson, J. M., & Crosby, B. C. (1992). *Leadership for the common good*. San Francisco, CA: Jossey-Bass.
- Hackman, H. W. (2005). Five essential components for social justice education. *Equity & Excellence in Education*, 38(2), 103-109.
- Johnson, A. G. (2006). *Privilege, power, and difference*. Boston, MA: McGraw-Hill.
- King, B. (2008). A social movement perspective of stakeholder collective action and influence. *Business & Society*, 47(1), 21-49.
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- Kotter, J. P., & Cohen, D. S. (2002) *The Heart of change: Real-life stories of how people change their organizations*. Boston, MA: Harvard Business School Press.
- Nash, R. J. (2008). A personal reflection on educating for meaning. *About Campus*, 13(2), 17-24.
- Senge, P., Kleiner, A., Roberts, C., Ross, R., Roth, G., & Smith, B. (1999). *The Dance of change: The Challenge to sustaining momentum in learning organizations*. New York, NY: Doubleday.
- Shields, C. M. (2004). Dialogic leadership for social justice: Overcoming pathologies of silence. *Educational Administration Quarterly*, 40(1), 109-132
- van Knippenberg, D., van Knippenberg, B., De Cremer, D., & Hogg, M. A. (2004). Leadership, self, and identity: A review and research agenda. *The Leadership Quarterly*, 15(6), 825-856.

Course Pedagogy and Format

Provide Overview:

An overview of the course structure, format, and pedagogies. For example, would the course involve lecture; discussion; laboratories; student presentations; written examinations; oral examinations; papers; homework assignments; or use of the Internet or other IT resources for research, chat rooms, or listservs. A week-by-week schedule would be appropriate.

The premise of this course is to understand and learn about the use of leadership theories and models in promoting and addressing social issues. Knowledge for this course is a joint venture between the instructor and students. The plan for the course is divided into multiple parts. One part is to review and select a leadership theory or model that is applicable to addressing a social issue. Another part is to define and identify relevant social issues where students can use their knowledge of leadership theories and models as a conceptual roadmap and framework for taking action. A third part of the seminar will be to draft a social change plan of action.

For assignments in the course, students will complete written reflections and papers, and develop in-class presentations.

Week 1: Introductions, Overview of Syllabus, Introduction to Social Action

Week 2: Review and Define Social Action/Change/Justice

Week 3: Explore Social Issues, Get into Groups

Week 4: Identify Social Issues

Week 5: Review Leadership Theories, part I

Week 6: Review Leadership Theories, part II

Week 7: Social Action Constitutents

Week 8: Social Action Influence

Week 9: Explore Social Change

Week 10: Present Preliminary Plan & Implementing Social Action

Week 11: Challenges and Limitations with Social Action

Week 12: Report on Partner Interviews

Week 13: Assessing Social Action

Week 14: Present Revised Plan

Other Policies:

The University of Maryland has a range of policies pertaining to academic courses. It is the responsibility of the academic Unit offering a course to ensure that these policies are followed. Please check off the boxes below to indicate that the unit understands and will enforce the relevant policies:

Early Warning Grades? X

Procedures for inclement weather? X

Academic Integrity, including the Honor Pledge X

Accommodations for students with disabilities X



VPAC Main Page

Add Course Proposal Data Entry Form

Required fields are marked by an asterisk. **Please be sure to complete all required information to avoid a delay in processing. New courses must be accompanied by a syllabus.**

Testudo and the Student Information System (SIS) are both good sources for information on existing courses. In particular, the following SIS screens may be helpful: Approved Course (APCRS); Approved Course Notes (APNOTES); Course (CRS).

Action: *Add Course* General Course Information

(*) College: **College of Education**

(*) Department: **Counseling, Higher Education, and Special Education**

(*) Course Prefix and Number: **EDCP 321**

(*) Proposed Effective Term: **FALL 2013**

(*) Course Title: **Advanced Social Action Seminar**

(*) Transcript Title: **Adv. Social Action Seminar**

Credit Information

(*) Credits: Minimum Credits: **1** Maximum Credits: **1**

(*) Repeatable to a maximum of **0** hours if content differs.

ATTENTION:

Repeatable courses must use a course number that ends in "8" or "9", e.g., FMST 498. Please consider the appearance of a student's transcript upon graduation when setting the repeatable credit maximum.

(*) Hour commitment per week:

Please see Course Policies page for more information on "contact hours" requirements.

Lecture: Internship: Discussion: Laboratory: Seminar: **1 hours**

AP and CORE

(*) Can Advanced Placement (AP) or International Baccalaureate (IB) be attributed to this course?

Please see the [CORE website](#) for information on CORE approval. Proposal forms may be obtained through the Faculty Affairs section of [ARES](#).

Yes ☐ No ☒

(*) Has this course been approved to fulfill a CORE distributive requirement?

Yes ☐ No ☒

PCC

(*) Will this change affect the requirements of an academic degree program?

Contact Academic Planning & Programs for more information 301-405-5626

Yes ☒ No ☐

If so, has a PCC proposal been submitted?

