

**University of MD
(USM)**

Policies & Statements

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NOTE: All policies from University System of Maryland are outlined in detail at:
<http://www.usmd.edu/regents/bylaws>

University System Policy on Appointment, Rank, and Tenure of Faculty

Replacement for: BOR VII-2.15 - POLICY ON LIBRARIANS
BOR II – 1.00

(Approved by the Board of Regents, April 5, 1989; Amended November 12, 1993; Amended October 6, 1995; Amended April 4, 1997; Amended July 11, 1997; Amended July 10, 1998; Amended December 4, 1998; Amended April 7, 2000; Amended October 27, 2000; Amended December 8, 2000; Technical Amendment September, 2002; Amended February 21, 2003; Amended October 22, 2004; Amended June 22, 2005{1st Paragraph Page 17 added}; Amended June 20, 2008; Amended April 13, 2012; Amended June 10, 2016)

This policy describes the general criteria and procedures related to faculty personnel actions, which shall apply to all constituent institutions of the University of Maryland System. The specific criteria for the appointment, promotion, and granting of tenure to faculty by constituent institutions are dependent upon institutional mission. Final authority for the appointment, promotion, and granting of tenure of faculty resides in the chief executive officer of the institution, except that the Chancellor has final authority for granting tenure to a president, and the Board of Regents has final authority for granting tenure to a Chancellor.

I. APPOINTMENT OF FACULTY

A. Search Process for Full-Time Faculty

1. Each constituent institution and the System Office shall have written procedures to describe the search process for full-time faculty members. These procedures shall anticipate and describe the manner in which all new faculty members will be recruited, including special arrangements for inter-institutional appointments, interdepartmental appointments, and appointments in new academic units. A copy of these procedures shall be filed in the office of the Chancellor.
2. Visiting faculty appointments are usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a search process before or after the initial appointment in accordance with the institution's procedures, including adherence to affirmative action guidelines. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as probationary years for purposes of consideration for tenure.
3. Search procedures shall reflect the commitment of the institution and the System to equal opportunity and affirmative action, and shall be widely publicized within the institution.
4. Faculty review committees are a part of the review and recommendation process for new full-time faculty appointments. In principle, the procedures which lead to faculty appointments

should hold to standards at least as rigorous as those that pertain to promotions to the same academic ranks.

B. Offers of Appointment

1. A final offer of appointment can be made only with the approval of the chief executive officer of the institution, or designee.
2. All faculty appointments shall be made to a designated rank and shall be effective on a specific date. Each institution shall develop a standard contract or letter of appointment for each rank and tenure status, which shall be approved by the Office of the Attorney General for form and legal sufficiency. Each institution shall also develop a faculty handbook, which shall include system-wide policies and procedures approved by the Board of Regents and institutional policies and procedures approved by the chief executive officer of the institution that set forth faculty rights and responsibilities. The contract or letter of appointment shall constitute a contractually binding agreement between the institution and the appointee.

C. Provisions Related to Appointments, Promotion, Tenure, and Permanent Status

1. Tenure status as a member of the faculty of a constituent institution, held concurrently by the chief executive officer of the University is separate and distinct from the administrative office, and such tenure status is governed by the tenure policies of the relevant constituent institution, except that the final written approval is granted by the Chancellor. Those tenure policies have no bearing upon and do not govern the administrative appointment.
2. Tenure status as a member of the faculty of a constituent institution, held concurrently by the Chancellor of the University System of Maryland is separate and distinct from the administrative office, and such tenure status is governed by the tenure policies of the relevant constituent institution, except that the final written approval is granted by the Board of Regents. Those tenure policies have no bearing upon and do not govern the administrative appointment.

The following provisions are to be furnished to all new faculty at time of initial appointment.

1. Adjustments in salary or advancement in rank may be made under these policies, and, except where a definite termination date is a condition of appointment, the conditions pertaining to the rank as modified shall become effective as of the date of the modification. For tenure-track appointments, the year in which the appointee is entitled to tenure review under this policy ("mandatory tenure-review year") shall be specified in the original and subsequent contracts/letters of appointment. Tenure review shall occur in that year unless otherwise agreed in writing by the institution and the appointee. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.
2. Appointments and reappointments to the rank of full-time Instructor without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time Instructor will be renewed automatically for one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic

year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of nonrenewal dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of Instructor may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11.

Tenure in the rank of Instructor can be awarded only by an affirmative decision based upon a formal review. An Instructor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service commencing on or after July 1, 1990, shall receive no later than during that sixth year a formal review for tenure. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place. The appointee reviewed for tenure shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision either to grant or deny tenure. An instructor who has been reviewed during a mandatory review year, and notified in writing that tenure has been denied, shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for tenure.

An Instructor with or without tenure may be promoted to Assistant Professor. If an Instructor without tenure is appointed as an Assistant Professor, the provisions of I.C.3 apply to the appointment, except that the appointee's review for tenure must occur no later than the sixth year of continuous full-time employment, commencing on or after July 1, 1990, in the ranks of Instructor and Assistant Professor. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.

3. Appointments and reappointments to the rank of full-time Assistant Professor without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time Assistant Professor will be renewed automatically for one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of nonrenewal dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of Assistant Professor may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11. Tenure in the rank of Assistant Professor can be awarded only by an affirmative decision based upon a formal review. An Assistant Professor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service shall receive no later than during that sixth year a formal review for tenure. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place. The appointee reviewed for tenure shall be notified in writing, by the end

of the appointment year in which the review was conducted, of the decision either to grant or deny tenure. An Assistant Professor who has been reviewed during a mandatory review year, and notified in writing that tenure has been denied, shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for tenure.

4. Appointments or promotions to the rank of full-time Associate Professor require the written approval of the chief executive officer of the institution. New full-time appointments to the rank of Associate Professor may carry immediate tenure provided that each such appointee has been formally reviewed for tenure. Otherwise, such appointments shall be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and shall terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. Promotions to the rank of Associate Professor carry immediate tenure. Consequently such promotions may only be awarded subsequent to a formal tenure review and an award of tenure.

An Associate Professor who is appointed without tenure shall receive a formal review for tenure during the period of appointment in accordance with the following deadlines. If the appointment is for an initial period of one year, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If the appointment is for more than two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than August 1 prior to the beginning of the final year of the appointment. For appointments beginning at a time other than the start of an academic year, the institution may adjust the notice of tenure denial dates accordingly by specifying the adjustments in the initial contract or letter of appointment. Appointments to the rank of Associate Professor may be terminated at any time as described under paragraphs I.C.6 through I.C.11.

Tenure in the rank of Associate Professor can be awarded only by an affirmative decision based upon a formal review. If the institution fails to conduct a tenure review and provide the required notice in accordance with the schedule provided in this policy, the appointment (unless it is converted to an appointment with tenure) shall be extended for an additional year, so that the notice required by this section may be provided in full. An Associate Professor who has been notified in writing that tenure has been denied, barring exceptional circumstances, shall receive no further consideration for tenure.

5. Full-time appointments or promotions to the rank of full-time Professor require the written approval of the chief executive officer of the institution. New full-time appointments to the rank of Professor may carry immediate tenure provided that each such appointee has been formally reviewed for tenure. Otherwise, such appointments shall be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and shall terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. Promotions to the rank of Professor carry immediate tenure. Consequently such promotions may only be awarded subsequent to a formal tenure review and an award of tenure.

A Professor who is appointed without tenure shall receive a formal review for tenure during the period of appointment in accordance with the following deadlines. If the appointment is for an initial period of one year, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If the appointment is for more than two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than August 1 prior to the beginning of the final year of the appointment. For appointments beginning at a time other than the start of an academic year, the institution may adjust the notice of tenure denial dates accordingly by specifying the adjustments in the initial contract or letter of appointment. Appointments to the rank of Professor may be terminated at any time as described under paragraphs I.C.6 through I.C.11.

Tenure in the rank of Professor can be awarded only by an affirmative decision based upon a formal review. If the institution fails to conduct a tenure review and provide the required notice in accordance with the schedule provided in this policy, the appointment (unless it is converted to an appointment with tenure) shall be extended for an additional year, so that the notice required by this section may be provided in full. A Professor who has been notified in writing that tenure has been denied, barring exceptional circumstances, shall receive no further consideration for tenure.

6. A term of service may be terminated by the appointee by resignation, but it is expressly agreed that no resignation shall become effective until the termination of the appointment period in which the resignation is offered except by mutual written agreement between the appointee and the chief executive officer of the institution or designee.
7. (a) The chief executive officer of the institution may terminate the appointment of a tenured or tenure-track appointee for moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty, provided that the charges be stated in writing, that the appointee be furnished a copy thereof, and that the appointee be given an opportunity prior to such termination to request a hearing by an impartial hearing officer appointed by the chief executive officer or a faculty board of review as provided for by the relevant institutional policy body. With the consent of the chief executive officer, the appointee may elect a hearing by the chief executive officer rather than by a hearing officer or a faculty board of review. Upon receipt of notice of termination, the appointee shall have thirty calendar days to request a hearing. The hearing shall be held no sooner than thirty calendar days after receipt of such a request. The date of the hearing shall be set by mutual agreement of the appointee and the hearing officer or faculty board of review. If the chief executive officer appoints a hearing officer or a faculty board of review is appointed, the hearing officer or board shall make a recommendation to the chief executive officer for action to be taken.