Yes ☐ No ☒

Specific Course Information

(*) Grading Method:

Please see Course Policies page for more information

Regular/Audit (R/A)

Prerequisite(s):

Please use specific course numbers if possible

EDCP 217 and EDCP XXX

Corequisite(s):

Recommended course(s): N/A

Restrictions:

For example: "For BIOE majors only," "Junior standing" or "Not open to students who have completed MATH 220"

Limited to Minor in Leadership Studies students only

Formerly: N/A

Crosslisted with: N/A

Shared with: N/A

Credit will be given for only one of the following courses: N/A

Will this course be offered at another location or through an alternate delivery method? If so, please describe briefly in the comments section.

For example: offered at Shady Grove, online, or in an accelerated format (excepting standard Winter and Summer formats)

Yes ☐ No ☒

Description and Comments

(*) Catalog description:

Keep descriptions short and do not begin with "This course will..." Do not include pre/co-requisite information or title. Sample description (for HIST 344: Revolutionary Russia): An exploration of the roots, dynamics, and consequences of the Russian Revolution of 1917. Major interpretations of the fall of tsarism, social and political forces at play, Leninism and Stalinism.

The purpose of these courses is to use leadership theories to inform the practice of addressing social issues in society, on campus, or within the surrounding community. Throughout this course provide students will (1) identify a current and compelling social issue; (2) explore the historical, social, and political aspects of social issues; (3) identify and select applicable leadership theories to confront the social issue; (4) create and develop a plan that integrates leadership theories and the social issue; and (5) implement and evaluate the overall social action project. This advanced seminar course mainly focuses on executing, implementing, and assessing a social action project in small groups and teams.

Reason for proposal/comments:

This proposal is to add Advanced Social Action Seminar as a required course in the Minor in Leadership Studies curriculum.

Learning outcomes

Outcomes Statement:

A statement of the learning outcomes and related objectives for the course, including the kinds of skills and/or knowledge the students are to take away from the course.

The learning outcomes for this course include developing and fostering a practice for bridging leadership theories and models into action in the context of social issues. Students will explore and identify social issues and create a social action plan to select social issues.

Through active participation in this class, students will:

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- Develop and identify challenges in integrating theory into practice
- Acquire program evaluation and assessment skills through evaluating the limitations and successes of the project
- Gain an understanding around the differences and similarities with leading, participating, and evaluating a long-term project
- Clarify one's leadership self-efficacy, values, and ability to work collaboratively in groups and teams
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Assessment

Assessment Policy:

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Evaluation and assessment of students' work in the course will utilize the following criteria: ability to incorporate individual ideas; soundness of arguments and use of evidence (i.e., theories, literature, examples, and empirical research) to justify claims; and writing style (i.e., organization, coherence, transitions, clarity, engagingness, use of headers, logical flow, word choice, free from grammatical and spelling errors).

In accordance with University's policy on attendance, students are required to provide appropriate documentation for illness (of the student or dependent), religious observance, participation in University activities at the request of University authority, and compelling circumstances beyond the students' control. Documentation should align with the date(s) of the absences. Absences without appropriate documentation will affect students' participation grade for the course since a significant part of the course relies on in-class participation. Additionally, students must attempt to notify the instructor as soon as possible that they will be absent from class with a rationale and plans to show the instructor documentation.

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- Bryson, J. M., & Crosby, B. C. (1992). *Leadership for the common good*. San Francisco, CA: Jossey-Bass.
- Hackman, H. W. (2005). Five essential components for social justice education. *Equity & Excellence in Education*, 38(2), 103-109.
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- Komives, S. R., & Wagner, W. (2012). *Leadership for a better world: Understanding the social change model of leadership development*. Jossey-Bass.
- Kotter, J. P., & Cohen, D. S. (2002) *The Heart of change: Real-life stories of how people change their organizations*. Boston, MA: Harvard Business School Press.
- Nash, R. J. (2008). A personal reflection on educating for meaning. *About Campus*, 13(2), 17-24.
- Senge, P., Kleiner, A., Roberts, C., Ross, R., Roth, G., & Smith, B. (1999). *The Dance of change: The Challenge to sustaining momentum in learning organizations*. New York, NY: Doubleday.
- Shields, C. M. (2004). Dialogic leadership for social justice: Overcoming pathologies of silence. *Educational Administration Quarterly*, 40(1), 109-132
- van Knippenberg, D., van Knippenberg, B., De Cremer, D., & Hogg, M. A. (2004). Leadership, self, and identity: A review and research agenda. *The Leadership Quarterly*, 15(6), 825-856.

Course Pedagogy and Format

Provide Overview:

An overview of the course structure, format, and pedagogies. For example, would the course involve lecture; discussion; laboratories; student presentations; written examinations; oral examinations; papers; homework assignments; or use of the Internet or other IT resources for research, chat rooms, or listservs. A week-by-week schedule would be appropriate.

The premise of this course is to understand and learn about the use of leadership theories and models in promoting and addressing social issues. Knowledge for this course is a joint venture between the instructor and students. The plan for the course is divided into multiple parts. The first part is executing and implementing a social action plan in small groups and teams. The second part is to evaluate their social action project. The third part is to develop a digital story to present and speak about their overall social action experiences.

For assignments in the course, students will complete written reflections and papers, and develop in-class presentations.

Session 1: Doing Social Action Project and Address Digital Storyboarding

Session 2: Types of Change and Maintaining Action

Session 3: Personal Narratives in Social Action

Session 4: Social Action – Reciprocity

Session 5: Presentations and Peer Feedback

Session 6: Sustaining Social Action and Leaving a Legacy

Session 7: Wrap Up

Other Policies:

The University of Maryland has a range of policies pertaining to academic courses. It is the responsibility of the academic Unit offering a course to ensure that these policies are followed. Please check off the boxes below to indicate that the unit understands and will enforce the relevant policies:

Early Warning Grades? X

Procedures for inclement weather? X

Academic Integrity, including the Honor Pledge X

Accommodations for students with disabilities X

**EDCP 320: Social Action Seminar
and EDCP 321 Advanced Social Action Seminar**

COURSE OVERVIEW

Course Description

The purpose of these courses is to use leadership theories to inform the practice of addressing social issues in society, on campus, or within the surrounding community. Through this course, students will (1) identify a current and compelling social issue; (2) explore the historical, social, and political aspects of social issues; (3) identify and select applicable leadership theories to confront the social issue; (4) create and develop a plan that integrates leadership theories and the social issue; and (5) implement and evaluate the overall social action project. Students will begin their investigation of social issues by reviewing theories and models of leadership that promote social action and change. Using models of social change, students will work collaboratively in small teams to navigate the process of putting theory into action. Students will spend a significant amount of time outside-of-class investigating their selected social issue, developing a social action plan, implementing their plan, and assessing their overall project.

This course spans two semesters with students registering for two academic credits in the first semester and one academic credit in the second semester. During the first semester, students will explore, identify, and plan their social action project through a series of readings and assignments. With the development of a social action plan, over the course of the second semester, students will continue to work collaboratively to implement their plans. The two-semester sequence provides students the time and opportunity to both craft and implement their understanding of leadership and leadership theories in the context of a social issue.

Course Instructor (Office Hours by Appointment)

Daniel Ostick, Ph.D.

Coordinator for Leadership Curriculum Development and Academic Partnerships

Adele H. Stamp Student Union-Center for Campus Life

0110 Stamp Student Union

301-314-1347 (office)

dostick@umd.edu

Course Materials (instructors will supply students with all required text):

Additional readings will be available via Canvas (umd.instructure.com)

Course Learning Objectives

Through active participation in this class, students will:

- Develop an understanding of social action and the relationship between social action and leadership
- Explore the relevance of addressing social issues, problems, and topics
- Foster a sustained commitment towards a social issue that can lead to enhanced awareness around other causes
- Identify and apply leadership theories that can inform and guide the experience of addressing a social issue
- Develop and identify challenges in integrating theory into practice
- Acquire program evaluation and assessment skills through evaluating the limitations and successes of the project

- Gain an understanding around the differences and similarities with leading, participating, and evaluating a long-term project
- Clarify one's leadership self-efficacy, values, and ability to work collaboratively in groups and teams
- Identify and reaffirm a leadership philosophy and lifelong commitment towards leadership

COURSE POLICIES & PROCEDURES

Class Seminar

Our learning community will engage in active learning. We will work together to raise the collective level of meaning of the class content. We will all have the responsibility to advance our understanding of the material in its application to your internships and the world. The class will be based on case study methodology, peer-to-peer knowledge dissemination, teamwork, lectures, and group discussions.

Code of Academic Integrity:

Students will conduct themselves with the highest standards of academic integrity. The UMCP Code of Academic Integrity defines academic dishonesty as "cheating," "plagiarism," "fabrication," or "facilitating academic dishonesty." Academic dishonesty is a serious offense, which will not be tolerated in this class and may result in suspension or expulsion from the University. For more information, see p.43-46 of the University Catalogue; contact the Office of Student Judicial Programs and Student Ethical Development at 301-314-8204; or visit their website at www.inform.umd.edu/jpo/code_acinteg.html. Students are asked to submit the following honor pledge on all papers, assignments, and tests:

I pledge on my honor that I have not given or received any unauthorized assistance on any assignment or examination. – Sign your name

Religious Observations:

Because we are a diverse community and enroll students with many spiritual beliefs, we will be sensitive to students' requests for excused absences and make-up requests due to reasons of religious observances. Be mindful that it is the student's responsibility to inform instructors of any intended absences for religious observances in advance. Notice should be provided as soon as possible.

Course Cancellations/Delays:

Please check with 301-405-SNOW or the university website (www.umd.edu) for any cancellations or delays due to inclement weather or emergencies. You may also sign up for the free university text messaging system, UMD Alerts, and receive text messages with alerts such as cancellations or delays. (www.alert.umd.edu). This course will comply with any university cancellations or delays accordingly.

Students with Disabilities:

Students with disabilities are encouraged to contact the instructors so reasonable accommodations can be made to assist learning and evaluation in the class. In addition, students should contact the Office of Disability Support Services (DSS) to document their disability and identify appropriate accommodations. DSS (301-314-7682) provides a variety of services to students with disabilities; staff are available to consult with students at any time. (www.counseling.umd.edu/DSS). It is the student's responsibility to notify the instructor at the beginning of the semester of any documented disabilities.

Students in Need of Assistance:

The University of Maryland offers a variety of services for students in need of either educational or psychological assistance. **Learning Assistance Services (LAS)** offers services and programs on writing skills, English as a second language, study and time management skills, math skills, and issues for

students over 25 years of age. They also offer a range of handouts, available on-line. If you need other educational services or support, please contact your instructor for additional resources.