The recommendation shall be based only on the evidence of record in the proceeding. Either party to the hearing may request an opportunity for oral argument before the chief executive officer prior to action on the recommendation. If the chief executive officer does not accept the recommendation of the hearing officer or board of review, the reasons shall be communicated promptly in writing to the appointee and the hearing officer or board. In the

event that the chief executive officer elects to terminate the appointment, the appointee may appeal to the Board of Regents, which shall render a final decision.

- (b) Under exceptional circumstances and following consultation with the chair of the faculty board of review or appropriate faculty committee, the chief executive officer may direct that the appointee be relieved of some or all of his or her institutional duties, without loss of compensation and without prejudice, pending a final decision in the termination proceedings. (In case of emergency involving threat to life, the chief executive officer may act to suspend temporarily prior to consultation.)
- (c) The appointee may elect to be represented by counsel of his or her choice throughout termination proceedings.

8. If an appointment is terminated in the manner prescribed in paragraph 7 the chief executive officer of the institution may, at his or her discretion, relieve the appointee of assigned duties immediately or allow the appointee to continue in the position for a specified period of time. The appointee's compensation shall continue for a period of one year commencing on the date on which the appointee receives notice of termination. A faculty member whose appointment is terminated for cause involving moral turpitude or professional or scholarly misconduct shall receive no notice or further compensation beyond the date of final action by the chief executive officer or the Board of Regents.
9. The institution may terminate any appointment because of the discontinuance of the department, program, school or unit in which the appointment was made; or because of the lack of appropriations or other funds with which to support the appointment. Such decisions must be made in accordance with standards and procedures set forth in written institutional policies. The chief executive officer of the institution shall give a full-time appointee holding tenure notice of such termination at least one year before the date on which the appointment is terminated.
10. Notwithstanding any other provisions to the contrary, the appointment of any non-tenured faculty member 50% or more of whose compensation is derived from research contracts, service contracts, gifts or grants, shall be subject to termination upon expiration of the research funds, service contract income, gifts or grants from which the compensation is payable.
11. Appointments shall terminate upon the death of the appointee. Upon termination for this cause the institution shall pay to the estate of the appointee all of the accumulated and unpaid earnings of the appointee plus compensation for accumulated unused annual leave.
12. Appointments to all other ranks not specifically mentioned in II.A.1 and all part-time appointments are for terms not to extend beyond the end of the fiscal year unless otherwise stipulated in the letter of appointment. Faculty appointed to ranks not specifically mentioned in II.A.1 on a full-time basis for a term not less than one academic year shall receive notice of non-renewal of contract based upon their length of continuous full-time service in such ranks. If such service is less than seven years, at least 90 days notice is required. If such service equals or exceeds seven years, at least six months notice is required. If the required notice is not provided prior to the termination of the then-current contract, this condition may be remedied by extending the contract by the number of days necessary to meet the notice requirement.

13. If in the judgment of the appointee's department chair or supervisor a deficiency in the appointee's professional conduct or performance exists that does not warrant dismissal or suspension, a moderate sanction such as a formal warning or censure may be imposed, provided that the appointee is first afforded an opportunity to contest the action through the established faculty grievance procedure.
14. Unless the appointee agrees otherwise, any changes that are hereafter made in paragraphs I.C.1 through I.C.13 will be applied only to subsequent appointments.
15. Compensation for appointments under these policies is subject to modification in the event of reduction in State appropriations or in other income from which compensation may be paid.
16. The appointee shall be subject to all applicable policies and procedures duly adopted or amended from time to time by the institution or the University System, including but not limited to, policies and procedures regarding annual leave; sick leave; sabbatical leave; leave of absence; outside employment; patents and copyrights; scholarly and professional misconduct; retirement; reduction, consolidation, or discontinuation of programs; and criteria on teaching, scholarship and service.

II. FACULTY RANKS, PROMOTION, TENURE, AND PERMANENT STATUS

A. General Principles

1. The only faculty ranks which may involve a tenure commitment are: Professor, Associate Professor, Assistant Professor, Instructor, Distinguished University Professor, Senior Staff Scientist, Associate Staff Scientist, Assistant Staff Scientist, Principal Agent, Senior Agent, Agent, (i.e., II.C. 1a-1d, 2a-2c, 3d-3f) and such other ranks as the Board of Regents may approve. Appointments to all other ranks, including any qualified rank in which an additional adjective is introduced (such as "Clinical Professor" or "Medical School Professor"), are for a definite term and do not involve a tenure commitment (i.e., II.C. 2d-2h, 3a-3c, 4a-4g, 5a-5d, 6a-6g).

Notwithstanding anything to the contrary in this policy, faculty in certain ranks may be granted permanent status. The only faculty ranks which may involve a permanent-status commitment are Library II, Librarian III, and Librarian IV and such other ranks as the Board of Regents may approve. Permanent status may not be granted to an individual holding the rank of Librarian I.

Permanent status is defined as continuing employment such that a decision to remove an employee must be made by the President of the campus and must be justified by cause as defined by USM and campus policy. Permanent status is an employment status different from tenure.

Each institution shall develop criteria and procedures for the review process leading to the granting of promotion and/or permanent status to occur no later than the sixth year of continuous full-time employment. An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for permanent status. Permanent status can

be awarded only by an affirmative decision based upon a formal review. Individuals who have been granted permanent status under BOR VII2.15

– POLICY ON LIBRARIANS, which is superseded by this policy, shall retain this status. Appointments of faculty librarians with permanent status may be terminated at any time for cause. Cause shall include moral turpitude, professional or scholarly misconduct, incompetence, and/or willful neglect of duty. In addition to being terminated for cause, faculty engaged exclusively or primarily in library services may be terminated because of the discontinuation of the department, program, school, or unit in which the appointment was made or because of the lack of appropriations or other funds with which to support the appointment. Procedures for termination of faculty librarians with permanent status are those that apply to tenured and tenure-track faculty, as described in I.C.6 through I.C.11.

Appointments of faculty librarians who do not have permanent status may be terminated for cause under policies and procedures that apply to non-tenure track faculty.

Subject to the approval of the President or designee, the campus libraries of USM constituent institutions shall develop guidelines, procedures, and appropriate criteria for evaluating librarians' performance. These guidelines, procedures, and criteria should be monitored system-wide to ensure equity with respect to standards.

Every institution shall have written procedures governing the processes on granting promotion and permanent status. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval.

A person appointed to the position of Director shall serve in that capacity at the pleasure of the President or his or her designee, regardless of whether the appointee has at the time of the appointment, or obtains during the appointment, permanent status as a librarian.

2. In addition to the ranks listed in II.C (below), there may also be such other faculty ranks as institutions shall define and include in their respective appointment, rank, and tenure policies, subject to the approval of the Board of Regents.
3. Institutions should specify in writing to faculty at the time of appointment the length of appointment and the applicable terms and conditions of the appointment with regard to tenure.

B. Criteria and Procedures for Promotion and Tenure

1. The criteria for tenure and promotion in the University of Maryland System are: (1) teaching effectiveness, including student advising; (2) research, scholarship, and, in appropriate areas, creative activities or other activities that result in the generation and application of intellectual property through technology transfer; and (3) relevant service to the community, profession, and institution. The relative weight of these criteria will be determined by the mission of the institution.
2. The activities considered to be within the criteria for promotion and tenure shall be flexible and expansive. The assessment of teaching, research/scholarship/creative activities, and service during the promotion and tenure process shall give appropriate recognition, consistent with the institution's mission, to faculty accomplishments that are collaborative, interdisciplinary, and inter-

institutional and to faculty innovations in areas such as undergraduate education, minority-achievement programs, K-16 curriculum development, and technology-enhanced learning.

3. Every institution shall have written procedures governing the promotion and tenure process. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval. These procedures shall include, at a minimum, the following:

Criteria: A statement of criteria upon which reviews will be based, and guidelines for appointment or promotion to each academic rank, with recognition that institutional mission is the primary factor that defines these criteria.

Procedures: A description of tenure and/or promotion review procedures, including participants, documentation, degree of confidentiality, schedule of the annual cycle for reviews, and authority for final approval.

Appeals: A statement of the right of faculty to appeal promotion and tenure decisions, the grounds for such appeals, and a description of appeal procedures.

C. Faculty Ranks

Following is a list of all faculty ranks utilized within the University of Maryland System. Specific ranks to be utilized within each constituent institution are to be dependent upon the mission of, and contained within the faculty personnel policies of, that institution.

1. Faculty with Duties Primarily in Instruction, Research, and Service

- a. Instructor: The appointee ordinarily shall hold, at a minimum, the master's degree in the field of instruction, preferably with evidence of pursuit of the doctorate or other terminal degree. There shall be evidence also of potential for effective teaching and for a successful academic career.
- b. Assistant Professor: The appointee ordinarily shall hold the doctorate or recognized terminal degree in the field of specialization. The appointee should also show potential for superior teaching, service, and research, scholarship, or creative performance, commensurate with the mission of the institution.
- c. Associate Professor: In addition to having the qualifications of an Assistant Professor, the appointee ordinarily shall have had successful experience in teaching and research, scholarship, or creative performance, and, when appropriate to the mission of the institution, be competent to offer graduate instruction and direct graduate research. There shall also be evidence of relevant and effective service to the institution, the community, and the profession.
- d. Professor: In addition to having the qualifications of an Associate Professor, the appointee ordinarily shall have established an outstanding record of teaching and research, scholarship or creative performance, and, where appropriate to the mission of the institution, a national reputation. There shall be continuing evidence of relevant and effective service to the institution, the community, and the profession.

2. Faculty with Duties Primarily in Research

- a. Assistant Staff Scientist: The appointee shall hold the doctoral degree in the field of specialization, and shall have indicated promise of a high degree of ability in research in some subdivision of the field.
- b. Associate Staff Scientist: In addition to the qualifications of an Assistant Staff Scientist, the appointee shall have had extensive successful experience in research. Since this position may carry permanent tenure, the appointee's scholarly production and professional achievement in research will be thoroughly documented.
- c. Senior Staff Scientist: In addition to having the qualifications of an Associate Staff Scientist, the appointee shall have demonstrated a degree of proficiency in research sufficient to establish an excellent national reputation. Appointment to this rank carries tenure.
- d. Faculty Research Assistant: The appointee should be capable of assisting in research under the direction of the head of a research project and should have ability and training adequate to the carrying out of the particular techniques required, the assembling of data, and the use and care of any specialized apparatus. A baccalaureate degree shall be the minimum requirement.
- e. Research Associate: The appointee ordinarily should hold the doctoral degree in the field of specialization, or have relatively comparable experience. The appointee should be capable of carrying out individual research or collaborating in group research at the advanced level; should be trained in research procedures; and should have had the experience and specialized training necessary to develop and interpret data required for success in such research projects as may be undertaken. This appointment is made annually, with reappointment possible for a maximum of six years.
- f. Research Assistant Professor; Assistant Research Scientist; Assistant Research Scholar; Assistant Research Engineer: This rank is generally parallel to Assistant Professor. In addition to the qualifications of a Research Associate, appointees to this rank should have demonstrated superior research abilities. Appointees should be qualified and competent to direct the work of others (such as technicians, graduate students, other senior research personnel). The doctoral degree will be a normal requirement for appointment at this rank. Initial appointment to this rank is for periods up to three years, and reappointment is possible.
- g. Research Associate Professor; Associate Research Scientist; Associate Research Scholar; Associate Research Engineer: This rank is generally parallel to Associate Professor. In addition to the qualifications required of the Assistant ranks, appointees to this rank should have extensive successful experience in scholarly or creative endeavors, and the ability to propose, develop, and manage major research projects. Initial appointment to this rank is for periods up to three years, and reappointment is possible.
- h. Research Professor; Senior Research Scientist; Senior Research Scholar; Senior Research Engineer: This rank is generally parallel to Professor. In addition to the qualifications required of the Associate ranks, appointees to this rank should have demonstrated a degree of proficiency

sufficient to establish an excellent reputation among regional and national colleagues. Appointees should provide tangible evidence of sound scholarly production in research, publications, professional achievements or other distinguished and creative activity. Initial appointment at this rank is for periods up to five years, and reappointment is possible.

3. Field Faculty

- a. Associate Agent: The appointee shall hold at least a bachelor's degree, shall qualify for acceptance in a graduate school, and shall show evidence of ability to work with people. The appointee shall have an educational background related to the specific position, and should demonstrate evidence of creative ability to plan and implement Cooperative Extension Service programs. This appointment is made annually, with reappointment possible for a maximum of six years. Attainment of a master's degree in an approved subject area is required before promotion can be considered.
- b. Faculty Extension Assistant: The appointee should be capable of assisting in Extension under the direction of the head of an Extension project and should have ability and training adequate to the carrying out of the particular methodology required, the assembling of data, and the use and care of any specialized apparatus. The baccalaureate degree shall be the minimum requirement.
- c. Faculty Extension Associate: The appointee should be capable of carrying out individual instruction or collaborating in group discussions at the advanced level; should be trained in Extension procedures; and should have had the experience and specialized training necessary to develop and interpret data required for success in such Extension projects as may be undertaken. An earned doctorate shall be the minimum requirement.
- d. Agent: The appointee must hold a master's degree in an appropriate discipline and show evidence of academic ability and leadership skills. The appointee shall have an educational background related to the specific position.
- e. Senior Agent: In addition to the qualifications of an Agent, the appointee must have demonstrated achievement in program development and must have shown originality and creative ability in designing new programs, teaching effectiveness, and evidence of service to the community, institution, and profession. Appointment to this rank may carry tenure.
- f. Principal Agent: In addition to the qualifications of a Senior Agent, the appointee must have demonstrated leadership ability and evidence of service to the community, institution, and profession. The appointee must also have received recognition for contributions to the Cooperative Extension Service sufficient to establish a reputation among State, regional and/or national colleagues, and should have demonstrated evidence of distinguished achievement in creative program development. Appointment to this rank carries tenure.

4. Faculty Engaged Exclusively or Primarily in Clinical Teaching

- a. Dental School Assistant Professor; Law School Assistant Professor; Medical School Assistant Professor; Nursing School Assistant Professor; Pharmacy School Assistant Professor; Social Work and Community Planning School Assistant Professor: Appointees to this rank shall hold, as a

minimum, the terminal professional degree in the field, with training and experience in an area of specialization. There must be clear evidence of a high level of ability in teaching and clinical practice in the departmental field, and the capacity for clinical supervision in a subdivision of this field. Appointees should also have demonstrated scholarly and administrative ability.

- b. Dental School Associate Professor; Law School Associate Professor; Medical School Associate Professor; Nursing School Associate Professor; Pharmacy School Associate Professor; Social Work and Community Planning School Associate Professor: In addition to the qualifications required of Assistant Professors in this series, appointees shall ordinarily have had extensive successful experience in clinical or professional practice in a field of specialization, or in a subdivision of the departmental field, and in working with and/or directing others (such as professionals, faculty members, graduate students, fellows, residents, or interns) in clinical activities of the profession. Appointees must also have demonstrated superior teaching ability and scholarly or administrative accomplishments.
- c. Dental School Professor; Law School Professor; Medical School Professor; Nursing School Professor; Pharmacy School Professor; Social Work and Community Planning School Professor: In addition to the qualifications required of Associate Professors in this series, appointees shall have demonstrated a degree of excellence in teaching, and clinical and professional practice sufficient to establish an outstanding regional and national reputation among colleagues. Appointees shall also have demonstrated extraordinary scholarly competence and leadership in the profession.
- d. Clinical Instructor: The appointee shall hold, as a minimum, the terminal professional degree in the field. There must be clear evidence of potential in clinical practice and teaching in the departmental field.
- e. Clinical Assistant Professor: The appointee shall hold, as a minimum, the terminal professional degree in the field, with training and experience in an area of specialization. There must be clear evidence of a high level of ability in clinical practice and teaching in the departmental field, and the potential for clinical and teaching excellence in a subdivision of this field. The appointee should also have demonstrated scholarly and/or administrative ability.
- f. Clinical Associate Professor: In addition to the qualifications required of a Clinical Assistant Professor, the appointee should ordinarily have had extensive successful experience in clinical or professional practice in a field of specialization, or in a subdivision of the departmental field, and in working with and/or directing others (such as professionals, faculty members, graduate students, fellows, and residents or interns) in clinical activities in the field. The appointee must also have demonstrated superior teaching ability and scholarly or administrative accomplishments.
- g. Clinical Professor: In addition to the qualifications required of a Clinical Associate Professor, the appointee shall have demonstrated a degree of excellence in clinical practice and teaching sufficient to establish an outstanding regional and national reputation among colleagues. The appointee shall also have demonstrated extraordinary scholarly competence and leadership in the profession.

5. Faculty Engaged Exclusively or Primarily in Library Services

The only librarian ranks with non-tenure faculty status are Librarian I, Librarian II, Librarian III, and Librarian IV and such other ranks as the Board of Regents may approve. These titles are to be granted to a limited number of appointees who fulfill roles defined by professional graduate training, such as librarian, curator, archivist, and information scientist. In the overwhelming number of instances, the professional graduate training required is an M.L.S. degree, which is considered the terminal degree in the practice of academic librarianship, from the American Library Association (ALA)-accredited program. However, each constituent institution may define instances when other graduate degrees may substitute for or augment the ALA-accredited M.L.S. Such exceptions will be based on and required by the functional needs of USM libraries, appointments to these ranks are normally for twelve months with leave and other benefits provided to twelve-month tenured/tenuretrack faculty members, with the exception of terminal leave, sabbatical leave, and non-creditable sick leave (collegially supported).