If you are experiencing personal stress that is interfering with your ability to succeed, please consider contacting the **Counseling Center** or the **Mental Health Service at the University Health Center** for an appointment. The Counseling Center also offers on-line resources on a series of topics.

Learning Assistance Services (LAS)
2201 Shoemaker Hall
Email – LAS-CC@umd.edu
Phone – 301-314-7693
Website – www.counseling.umd.edu/LAS

Counseling Center
Shoemaker Hall
Phone – 301-314-7651
Website – www.counseling.umd.edu

University Health Center, Mental Health Service
2nd Floor, University Health Center (across from The Stamp Student Union)
Phone – 301-314-8106
Website - www.health.umd.edu/services/mentalhealth.html

Participation and Attendance:

Your participation grade is based on several factors:

11. Attendance – your attendance is vital to your class participation grade. If you are more than ten minutes late for a class period, your attendance for that class will not count. Attendance is approximately half of your class participation grade and will suffer as a result of unexcused absences or tardiness.
12. Reading – in order to participate fully in class, all assigned readings must be completed. Failure to complete the readings will be obvious during class discussions and will cause your class participation grade to suffer.
13. Raising and answering questions
14. Sharing ideas, observations, and personal experiences
15. Relating and synthesizing ideas of others
16. Pointing out relationships to earlier discussions
17. Helping others develop their views and ideas
18. Successfully completing non-graded assignments for class.
19. Meeting one on one with your instructor(s) during the semester.
20. Working collaboratively with others in your social action project teams.

You are not expected to have all the “right” answers in every class, nor should you dominate every in-class discussion. You are, however, required to be prepared and contribute regularly to our class discussion. The quality of the discussion in class will depend on how well prepared you are, and how willing you are to share the results of your preparation with the class. Thus, your participation can be based on contributions to in-class discussions, sharing your ideas and work experiences, asking questions of the instructors and other students, and directing the instructors and class to new and relevant material.

Attendance at all class sessions is expected. Unexcused absences from class sessions will impact your participation grade. Absences from a portion of a class session (i.e., late arrivals or early departures) will also be factored into your participation grade. Excused absences will only be provided on a limited basis for illness (self or dependant), religious observations, participation in university activities at the request of university authorities, or compelling circumstance beyond the student’s control. Absences will only be excused with prior notice, in writing, except in case of emergency. For both excused and unexcused absences, students are still responsible for course work missed and turning in assignments on time.

The university has instituted a new attendance policy related to medically necessitated absences (available at <http://www.president.umd.edu/policies/docs/V-100G.pdf>). The general attendance policy is available at <http://www.testudo.umd.edu/soc/atedasse.html>.

Usage of electronic and multimedia devices (e.g., cell phones, iPods, laptops) is not permitted during class time, unless permission was obtained from the instructors.

Course Evaluations

While we hope to create a learning environment in this course that allows students to provide timely feedback to instructors, there are more formal ways we will engage in evaluation as a class. One of these is the university's campus-wide online course evaluation system, CourseEvalUM. Your participation in this system will make a real contribution to our academic program. We value this student feedback, and other students will benefit from having evaluation data for all courses readily available. CourseEvalUM will be open for students to complete their evaluations at the end of the semester and can go directly to the website (www.courseevalum.umd.edu) to do so. Students will be alerted via their official University e-mail account when the website is active for this semester. Students who complete evaluations for all of their courses in the previous semester (excluding summer), can access the posted results via Testudo's CourseEvalUM Reporting link for any course on campus that has at least a 70% response rate. More information regarding this system is available at www.irpa.umd.edu/Assessment/CourseEval/stdt_faq.shtml.

Expectations of Instructors

Students can expect their instructors will arrive on time and be prepared for class, respond in a timely fashion to student work, and take students' interests and experiences into consideration when preparing for class. Instructors will be available to students outside the class period. Students are encouraged to make extensive use of instructors in and outside class sessions.

COURSE ASSIGNMENTS

FIRST SEMESTER ASSIGNMENTS

Social Action Brief: (15 points)

You will identify readings and resources that assist you with understanding and defining the term "social issue" and/or "social action". Create a 1-2 page executive briefing on how you conceptualize what constitutes social issue, social action, and a social action project. This executive brief ought to be clear, concise, and succinct. You will share your briefing with your classmates to identify similarities and differences in understanding and defining the term "social issue" and/or "social action".

Individual Annotated Bibliography: (30 points)

Create an annotated bibliography on a selected social issue. Research and review existing literature on your topic to gain a breadth and depth of understanding around the social issue you will address and investigate throughout this two-semester seminar. This annotated bibliography must include at least 5-8 scholarly readings. For each individual reading, you will provide a brief summary of the article, identify central points, and describe how the social issue or topic is addressed in your reading. You will also generate a list of campus and community organizations that engage in social change related to your topic. In your listing of organizations, you will want to describe and identify how the organization does or does not address your topic. Remember, your individual annotated bibliography is intended to help you explore

your selected social issue in more breadth and depth. So, to achieve this outcome, you may choose to identify additional points of interest in your readings beyond what is recommended here.