- a. Librarian I: This rank is assigned to librarians just entering librarianship with little or no professional library experience but who have been judged to have demonstrated an understanding of the basic tenets of librarianship and a potential for professional growth. A Librarian I is not eligible for permanent status.
- b. Librarian II: Appointment or promotion to this rank signifies that the librarian has demonstrated effective professional knowledge and skills significantly above those expected of a Librarian I. Normally, a minimum of three years of professional experience is required.
- c. Librarian III: Appointment or promotion to this rank signifies that the librarian has mastered the skills, knowledge, and techniques of librarianship and has made meaningful contributions to the library, the institution, the library profession, and/or an academic discipline. Normally, a minimum of six years of professional experience is required, three of which must be at a level comparable to the rank of Librarian II at the appointing USM institution.
- d. Librarian IV: Appointment or promotion to this rank is exceptional. This rank is awarded to those librarians who have made distinctive contributions to the library, the institution, the library profession, and/or an academic discipline. This rank normally requires a minimum of nine years of professional experience, at least three of which must be at a level comparable to the rank of Librarian III at the appointing USM institution.

Subject to the approval of the President or designee, the campus libraries of USM constituent institutions shall develop guidelines, procedures, and appropriate criteria for evaluating librarians' performance. These guidelines, procedures, and criteria should be monitored system-wide to ensure equity with respect to standards.

6. Faculty with Duties Primarily in Instruction at UMUC

- a. Collegiate Instructor: The appointee to this non-tenure rank ordinarily should hold, at a minimum, a master's degree appropriate to the area of instruction and have evidence of potential effective teaching. The appointee also should have academic or professional experience relevant to the field.

- b. Collegiate Assistant Professor: The appointee to this non-tenure rank ordinarily shall hold, at a minimum, a terminal degree appropriate to the area of instruction. The appointee also should show potential for superior teaching as well as professional experience relevant to the field.
- c. Collegiate Associate Professor: In addition to having the qualifications of an Assistant Professor, the appointee to this non-tenure rank ordinarily shall have successful experience in teaching as well as professional experience relevant to the field.
- d. Collegiate Professor: In addition to having the qualifications of an Associate Professor, the appointee to this non-tenure rank ordinarily shall have established an outstanding record of teaching as well as professional experience relevant to the field.

7. Additional Faculty Ranks

- a. Assistant Instructor: The appointee should be competent to fill a specific position in an acceptable manner, but is not required to meet all the requirements for an Instructor. Appointment to this rank requires at least the appropriate baccalaureate degree.
- b. Lecturer: This title may be used for appointment at any salary and experience level of persons who are competent to fill a specific position but who are not intended to be considered for professorial appointment. Appointments to this rank shall be for terms not to exceed three years and are renewable.
- c. Senior Lecturer: In addition to having the qualifications of a Lecturer, the appointee shall have completed at least six years as a Lecturer (or in a rank at another institution of higher education that is accepted as comparable to Lecturer), and shall have established a record of teaching excellence and a record of service. Fewer than six years experience may qualify one for this rank if approved by the President or designee. Appointments to this rank shall be for terms not to exceed five years and are renewable.
- d. Artist-in-Residence; Writer-in-Residence; Executive-in-Residence: This title may be used to designate temporary appointments, at any salary and experience level, of persons who are serving for a limited time or part-time, and who are not intended to be considered for professorial appointment.
- e. Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor: These titles are used to appoint outstanding persons who may be simultaneously employed outside the institution. The appointee should have expertise in the discipline and recognition for accomplishment sufficient to gain the endorsement of the preponderance of the members of the faculty of the department to which he or she is appointed. Appointment is made on a semester or an annual basis and is renewable. These titles do not carry tenure.
- f. Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor: These titles are used to recognize the affiliation of a faculty member or a member of the professional staff with an academic department, program or center when that individual's appointment and salary lie in another department of the institution. The appointment will be made upon the recommendation

of the faculty of the department, and at a level commensurate with the appointee's qualifications, consistent with standards established for regular tenure track faculty, although tenure cannot be earned on an affiliated appointment. Each institution shall establish guidelines and procedures for awarding these titles.

- g. Visiting Appointments: The prefix "Visiting" before an academic title is used to designate a short-term, full-time appointment without tenure.
- h. Emeritus Faculty Appointments: Emeritus status may be bestowed by an institution on the basis of both quality and length of service to the institution. Each institution shall establish guidelines and procedures for awarding this title. Emeritus titles at the System level may be bestowed by the Chancellor.
- i. Distinguished University Professor: This title may be bestowed by an institution to provide special recognition to faculty members. Each institution that chooses to utilize this title shall establish guidelines and procedures for awarding it.
- j. Professor of the Practice: This title may be used to appoint individuals who have demonstrated excellence in the practice as well as leadership in specific fields. The appointee shall have attained regional and national prominence and, when appropriate, international recognition of outstanding achievement. Additionally, the appointee shall have demonstrated superior teaching ability appropriate to assigned responsibilities. As a minimum, the appointee shall hold the terminal professional degree in the field or equivalent stature by virtue of experience. Appointees will hold the rank of Professor but, while having that stature, will not have rights that are limited to tenured faculty. Initial appointment is for periods up to five years, and reappointment is possible. This title does not carry tenure, nor does time served as a Professor of the Practice count toward achieving tenure in another title. Each institution shall establish guidelines and procedures for awarding this title.
- k. [Institution] Professor: This title may be used for nationally distinguished scholars, creative or performing artists, or researchers who would qualify for appointment at a University System of Maryland Institution at the level of Professor, but who normally hold full-time positions outside the University. Holders of this title may provide graduate students supervision, serve as principal investigators, and participate in departmental and college shared governance. Initial appointment is for three years and is renewable annually upon recommendation to the Provost by the unit head and the dean. This is a non-paid non-tenure track title. *(Amended -Paragraph added per BOR June 22, 2005 meeting.)*

III. APPLICABILITY

- A. Except as provided in sections B. and C. below, the provisions in this policy shall apply to all individuals who are employed as faculty members in the University of Maryland System as of July 1, 1989, and individuals whose faculty appointment becomes effective on or after July 1, 1989.
- B. The provisions in this policy shall not apply to any faculty member who receives notice of non-reappointment at any time prior to July 1, 1989.

- C. Each tenure-track and tenured faculty member of an institution (i.e., a faculty member holding an academic rank specified in the first sentence of paragraph II. A. I.) shall (1) be apprised of the provisions in Part I.C., paragraphs 1 through 14 of this policy at the earliest practical time following approval of this policy by the Board of Regents, and (2) be offered an opportunity to elect to remain subject to his or her written faculty contract in effect on April 4, 1989, to the extent and only to the extent that any provision of that contract is inconsistent with Part I.C., paragraphs I through 14 of this policy. The election shall be confirmed in a written and signed notification to the institution's chief executive officer on or before May 12, 1989. Absent such election by the faculty member, the provisions in Part I.C., paragraphs I through 14 of this policy shall apply pursuant to paragraph III. A.
- D. Upon the recommendation of the President of the University of Maryland, Baltimore, the Chancellor may establish alternative terms and conditions for the faculty of (a) the University of Maryland School of Medicine modifying the following sections of this Policy: I.C.2, I.C.3, I.C.4, I.C.5, I.C.7 (a), II.A.1, II.A.3, and II.C; and (b) the University of Maryland School of Law, modifying sections I.C.3 and I.C.4 of this Policy. The Chancellor shall specify the alternative terms and conditions in writing. Unless an appointee subject to the alternative terms and conditions agrees otherwise, any changes made in the alternative terms and conditions established at the time of that individual's appointment will not apply to that appointee.

For the School of Medicine, the alternative terms and conditions will apply to a tenure track or tenured faculty member appointed as of June 30, 1998, only upon that person's written request received by September 1, 1998. The alternative terms and conditions shall apply to other School of Medicine faculty as follows: all faculty first appointed and employed on or after July 1, 1998; non-tenure track faculty beginning new appointment terms or changing from one type of appointment to another on or after July 1, 1998, effective as of the date of the new or changed appointment; and non-tenure track faculty whose appointments end after June 30, 1998, who so request by September 1, 1998.

For the School of Law, the alternative terms and conditions will apply to tenure track or tenured faculty members appointed on or after July 1, 2008. The alternative terms and conditions will apply to a faculty member appointed between June 1, 2005 and June 30, 2008, only upon that individual's written request to the Dean of the School of Law, submitted no later than September 1, 2008.

University System of Maryland Policy on Sabbatical Leave for Faculty

BOR II – 2.00

Approved by the Board of Regents, November 30, 1989; Amended April 13, 2012)

The President of an institution may grant sabbatical leaves to faculty members. The primary purpose of such leaves is to provide an opportunity for a faculty member to conduct scholarly or creative work, or to engage in activities that may result in the generation and application of intellectual property through technology transfer, in order to increase his or her contribution to the mission of the institution, and to enhance his or her standing in the discipline or profession. The relative weight of these criteria will be determined by the mission of the institution.