Identify Leadership Theories: (30 points)

Using resources from past leadership courses and additional research on leadership theories or conceptual frameworks, identify leadership theories or conceptual frameworks that are specifically applicable to your group's social action project. The selected theories and conceptual frameworks will inform and guide your project. As a group, you will create a 4-5 page summary of selected theories or conceptual frameworks and identify how they are applicable to your social action project. This summary should convey (1) a clear description of the selected theories or frameworks; (2) examples of how the theory is used in other forms of practice, action or research; and (3) how will you use the selected theories as a guide to inform your project.

Preliminary Plan: (30 points)

Your group will create a 2 -3 page social action plan (single-spaced). This plan needs to address the following questions: (1) what is the social issue your group is addressing and why; (2) what leadership theory (or theories) will your group use to inform and guide your plan; (3) what do you hope to accomplish; (4) how will your group implement a plan; (5) how will you assess the effectiveness of the plan; and finally (6) what are the challenges and limitations of the overall plan. This plan must include a timeline that indicates when and what your group will be doing with the project throughout the year. This is not a traditional research paper – it should be in the format of a report/plan.

Potential Partner Interviews: (20 points)

After identifying a social issue and drafting a preliminary plan, your group will identify an organization or department who addresses an issue closely aligned with your group's issue. Each group member will interview individuals who work with the organization and ideally participate or volunteer with the organization's services in some way. The objective of this immersion experience is to explore how an existing organization addresses either the same or a similar social issue. This will help your group enhance the preliminary social action plan. Be prepared to share reflections of this experience during class.

Revised Plan: (15 points)

Based on instructor and peer feedback and the immersion experience, revise your preliminary social action plan. This revised plan must demonstrate an integration of ongoing feedback and experiences that will improve and enhance your group's ability to implement your social action project.

Journal Entries: (20 points)

Throughout the courses, individually, you will maintain a journal and provide ongoing reflections on the process of leading and participating in the social action project. These journal entries must reflect your group's ongoing progress and challenges and successes of working with your group members and on the project itself. To provide structure, you may choose to follow the following format:

What did you do over the past few weeks to enact Social Action Plan? (this section should be relatively short, just enough so that we know what it is that you have done)

So What? What did you learn from those experiences? Are these activities helping you to achieve your goals? How does it relate to class discussions and/or readings? You do not receive a grade based on what you did, but rather for what you learned.

Now What? What is next in the implementation of your plan? What might you do in the future (both this semester and beyond) to further your global leadership development?

SECOND SEMESTER ASSIGNMENTS

Digital Images Storyboard Outline: (25 points)

As a group, you will develop a storyboard or outline for presenting your social action project. You will receive feedback about the structure, technology, and reflective learning components from others.

Continue Journal Entries: (20 points)

Throughout the courses, individually, you will maintain a journal and provide ongoing reflections on the process of leading and participating in the social action project. These journal entries must reflect your group's ongoing progress and challenges and successes of working with your group members and on the project itself. To provide structure, you may choose to follow the following format:

What did you do over the past few weeks to enact Social Action Plan? (this section should be relatively short, just enough so that we know what it is that you have done)

So What? What did you learn from those experiences? Are these activities helping you to achieve your goals? How does it relate to class discussions and/or readings? You do not receive a grade based on what you did, but rather for what you learned.

Now What? What is next in the implementation of your plan? What might you do in the future (both this semester and beyond) to further your global leadership development?

Impact Interviews: (25 points)

Each group member will interview and engage with people affected by your social action project. Individually, create a 2-3 page reflection paper on how your group's social action project is influencing and affecting others. This reflection should follow the format of a journal entry, but with more clarity and focus on what you learned from other people.

Presentation on Project Update and Beginning of Digital Story : (30 points)

Your group will create a presentation that provides updates on the overall social action project. Updates will include: (1) overview of accomplishments, (2) challenges thus far with the project, (3) applicability of selected leadership theories, (4) a summary of interviews and engagement with others on how the social action project influences them, (5) any proposed adjustments, and (6) review unfinished elements of the project. The presentation will also include the beginning work on the final digital story presentation.

Digital Story: (50 points)

Your group will develop a short digital story that documents your social action project. This short film (5-7 minutes) will document your work over the past semester and year on your group's social action project. The film tells us the story of your group project, the importance of the social issue, and how leadership theories can inform a social action project.

Public Showcase

The showcase is a chance to share your experiences with other Minor students, the campus community, and any community agencies with which your group worked for the social action project.

Specifics about this project will be discussed throughout the semester. Additional formal expectations and a grading rubric will be provided.

GRADING & ASSESSMENT

Format: Written assignments should be submitted in person during class. Papers should be written double-spaced in 12pt Times New Roman font with one-inch margins unless noted otherwise (NOTE: MS Word does not automatically set 1-inch margins, so please check to be sure that your margins are correct).

Citations: Although much of the work you do for this class will be self-reflective in nature, at times you will find it necessary to consult our text book, readings, or other outside sources of information in completing an assignment. When you do so, it is essential that you properly quote, paraphrase, and give credit to the material that you have consulted. Although APA style is preferred for citations, you may also use MLA or Chicago style if you are more comfortable with one of those styles. Regardless of what style you use, you **MUST** use a recognized style and you **MUST** properly cite any material used that is not your own. Failure to do so may be considered a violation of the honor code. If you need assistance in properly citing sources, please visit the Writing Center for help.