1. To be eligible for sabbatical leave, a full-time faculty member shall have been granted tenure and shall have completed at least six years of service at the time of an initial sabbatical leave or since the last previously granted sabbatical leave. A part-time faculty member shall have been granted tenure

and shall have completed six or more years of at least half-time service. Ordinarily, a leave of absence without pay shall not be regarded as service to the institution for purposes of determining eligibility for sabbatical leave.

2. Ordinarily, sabbatical leave will be granted for one-half of the recipient's annual contract period at his or her normal compensation or for the full annual contract period at one-half normal compensation for both full and part-time faculty.
3. Ordinarily, as a condition for receiving a sabbatical leave the recipient shall agree to return promptly to the institution at the termination of the leave and to serve on his or her normal basis for at least one academic year.
4. During the period of sabbatical leave, the recipient will be permitted, with the approval of the President or designee, to accept, in addition to the compensation he or she receives from the institution, grants, awards, contracts, fellowships, or other compensation or stipends as may be related to the approved sabbatical leave project.
5. While on sabbatical leave, the recipient may accept compensation for consulting services rendered during the sabbatical leave, provided that such services shall not exceed those allowed by the University System Policy on Professional Commitment of Faculty, and that they do not interfere with his or her approved sabbatical leave project.
6. Each institution shall develop procedures for implementation of this policy, including the requirement of a summary report on sabbatical activities by the faculty member. These procedures shall be filed with the office of the Chancellor.

Policy on Part-Time Tenure-Track and Part-Time Tenured Faculty

BOR II – 1.10

Approved by the Board of Regents, April 26, 1990

An institution may employ tenure-track and tenured faculty members on a part-time basis. In order to be considered tenure-track or to be granted tenure, a part-time faculty member's commitment shall be at least fifty percent time.

1. Each institution which employs part-time tenure-track and/or part-time tenured faculty shall develop written procedures for the appointment, promotion, and granting of tenure to such faculty. Appointment, reappointment, tenure, promotion, and termination of part-time tenure-track and part-time tenured faculty members shall be consistent with the policies and procedures established for permanent full-time faculty members.
2. The length of the probationary period for tenure consideration shall ordinarily be based upon the number of full-time equivalent years accrued by the faculty member at the institution in a tenure-track rank. Part-time tenure-track and part-time tenured faculty are eligible for full-time positions consistent with institutional policies.

3. Part-time tenure-track and part-time tenured faculty members shall be entitled to participate in the institution's benefit programs on a proportional basis or otherwise, as permitted by those programs.

Policy on the Employment of Full-Time, Non-Tenure Track Instructional Faculty in the University System of Maryland

BOR II – 1.05

(Approved by the Board of Regents on October 11, 2002; Technical Amendment August 26, 2004; Amendment to Section V.C.7. proposed for consideration by Committee of the Whole, April 13, 2007 Effective July 1, 2007)

I. PURPOSE

This policy is designed to govern practices at institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for full-time non-tenure-track (FTNTT) instructional faculty to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for FTNTT faculty in all USM institutions.

II. APPLICABILITY

This policy applies only to those faculty members of the USM institutions (i) who are employed full-time, (ii) who are neither tenured nor eligible for tenure, and (iii) whose responsibilities are primarily or exclusively in the instructional program.

III. DEFINITION OF "FULL-TIME"

The institutional president or designee shall assure that each department or unit that has instructional faculty adopts a definition of "full-time." The workload expectation for FTNTT instructional faculty shall be specified on an academic-year basis, not on a semester basis.

IV. RANKS

Current BOR policy (II-1.00) lists the following approved ranks that may be used for FTNTT instructional faculty. Institutions shall confer on each FTNTT instructional faculty member one of the following ranks, as appropriate and commensurate with credentials and professional experience. (Institutions are not required to use all available ranks.)

Assistant Instructor

Lecturer

Senior Lecturer

The University of Maryland University College may also assign ranks in the Collegiate series (See USM Policy II-1.00, Section II.C.6.a.-d.).

V. POLICY

A. Search

1. **Credentials:** Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to FTNTT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.
2. **Search Procedures:** The institutional president or designee shall assure that each department or unit has in place written procedures for selecting faculty. These procedures shall include verification of credentials. Search procedures shall reflect the commitment of the institutions and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring

1. **Contracts/Letters of Appointments:** Each FTNTT faculty member shall be provided with a written contract or letter of appointment prior to the beginning of the assignment. The contract or letter shall state that the appointment is full-time and state the academic rank, length of appointment, time of service (9 months, 9.5 months, one year), salary, whether or not the appointment is renewable, nature of the assignment, benefits (see below, Section C.7.), and performance-evaluation policies and procedures.
2. **Information for Faculty:** Upon signing the contract, the FTNTT faculty member shall have access to the institution's Faculty Handbook, in a written or electronic version.
3. **Term of Employment:** Normally, initial contracts shall be for one academic year. Subsequent contracts may be for longer terms, not to exceed three years (five years in the case of UMUC Collegiate faculty). Notice of non-renewal shall be provided in accordance with Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (Section 1.C.12).

C. Working Conditions

1. **Support for Teaching:** The appointing department or unit shall provide each FTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee's duties. Provision should be made for new appointees to attend departmental and institutional orientation sessions. Support shall also include the following:
 - a. information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);
 - b. official schedule of classes, including academic calendar and time frames of class meetings;
 - c. assistance in ordering textbook(s) for the course(s), ancillaries for the text(s), and office supplies;

- d. copying services for course materials;
 - e. an appropriate place for meeting with students during scheduled office hours, except if instruction is completely technology-mediated;
 - f. an institutional email account along with computer access; and
 - g. telephone access.
2. Professional Development: Professional development opportunities for FTNTT instructional faculty members should be supported to the extent possible. Examples include extending invitations to departmental and institutional faculty development events, arranging mentoring by senior faculty, and providing financial support for attending professional conferences when funds permit.
 3. Teaching Assignment: The appointing department or unit shall provide FTNTT faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
 4. Performance Evaluation: The institutional president or designee shall assure that each department or unit has in place written procedures for evaluating faculty performance on a regular schedule, as required by Board of Regent's Policy II-1.20. Departments shall evaluate the teaching of FTNTT faculty members on the same basis used to evaluate the teaching of tenure-track faculty members. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, salary, and any subsequent contract are made.
 5. Faculty Participation: FTNTT faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit, and institution. Institutional shared-governance procedures shall include FTNTT faculty.
 6. Salaries: Every effort should be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.
 7. Benefits: FTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointees shall be provided with access to relevant BOR policies governing the provision of benefits to USM faculty and staff. At a minimum, each institution shall provide each of the following benefits, or its equivalent, to FTNTT instructional faculty:
 - a. Health Benefits. FTNTT instructional faculty who are not on regular faculty lines that provide a state subsidy for health benefits may enroll in the State health benefits program consistent with COMAR 17.04.13.04(B)(2). The institution shall reimburse a faculty member who enrolls in the State health benefits plan for the cost of individual coverage, less the amount of the premiums that would be paid by a faculty member on a regular faculty line to receive comparable health benefits in the State health benefits program.
 - b. Retirement Benefits.
 - (i) Fall 2008 Semester. FTNTT instructional faculty with ten or more consecutive years of full service before the Fall 2008 semester, who are not on regular faculty lines that provide either an employer contribution to or service credit for participation in a State-

sponsored retirement or pension plan, shall be entitled to a payment of 7.25% of annual salary in lieu of an employer contribution to or service credit for a State-sponsored retirement or pension plan.

- (ii.) Fall 2009 Semester. FTNTT instructional faculty with six or more consecutive years of service as of or after the Fall 2009 semester, who are not on regular faculty lines that provide either an employer contribution to or service credit for participation in a State-sponsored retirement or pension plan, shall be entitled to a payment of 7.25% of annual salary in lieu of an employer contribution to or service credit for a State-sponsored retirement or pension plan.
- c. USM Benefits. FTNTT instructional faculty shall be eligible for the benefits listed below, subject to the terms of the policy cited.
- (i.) Tuition remission for faculty member (See USM Policy VII-4.10);
 - (ii.) Tuition remission for dependents (see USM Policy VII-4.20);
 - (iii.) Family and medical leave (see USM Policy II-2.31);
 - (iv.) Annual leave (see USM Policy II-2.40);
 - (v.) Earned sick leave (see USM Policy II-2.30);
 - (vi.) Collegial sick leave (see USM Policy II-2.30);
 - (vii.) Personal leave (see USM Policy II-2.40);
 - (viii.) Leave for jury service (see USM Policy II-2.50);
 - (ix.) Leave without pay (see USM Policy II-2.20).

Full-time non-tenure-track faculty shall be ineligible for sabbatical leave or for terminal leave, regardless of length of service.

- d. Institutional Benefits. FTNTT instructional faculty shall be eligible for institution-controlled benefits provided to full-time tenured and tenure-track faculty and their spouses and dependent children.
- e. Implementation Procedures. Each institution shall develop procedures for the payment and other aspects of implementation of the above benefits, and each President shall send a letter to the Chancellor affirming that this has occurred before the beginning of the Fall, 2008 semester.
- f. Taxation of Benefits. The taxability of all benefits, and withholding on the amount or value of, benefits provided under this policy shall be determined in accordance with federal and state law.
- g. Definition. For the purposes of this policy:
1. "Regular faculty status" means any position that is established as a line item and appears in the personnel detail of an institution's budget.
 2. "Consecutive Year of Full Service for "FTNTT instructional faculty"

- (i) Means teaching a full instructional load, as defined by the institution, for the fall and spring semesters of a given academic year.
- (ii) A disruption in service due to certain family and serious health conditions as defined by the Policy on Family and Medical Leave for Faculty (Policy II-2.31) shall not be considered a break in the continuous nature of a faculty member's years of full service.

Policy on the Employment of Part-Time, Non-Tenure Track Instructional Faculty in the University System of Maryland

BOR II – 1.06

Approved by the Board of Regents on October 11, 2002;

Technical Amendment August 26, 2004, Amended December 3, 2010

I. PURPOSE

This policy is designed to govern practices at institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for salaried part-time, non-tenure-track (PTNTT) instructional faculty to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for PTNTT faculty in all USM institutions.

II. APPLICABILITY

A. Application to Salaried PTNTT Faculty. This policy applies only to faculty members of the USM institutions (i) who are employed on a less than full-time basis, (ii) who are neither tenured nor eligible for tenure, (iii) whose responsibilities are primarily or exclusively in the instructional program, and (iv) who are compensated on a salary basis.

B. Adjunct Faculty Policies. PTNTT Faculty who are compensated on a per- course basis are “adjunct faculty” under USM policies and are not included in this policy. Adjunct faculty are covered instead by USM Policy II – 1. – Policy On The Employment Of Adjunct Faculty In The University System of Maryland.

III. PERCENT OF EFFORT

The percent of effort of PTNTT faculty members shall be based on the definition pursuant to USM Policy II-1.05 and shall be calculated either on a semester or an academic-year basis, depending on the length of the appointment. If the appointment is for an academic year, the calculation shall not be done on a semester basis, even though there may be disparities between semesters in the assigned teaching load.

IV. RANKS

BOR Policy (II-1.00) lists the following approved ranks that may be used for PTNTT instructional faculty. Institutions shall confer on each PTNTT instructional faculty member one of the following ranks, as appropriate and commensurate with credentials and professional experience. (Institutions are not required to use all available ranks.)

- A. Assistant Instructor
- B. Lecturer
- C. Senior Lecturer
- D. Adjunct Assistant Professor
- E. Adjunct Associate Professor
- F. Adjunct Professor

The University of Maryland University College may also assign ranks in the Collegiate series (See USM Policy II-1.00, Section II.C.6.a.-d.).

V. POLICY

A. Search

1. Credentials. Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to PTNTT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.
2. Search Procedures. The institutional president or designee shall assure that each department or unit has in place written procedures for selecting faculty. These procedures shall include verification of credentials. Search procedures shall reflect the commitment of the institution and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring

1. Contracts/Letters of Appointment. Each PTNTT faculty member shall be provided with a written contract or formal letter of appointment prior to the beginning of the assignment. The contract or letter shall state the academic rank, length of appointment, time of service (9 months, 9.5 months, one year), percent of full-time, salary, whether or not the appointment is renewable, nature of the assignment, benefits (if any), and performance-evaluation policies and procedures. In addition, all contracts/letters of offer shall specify what happens if a course is canceled prior to the start of class.
2. Information for Faculty. Upon signing the contract, the PTNTT faculty member shall have access to the institution's Faculty Handbook, in a written or electronic version.
3. Term of Employment. Initial contracts shall be for a period of one semester, but subsequent contracts may be for longer periods not to exceed three years.

C. Working Conditions

1. Support for Teaching. The appointing department or unit shall provide each PTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee's duties. Provision should be made for new appointees to attend departmental and institutional orientation sessions. Support shall also include the following:
 - a. information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);

- b. official schedule of classes, including academic calendar and time frames of class meetings;
 - c. assistance in ordering textbook(s) for the course(s), ancillaries for the text(s), and office supplies;
 - d. copying services for course materials;
 - e. appropriate place for meeting with students during scheduled office hours, except if instruction is completely technology-mediated;
 - f. an institutional email account along with computer access; and
 - g. telephone access.
2. Professional Development. Professional development opportunities for PTNTT instructional faculty should be supported to the extent possible. This may include extending invitations to departmental, institutional, and external faculty development events.
3. Teaching Assignment. The appointing department or unit shall provide PTNTT faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
4. Performance Evaluation. The institutional president or designee shall assure that each department or unit has in place written procedures for evaluating faculty performance on a regular schedule, as required by Board of Regents' Policy II-1.20. Departments shall evaluate the teaching of PTNTT faculty members on the same basis used to evaluate the teaching of tenure-track faculty members. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, salary, and any subsequent contract are made.
5. Faculty Participation. PTNTT faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit, and institution. Institutional shared-governance procedures shall include PTNTT faculty.
6. Salaries. Every effort should be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.
7. Benefits. PTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointees shall be provided with access to relevant BOR policies governing the provision of those benefits to USM faculty and staff. PTNTT instructional faculty in their fifth semester of appointment at 50% time or more shall be eligible for the benefits listed in sections 7.a. and 7.b, subject to the terms of the policies cited.

(1) USM Benefits

- (i.) Tuition remission for faculty member (see USM Policy VII-4.10);
- (ii.) Tuition remission for dependents (see USM Policy VII-4.20);
- (iii.) Family and medical leave (see USM Policy II-2.31);
- (iv.) Annual Leave (see USM Policy II-2.40);

- (v.) Earned sick leave (see USM Policy II-2.30);
- (vi.) Collegial sick leave (see USM Policy II-2.30);
- (vii.) Personal leave (see USM Policy II-2.40);
- (viii.) Leave for jury service (see USM Policy II-2.50); and
- (ix.) Leave without pay (see USM Policy II-2.20). Part-time non-tenure-track faculty shall be ineligible for sabbatical leave or for terminal leave, regardless of length of service.

Institutional Benefits. Institution-controlled benefits provided to part-time tenured and tenure-track faculty and their spouses and dependent children.

University System of Maryland Policy on the Comprehensive Review of Tenured Faculty

BOR II – 1.19

Approved by the Board of Regents, July 12, 1996

Preamble

The Board of Regents of the University System of Maryland (USM) established the principle of faculty evaluation in its policy on Evaluation of Performance of Faculty (II-1.20) and the principle of accountability for faculty workload and performance in its policy on Faculty Workload and Responsibilities (II-1.25). To coordinate and implement these principles, the Board of Regents requires that each institution shall establish a policy on the comprehensive review of tenured faculty, and procedures to implement such a policy. Policies and procedures already in place assure that untenured faculty receive mandated comprehensive reviews.

This policy establishes a requirement for the comprehensive review, at regular intervals, of faculty on indefinite tenure appointments.

Comprehensive review of faculty shall be part of a larger faculty development program at each institution, designed to enhance the professional abilities of the faculty as teachers and scholars and members of the academic community. To enable the comprehensive review process, institutions shall commit resources not only to the process itself, but also to its accompanying faculty development program.

General Principles/ Criteria

The specifics of comprehensive review policies and procedures should be left open to the institutions, within the limits of reasonable consistency across the USM, in order to take into account individual missions, cultures, and traditions.

At the same time, the policies and procedures of each constituent institution shall include provision for the following:

1. Each tenured faculty member shall be subject to periodic comprehensive reviews that assess the faculty member's performance.
2. Comprehensive review shall be a formative process for future faculty development, for enhancing the learning environment of students, and for the improvement of the academic program to which the faculty member contributes.
4. Comprehensive review shall be conducted as a process of collegial assessment, take place at the department/unit level, and be consistent with the general principles of peer review. Each institution

shall determine the appropriate level at which such review shall take place. Institutional policies and procedures shall address specifically the elements of peer review including the responsibilities of the faculty member to the review, the process of review to be conducted by department/unit colleagues, and the roles of the department/unit chair, dean and provost (of other appropriate senior academic officer). Department/unit policies and procedures shall be filed with and approved by the dean and provost (or other appropriate senior academic officer).