Due dates and late assignments: Assignments turned in late will result in the loss of 10% of the total points for the assignment, plus an additional 10% for each subsequent 24-hour period after the due date time. **If you anticipate having trouble turning an assignment in on time, please make arrangements with your instructors in advance.** Computer and printing problems are **not** acceptable excuses for late papers.

Grading Criteria:

All assignments will be graded with the following criteria:

Content:

The degree to which the student responds to all the specific items in the assignment. The degree to which a student indicates his or her recall and understanding of the material and concepts covered in the course.

Introspection, Elaboration and Synthesis:

The degree to which a student is insightful, thoughtful, innovative and self-aware in the application of course concepts to his or her individual experiences. The degree to which a student provides detail, depth and development in written work. Instructors will be looking for the student's ability to reason and provide rationales for conclusions, the extent of critical thinking, the development of examples and analogies, and the application of leadership concepts. The degree to which the student "brings it all together" and incorporates leadership theory in the creation of new insights, unique products and/or creative solutions.

Form:

The care and clarity with which a student completes papers and presentations. Written assignments should be of very high quality. Grammar, syntax, punctuation and structure of assignments should support and enhance the concepts that the student intends to convey. The organization, clarity and polish of the group presentation should do the same.

In addition to these graded assignments, you may also be given several non-graded assignments which will count towards your participation grade. These are provided to flesh out the material or to prepare you for a class discussion.

Fall Semester

Social Action Brief	15 points
Individual Annotated Bibliography	30 points
Identify Leadership Theories	30 points
Preliminary Plan	30 points
Partner Interviews	20 points
Revised Plan	15 points
Participation Points	50 points
Journal Entries	20 points (2@ 10 points each)
Total Points	210 points

Spring Semester

Digital Images Story Board Outline	25 points
Journal Entries	20 points (2 @ 10 points each)
Impact Interviews	25 points
Plan Update	30 points
Digital Story	50 points
Participation	50 points
Total Points	200 points

97 – 100% = A+
94 – 96.99% = A
90 – 93.99% = A-
87 – 89.99 = B+
84 – 86.99% = B
80 – 83.99% = B-
77 – 79.99% = C+
74 – 76.99% = C
70 – 73.99% = C-
67 – 69.99% = D+
64 – 66.99% = D
60 – 63.99% = D-
59.99% and below = F

Please note that this syllabus is subject to change at any time during this course. All students will be notified if any changes occur.

COURSE CALENDAR – SEMESTER ONE, meeting once a week for 2hours

Class	Topic	Readings/Assignments
Week 1	Introductions Overview of Syllabus Introduction to Social Action	
Week 2	Review and Define Social Action/Change/Justice	<i>Leadership for Better World</i> , Chapter 1 <i>Leadership for Better World</i> , Chapter 12 Astin, H. S. (1996). Leadership for Social Change. <i>About Campus</i> , 1(3), 4-10. DUE: Social Action Brief
Week 3	Explore Social Issues Get into Groups	<i>Johnson</i> , Chapter 9 <i>Reading for Diversity and Social Justice</i> , Chapter 3 & 4
Week 4	Identify Social Issues	Hackman, H. W. (2005). Five essential components for social justice education. <i>Equity & Excellence in Education</i> , 38(2), 103-109. Shields, C. M. (2004). Dialogic leadership for social justice: Overcoming pathologies of silence. <i>Educational Administration Quarterly</i> , 40(1), 109-132
Week 5	Review Leadership Theories, Part I	Avolio, B. J., Walumbwa, F. O., & Weber, T. J. (2009). Leadership: Current theories, research, and future directions. <i>Annual review of psychology</i> , 60, 421-449. DUE: Individual Annotated Bibliography
Week 6	Review Leadership Theories , Part II	van Knippenberg, D., van Knippenberg, B., De Cremer, D., & Hogg, M. A. (2004). Leadership, self, and identity: A review and research agenda. <i>The Leadership Quarterly</i> , 15(6), 825-856.
Week 7	Social Action Constituents	King, B. (2008). A social movement perspective of stakeholder collective action and influence. <i>Business & Society</i> , 47(1), 21-49. DUE: Leadership Theories
Week 8	Social Action Influence (in surrounding communities)	DUE: Preliminary Plan
Week 9	Explore Social Change	<i>Leadership for a Better World</i> , Chapter 4 <i>The Heart of Change</i> , Chapter 1
Week 10	Present Preliminary Plan & Implementing Social Action	DUE: Journal #1
Week 11	Challenges and Limitations with Social Action	
Week 12	Report on Partner Interviews	DUE: Partner Interviews
Week 13	Assessing Social Action	<i>Leadership for the Common Good</i> , Chapter 11
Week 14	Present on Revised Plan	DUE: Journal #2 & Revisited Plan

COURSE CALENDAR – SEMESTER TWO, meeting once every other week for 1 hour

Class	Topic	Readings/Assignments
Session 1	Doing Social Action Project Address Digital Storyboarding	
Session 2	Types of Change & Maintaining Action (individual, community, institutional, cultural, and systemic)	<i>The Heart of Change</i> , Chapter 8 & Conclusion DUE: Digital Storyboard
Session 3	Personal Narratives in Social Action	Nash, R. J. (2008). A personal reflection on educating for meaning. <i>About Campus</i> , 13(2), 17-24. DUE: Journal #3
Session 4	Social Action – Reciprocity?	<i>The Dance of Change</i> , section VII DUE: Impact Papers
Session 5	Presentations & Peer Feedback	 DUE: Plan Updates Presentations
Session 6	Sustaining Social Action & Leaving a Legacy	 DUE: Journal #4
Session 7	Wrap-Up	 DUE: Digital Story
Date? Time?	Public Showcase	



**Department of Counseling, Higher
Education, and Special Education
College of Education**



**University Career Center and The
President's Promise**

This course has been developed through the collaboration and partnership of the Department of Counseling, Higher Education, and Special Education within the College of Education, The Adele H. Stamp Student Union - Center for Campus Life, and the University Career Center and The President's Promise.

Readings

- Adams, M., Hackman, H. W., Peters, M. L., & Zúñiga, X. (2000). *Readings for diversity and social justice*. W. J. Blumenfeld, & R. Castañeda (Eds.). New York, NY: Routledge.
- Astin, H. S. (1996). Leadership for Social Change. *About Campus*, 1(3), 4-10.
- Avolio, B. J., Walumbwa, F. O., & Weber, T. J. (2009). Leadership: Current theories, research, and future directions. *Annual review of psychology*, 60, 421-449.
- Bryson, J. M., & Crosby, B. C. (1992). *Leadership for the common good*. San Francisco, CA: Jossey-Bass.
- Hackman, H. W. (2005). Five essential components for social justice education. *Equity & Excellence in Education*, 38(2), 103-109.
- Johnson, A. G. (2006). *Privilege, power, and difference*. Boston, MA: McGraw-Hill.
- King, B. (2008). A social movement perspective of stakeholder collective action and influence. *Business & Society*, 47(1), 21-49.
- Komives, S. R., & Wagner, W. (2012). *Leadership for a better world: Understanding the social change model of leadership development*. Jossey-Bass.
- Kotter, J. P., & Cohen, D. S. (2002) *The Heart of change: Real-life stories of how people change their organizations*. Boston, MA: Harvard Business School Press.
- Nash, R. J. (2008). A personal reflection on educating for meaning. *About Campus*, 13(2), 17-24.
- Senge, P., Kleiner, A., Roberts, C., Ross, R., Roth, G., & Smith, B. (1999). *The Dance of change: The Challenge to sustaining momentum in learning organizations*. New York, NY: Doubleday.
- Shields, C. M. (2004). Dialogic leadership for social justice: Overcoming pathologies of silence. *Educational Administration Quarterly*, 40(1), 109-132
- van Knippenberg, D., van Knippenberg, B., De Cremer, D., & Hogg, M. A. (2004). Leadership, self, and identity: A review and research agenda. *The Leadership Quarterly*, 15(6), 825-856.

Synopsis of Recommended Substantive Changes to the University's Search & Selection Guidelines

December 3, 2013

A year ago, a task force of the University Equity Council, led by Chief Diversity Officer Kumea Shorter-Gooden, undertook a revision of the campus guidelines on search and selection. The Task Force solicited feedback from the campus community, reviewed the practices of peer institutions, and considered national “best practices” in faculty and staff search and selection. The Task Force is recommending changes, based on contemporary social, technological and workforce realities, which will create a more flexible and nimble process, while safeguarding and strengthening the University’s commitment to equity and diversity. Substantive changes are proposed in several areas:

- Diversity of Search Committees and Applicant Pools
- Filling Positions in Pay Bands 1 and 2
- Interactions between the Hiring Official and the Search Committee during the Search Process
- Use of the Internet and Social Media
- Use of Search Firms
- Responsibility and Authority Structure

The proposed substantive changes have been reviewed and approved by the Equity Council, the Council of Deans, and the Vice Presidents. However, the current *Procedures & Guidelines for Conducting Searches at the University of Maryland* (2007) continue to be in effect until President Loh approves a new version.

Diversity of Search Committees and Applicant Pools

The University reaffirms the importance of diversity, particularly racial/ethnic and gender diversity, in Search Committees, applicant pools, and finalist lists.

Search Committee Composition

Hiring Officials are expected to convene Search Committees that are diverse, particularly with respect to race/ethnicity and gender. In appointing members, Hiring Officials may also consider other forms of diversity. The objective is to assemble a team of individuals reflecting a broad range of backgrounds, skills, experiences and attributes relevant to the search and the nature of the position.

In completing the Search & Selection Plan, Hiring Officials will be asked to note the race/ethnicity and gender of Search Committee members. In addition, Hiring Officials may include a brief statement as to why the individuals selected for the Search Committee contribute to the diversity objective of the specific search.

Applicant Pool Composition

Search Committees are expected to forward to the Hiring Official a finalist list that is diverse with respect to race/ethnicity and gender. To achieve this, diversity should be considered at all stages in the process (from the initial applicant pool, to the semi-finalist list, and then to the finalist list).

When the semi-finalist pool is not diverse with respect to race/ethnicity and gender (and prior to finalizing the semi-finalist interviews), Search Committee Chairs are expected to consult with the Equity Administrator to consider strategies to diversify the pool. Moreover, prior to finalists being forwarded to the Hiring Official, Equity Administrators must review the finalist pool for diversity.

Filling Positions in Pay Bands 1 and 2

To expedite the search process and streamline the amount of time it takes to fill many positions, exempt positions in Pay Bands 1 and 2 should generally be filled without the use of a Search Committee.