4. The comprehensive review shall include an evaluation of instruction, research/scholarship, and service. Institutional policies and procedures shall be consistent with the preservation of academic freedom and shall include specific criteria to assess the expectations of faculty performance over time.
5. Each tenured faculty member shall be reviewed at least once every five years. Each review shall evaluate the faculty member's performance since the last review. Annual salary and workload reviews may be used as part of the comprehensive review. Two consecutive annual reviews that indicate that a faculty member is materially deficient in meeting expectations¹ shall occasion an immediate comprehensive review, which shall be in addition to those otherwise required by this policy.
6. While the faculty member shall be a principal provider of the review materials, multiple sources of information shall be used as the basis for the evaluation.
7. A favorable periodic review shall be conveyed to the faculty member, and, where possible, shall be considered in decisions on promotion, merit parity, and other rewards.
8. If a faculty member's performance is judged as not meeting expectations, a specific development plan shall be worked out among the dean, department/unit, and the individual faculty member, consistent with the overall faculty development programs and resources of the individual campus. This plan shall include a procedure for evaluation of progress at fixed intervals and shall be signed by all parties.
9. The faculty member being reviewed shall have access to summary written reports and shall have ample opportunity to respond to such reports in a formal way.
11. This comprehensive review process may not be substituted for the USM and institutional policies and procedures relating to the termination of tenured appointments, which are in no way amended by this policy.
12. Each institution shall develop policies and procedures consistent with this policy. Institutional policies and procedures for periodic review shall not duplicate other existing institutional policies and procedures.

¹ Quantitative workload "expectations " are clarified in section IV. Standard Workload Expectations of the BOR Policy on Faculty Workload and Responsibilities (II,1.25). Qualitative performance expectations shall be determined at the department/unit level.

13. The USM policy on comprehensive review, and any institutional policies and procedures on comprehensive review, are in addition to other USM and institutional policies and procedures concerning faculty evaluation and/or termination.
14. Institutional policies and procedures shall be approved by the Chancellor and be filed with Chancellor.

Policy on Professional Commitment of Faculty

BOR II - 3.10

*Approved by the Board of Regents, November 30, 1989;
amended by the Board of Regents, June 27, 2003*

I. INTRODUCTION

By accepting an appointment to an institution in the University System of Maryland, faculty members make a major professional commitment to the institution, its students, and the State of Maryland. Maryland law encourages higher education institutions to promote economic development in the State and to increase their financial resources through arrangements with the private and nonprofit sectors, including collaborative research and development, commercial application of institution-owned intellectual property, and provision of technical assistance. The University System of Maryland encourages its faculty to use its expertise in serving the economic and social interests of the community and the advancement of the academic disciplines.

Faculty members may be expected to contribute to all aspects of the mission of the institution, including such essential components as teaching, student direction, and advisement; research and economic development; professional, public, and institutional service; and administration. The distribution of assignments will vary greatly from year to year and from person to person according to the particular talents and interests of the faculty member and the needs of the institution and the academic unit as determined in consultation with the department chair or responsible administrator.

II. SCOPE AND PURPOSE

- A. **Scope.** This policy applies to all faculty members in the University System of Maryland and shall be incorporated in the published policies of each institution. By explicit reference, some sections of the policy apply only to full-time faculty members.
- B. **Purpose.** Recognizing the need for balance among personal, institutional, and social missions and goals, this policy establishes broad guidelines for avoiding conflicts of commitment and requires each institution to review or develop procedures for handling possible instances of conflict of commitment.
- C. **Definition.** A conflict of commitment situation arises when outside activities substantially interfere with the person's obligation to students, colleagues, or the institution.

III. PROFESSIONAL SERVICES WITHIN THE INSTITUTION

Full-time faculty members may undertake consulting; overload teaching, or professional services within the constituent institution during an appointment period for a stipend only with the advance written approval of the President or designee.

IV. EXTERNAL COMMITMENTS

Consulting and other external professional services may enhance the reputation of the institution as well as the individual, assist in recruiting or placing students, apply the expertise developed in its academies to the enterprises of the State, and test the applicability of theoretical ideas. Nevertheless, the faculty and the institution must remain vigilant to ensure that such external services enhance and do not detract from a faculty member's fulfillment of his or her responsibilities to the institution. Therefore, external professional services, whether income-producing or not, may be undertaken only when it is ensured that all responsibilities associated with the individual's faculty position are fully satisfied and will continue to be met.

A. Professional Services

1. Within USM or State of Maryland. Consulting or professional services which carry a stipend and are rendered to another institution in the University System or another State agency in Maryland require the advance written approval of the President or designee of the faculty member's institution.
2. Use of University Resources. A faculty member may use the physical resources of his or her institution in connection with consulting or professional services beyond routine use of the office, computer, library, and telephone only if the institution is reimbursed in accordance with prior arrangements, or if such reimbursement is waived by the President or designee of the affected institution.
3. Endorsement Not Implied. A faculty member shall not convey endorsement by the institution or the University System of the recommendations or results from his or her consulting or professional services.
4. Protection of Intellectual Property. No individual shall enter into an agreement in the pursuit of consulting or professional services which conflicts with the University System policy on intellectual property (See Policy IV-3.20) without the advance written waiver or consent of the Chancellor or designee.

- B. Teaching Outside the Home Institution. A full-time faculty member, with the advance written permission of the President (or designee) of his or her institution, may teach a maximum of two courses at another institution for extra compensation during the individual's contract year.

V. DISCLOSURE TO PREVENT CONFLICT OF COMMITMENT

Although external activities may enhance the institution and the University System of Maryland, they also bring with them the potential for conflicts of commitment.

Although some situations carry the potential for a conflict of commitment, the faculty member and the University may be able to avoid actual conflict by careful attention to the individual's assigned institutional responsibilities. In situations that have the potential for conflict, a faculty member must confer with the department chair or other appropriate administrator and resolve the potential conflict according to institutional procedures before assuming additional professional responsibilities outside the unit.

IV. IMPLEMENTATION

- A. Limits of Application to Contract. Nothing contained in this policy shall be construed as imposing any obligations on faculty members to the institution or to the University System beyond those required by law or contract, nor as adding any grounds for termination of a faculty appointment beyond those stipulated in the policies governing faculty appointments, ranks, and tenure, as approved by the Board of Regents.
- B. Procedures at Each Institution. Each institution of the University System of Maryland shall develop and publish procedures to implement this policy. Such procedures shall include provisions for regular reporting by faculty members to the institution on all outside professional consulting or teaching and substantial external professional services, whether paid or unpaid.

Policy on Family and Medical Leave for Faculty

BOR II - 2.31

(Approved by the Board of Regents on October 6, 1995; Amended on April 20, 2018.)

I. Purpose and Applicability:

The purpose of this Policy is to implement the Family and Medical Leave Act of 1993 ("FMLA"), 29 U.S.C. § 2611 (2012) and subsequent amendments to applicable federal and state laws. This Policy applies to all eligible University System of Maryland ("USM") faculty who are covered by the provisions of USM BOR policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty. Under certain circumstances, it is the policy of the USM to provide Eligible Faculty Members up to a maximum of twelve (12) weeks of job-protected leave ("FML") during a Twelve- (12-) Month Period for certain family and certain Serious Health Condition reasons. Additionally, under certain circumstances, this Policy provides Eligible Faculty Members a maximum of twelve (12) weeks of FML during a Twelve- (12-) Month Period to address a qualifying Exigency arising from a Military Member's Covered Active Duty status or notification of an impending call or order to Covered Active Duty status, and a maximum of twenty-six (26) weeks of FML during a Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. FML may be unpaid, paid through the concurrent use of leave accrued or acquired under an Institution's policies, or a combination of both as set forth in Section IV of this Policy. If applicable law is modified, abrogated, superseded, or added to, this Policy shall be interpreted in accordance with the new legal framework.

II. Terms and Definitions:

The following terms and definitions shall apply for purposes of this policy:

- A. Accrued or Acquired Paid Leave: Annual and personal leave available for use under USM BOR policy II-2.40 – Policy on Annual Leave for Faculty, holiday leave for holidays observed during FML, sick leave available for use under USM BOR policy II-2.30 – Policy on Sick Leave for Faculty Members, and accident leave.
- B. Alternative Position: A position to which an Eligible Faculty Member may be reassigned temporarily during a period of intermittent or reduced schedule FML. The alternative position shall have equivalent benefits and pay to the position from which the Eligible Faculty Member was reassigned.
- C. Care: To “take care of” or to “care for”: The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.
- D. Care for a Covered Servicemember: Care by an Eligible Faculty Member, for a Covered Servicemember who becomes ill or injured as a result of service in the military, who is a:
 - 1. Spouse; and/or
 - 2. Parent; and/or
 - 3. Child (of any age); or
 - 4. If none of the above is available, the Next of Kin.
- E. Child (except for military FML requests under Section VI): A person who is the son or daughter of an Eligible Faculty Member and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time FML commences. The son and/or daughter may be the biological, adopted, step or foster child of the Eligible Faculty Member. The term “child” shall also include someone who is the legal ward of the Eligible Faculty Member or someone for whom the Eligible Faculty Member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing In Loco Parentis.
- F. Covered Active Duty: In the case of a member of a Regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a Reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.
- G. Covered Servicemember:
 - 1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or
 - 2. A covered veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the 5-year period prior to the first date the Eligible Faculty Member takes FML to Care for the covered veteran.