Even when there is no Search Committee, Hiring Officials should consider the inclusion of others in the search process, so that the Hiring Official gets the benefit of feedback from multiple sources and so that prospective candidates have the opportunity to learn about the unit/department from the vantage points of different people.

Prior to the interviews, the Equity Administrator reviews a list of proposed interviewees in order to assure an equitable process and a diverse pool. If the proposed interview pool is not diverse with respect to race/ethnicity and gender, the Hiring Official must document his/her due diligence in recruiting and advancing diverse candidates.

Hiring Officials who are hiring exempt staff in Pay Bands 1 and 2 will be expected to complete Search & Selection Training in order to assure their understanding of the process of hiring without a Search Committee, particularly the equity and diversity considerations.

Search procedures using Search Committees are required for exempt positions in Pay Bands 3, 4 and 5 (and are an option, if desired by the Hiring Official, for Pay Bands 1 and 2).

Interactions between the Hiring Official and the Search Committee during the Search and Selection Process

The aim of UM's search and selection process is to attract and hire a diverse, qualified workforce. Both the Hiring Official and the Search Committee play important roles in this process. The Hiring Official typically has substantial and in-depth knowledge about the responsibilities of the position and the qualifications and qualities that are necessary in a candidate to serve effectively. The Search Committee brings a broader and more diverse set of perspectives and insights to the process, and contributes to the fairness and equity of the search process by applying uniform and consistent practices to all candidates throughout the process under the guidance of the Equity Administrator. For some positions, particularly at higher levels of the University, the Hiring Official can serve a valuable "marketing" role, helping to sustain and deepen candidates' interests.

A foremost consideration is fairness and equity—that all candidates be given a fair chance to demonstrate their capacity and that no candidates be treated in a way that differentially favors one over another.

Given this, at times it may be appropriate, in a carefully crafted manner, for the Hiring Official to be actively involved with the Search Committee and, in some exceptional instances, directly with candidates.

For example, in consultation with the Equity Administrator, Hiring Officials may review candidates' applications; interact in a structured manner with candidates who have been deemed semi-finalists by the Search Committee for the purpose of providing information about their vision of the unit/department and responding to the candidates' questions; and meet with the Search Committee to address questions from the Search Committee or to get updates on the search process.

Hiring Officials may *not* serve as a member of the Search Committee; meet with candidates or semi-finalists for the purpose of screening/interviewing them in lieu of the Search Committee's screening/interviewing process; or unilaterally add candidates to the semi-finalist or finalist lists.

Use of the Internet and Social Media

Conducting internet research on applicants for employment by entering their names in search engines (such as Google or Bing) and on blogs, social networks and websites (such as Facebook, Twitter and YouTube) can lead to the discovery of information about applicants not otherwise available in the search and selection process. However, some of that information may be unverifiable, anonymous and/or untrue. In addition, such information may not accurately predict how well an applicant may perform in the job. Finally, information such as race, age, disability status, religious affiliation, or political affiliation may be protected from use under the University's nondiscrimination policies. Because of these concerns:

- The internet and social media may be used to post positions and recruit applicants.
- Applicants will be informed when they apply online that the University may use the internet and social media sites to verify information related to their ability to perform the job.
- Internet searches and/or social media sites should not be used as the only or primary source for information or reference checks.
- Search Committees should not use information found through internet searches and/or social media unless the information is related to the essential functions of the specific job and verified.
- Information pertaining to personal characteristics or traits that are not job-related, such as race, religious affiliation, and sexual orientation, should not be considered in the hiring process.

Use of Search Firms

Departments must obtain the approval of the Major Unit Head (President, Vice President or Dean) and the Director or Associate Director of University Human Resources in order to use a search firm. Search firms must agree by contract to adhere to the University's Search & Selection Guidelines and standards of diversity, equity and confidentiality.

The search firm may be hired to do applicant recruitment, applicant screening, or applicant interviewing in advance of the Search Committee. The Search Committee must be provided access to all applicant materials, and the Search Committee decides which applicants to interview and then conducts interviews (by itself or in conjunction with the search firm). Search firms must have the approval of the Search Committee Chair before releasing any applicants from the search process.

Responsibility and Authority Structure

Each Major Unit Head (President, Vice President or Dean) is responsible for their Division, College or School's adherence to the Search & Selection Guidelines. Major Unit Heads empower Equity Administrators to act on their behalf to assure equity and diversity in the search and selection process. If situations arise where the Hiring Official, Search Committee or Search Chair believe that there are grounds for an exception to any of the approved Search & Selection Guidelines, the Equity Administrator must be consulted for approval. The Equity Administrator may consult with the University Equity Administrator. If there is disagreement on how to proceed, the Major Unit Head or their designee has ultimate decision-making authority.

If the Equity Administrator has concerns about how the Search & Selection Guidelines are being implemented (for example, how equity issues are being handled or the diversity of the applicant, semi-finalist or finalist pools), their responsibility is to discuss these concerns with the Search Chair, Search Committee or Hiring Official. The Equity Administrator may also consult with the University Equity Administrator. Resolution of such problems may include the recommendation to the Hiring Official or the Major Unit Head of the suspension or closing of a search. The Major Unit Head or their designee has ultimate decision-making authority.