H. Eligible Faculty Member: An employee who is covered under the provisions of USM BOR policy II-1.00 – University System Policy on Appointment, Rank, and Tenure of Faculty; and

1. Has been employed for a total of at least twelve (12) months as a USM or State of Maryland employee; and
2. Whose employment during the twelve- (12-) month period immediately prior to the beginning date of the FML was at least 50 percent or greater of full-time under a nine- (9-) month or longer contract, or who has worked for at least 1,040 hours during the twelve- (12-) month period immediately prior to the beginning date of the FML as a USM or State of Maryland employee.

If a faculty member holds a concurrent administrative appointment under USM BOR policy II-1.03 – Policy on Concurrent Faculty and Administrative Appointments, FML shall be governed by USM BOR policy VII-7.50 – Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees. However, application of the Staff FMLA Policy shall not result in any loss of rights applicable to the concurrent faculty appointment, including the right to postpone mandatory tenure review under Section VIII.A of this Policy. For convenience, within the text of this Policy the term “Faculty Member” instead of “Eligible Faculty Member” shall be used hereafter.

I. Equivalent Position: A position at the Institution to which a Faculty Member may be Restored upon the completion of the FML. The equivalent position shall have the same benefits, pay, and other terms and conditions of employment as the position from which the Faculty Member took leave.

J. Exigency:

1. Issues arising from a Military Member’s short notice deployment (call to Covered Active Duty on seven (7) or fewer calendar days’ notice prior to the date of deployment);
2. Military events and related activities (official ceremonies, programs or events sponsored by the military), or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the Covered Active Duty or call to Covered Active Duty of a Military Member;
3. Childcare and related activities arising from the Covered Active Duty or call to Covered Active Duty status of a Military Member (including but not limited to arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attendance at certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the Covered Active Duty or call to Covered Active Duty of a Military Member). For purposes of this Paragraph, the child must meet the definition of “Child” in Section II.E of this Policy;
4. Financial and legal arrangements (to make or update legal and/or financial arrangements for the Military Member’s absence or act as his/her representative before a government agency);

5. Attending counseling provided by someone other than a Health Care Provider for oneself, for the Military Member, or for a child of the Military Member (who must meet the definition of "Child" in Section II.E of this Policy), the need for which arose from the Covered Active Duty or call to Covered Active Duty of the Military Member;
6. Spending up to fifteen (15) calendar days with a Military Member who is on short-term, temporary, rest and recuperation leave (for each instance of such leave during a deployment);
7. Attending post-deployment activities (including arrival ceremonies, reintegration briefings and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the Military Member's Covered Active Duty status, and issues arising from the death of a Military Member);
8. Providing Parental Care necessitated by the Covered Active Duty status of a Military Member whose Parent is incapable of self-care; or
9. Additional activities (provided that the Institution and Faculty Member agree that such activities shall qualify as an exigency and agree to both the timing and duration of leave).

K. Health Care Providers:

1. Doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners, nurse midwives, clinical social workers, and physician assistants, who are authorized to practice under the law of the state or country in which they are practicing and are performing within the scope of their practice;
2. Licensed clinical professional counselors;
3. Christian Science practitioners listed with the First Church of Christ Scientist in Boston; and
4. Any other health care provider from whom the Institution's group health plan's benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits.

L. Immediate Family Member: The Faculty Member's Parent, Spouse, or Child.

M. *In Loco Parentis*: "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any Faculty Member claiming an in loco parentis relationship with a child, or any Faculty Member claiming to be the child in an in loco parentis relationship, may be requested to provide documentation of such relationship.

N. Institution: The employing USM institution; the USM institution from which the Faculty Member is taking leave.

- O. Military Member: A Faculty Member's Spouse, child (of any age), or Parent who is on Covered Active Duty.
- P. Next of Kin: The nearest blood relative other than the Covered Servicemember's Spouse, Parent or child (of any age) in the following order of priority:
1. A blood relative whom the Covered Servicemember has specifically designated in writing as his or her nearest blood relative for purposes of military caregiver leave under the FMLA;
 2. Blood relatives who have been granted legal custody of the Covered Servicemember by court decree or statutory provision;
 3. Brothers and sisters;
 4. Grandparents;
 5. Aunts and uncles;
 6. First cousins.
- Q. Parent: The Faculty Member's biological, adoptive, step or foster mother or father, or someone who stood In Loco Parentis to the Faculty Member when the Faculty Member was a child. This term does not include parents "in law."
- R. Parental Care: Care provided to the Military Member's Parent, who must be incapable of self-care and must be the Military Member's biological, adoptive, step or foster father or mother, or any other individual who stood In Loco Parentis to the Military Member when the member was under eighteen (18) years of age.
- S. Restore(d) or Restoration: A return to the position held by the Faculty Member when FML commenced or to an Equivalent Position.
- T. Serious Health Condition: An illness, injury, impairment, or physical or mental condition of the Faculty Member or an Immediate Family Member that involves:
1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 2. A period of incapacity requiring absence of more than three (3) consecutive calendar days from work or other regular daily activities that also involves continuing treatment by (or under the supervision of) a Health Care Provider;
 3. Any period of incapacity due to pregnancy, or for prenatal care;
 4. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (i.e., conditions that require periodic visits for treatment, continue over an extended period of time, and may cause episodic incapacity, such as asthma, diabetes, epilepsy, etc.);
 5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective and for which the faculty member or Immediate Family Member is under the continuing supervision of a Health Care Provider (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,

6. Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a Health Care Provider for a condition that likely would result in incapacity of more than three consecutive calendar days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.) or for a restorative surgery after an accident or other injury.

Incapacity means inability to work, attend school, or perform other regular daily activities due to the Serious Health Condition, treatment therefor, or recovery therefrom. A Serious Health Condition is a qualifying reason for a Faculty Member's leave where the Faculty Member is unable to perform any one of these essential functions of his/her position due to the Serious Health Condition.

U. Serious Injury or Illness:

1. In the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
2. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

V. Spouse: A husband or wife as defined or recognized under state law for purposes of marriage in the state where the Faculty Member resides, including common law marriage and same sex marriage.

W. Twelve- (12-) Month Period:

1. A rolling 12-month period measured backward from the date a Faculty Member uses any FML. Each time a Faculty Member takes FML, the remaining FML amount is the balance of the twelve (12) weeks that has not been used during the immediately preceding twelve (12) months.
2. With regard to Care for a Covered Servicemember, for which a Faculty Member who is the Spouse, child (of any age), Parent, or Next of Kin of a Covered Servicemember may use up to twenty-six (26) weeks of FML in a single Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness, the Twelve- (12-) Month Period shall be measured forward, beginning on the first day the Faculty Member takes FML and ending twelve (12) months after that date.
3. Each Institution shall indicate in its implementation procedures that its Twelve- (12-) Month Period is based on a twelve- (12-) month period measured backward from the date a Faculty Member uses any FML, subject to Paragraph 2 of this Section. This Twelve- (12-) Month Period shall be consistently and uniformly applied to all eligible employees, including faculty and staff, at that Institution.

III. Reasons for Leave

A faculty member is entitled to take FML for the following reasons:

- A. The birth of the faculty member's child;
- B. The placement of a Child with the Faculty Member for adoption or foster care;
- C. The need to take care of the Faculty Member's Child within a twelve (12) month period from birth or placement;
- D. The need to take care of the Faculty Member's Immediate Family Member who has a Serious Health Condition;
- E. The Serious Health Condition of the Faculty Member that makes the Faculty Member unable to perform any one of the essential functions of the Faculty Member's job;
- F. The need to take Care of a Covered Servicemembers' Serious Injury or Illness; and
- G. Qualifying Exigencies arising out of the Covered Active Duty and call-up to Covered Active Duty of a Military Member 9the Faculty Member's Spouse, Child (of any age), or Parent)

IV. Compensation During Leave

The FMLA provides Faculty Members with job-protected leave for the qualifying reasons listed under Section III of this Policy. The FMLA allows for the leave to be unpaid, paid through the concurrent use of leave accrued or acquired under the Institution's policies, or a combination of both. Each Institution shall require Faculty Members to use concurrently with FML paid leave accrued or acquired under USM's and the Institution's policies and procedures in the following order:

- A. Accrued or Acquired Paid Leave as defined in Section II.A; and
- B. Paid parental leave under USM BOR policy II-2.25 – Policy on Parental Leave.

Any remaining FML will be unpaid.

V. Family and Medical Leave Entitlement

- A. A Faculty Member is entitled to a maximum of twelve (12) weeks of FML, based on the Faculty Member's normal workweek, within a Twelve- (12-) Month Period. FML can be taken continuously or, per Section VII of this policy, intermittently or under a reduced work schedule, over the course of a Twelve- (12-) Month Period. FML entitlement shall not be carried over from a Twelve- (12-) Month Period to the subsequent Twelve- (12-) Month Period.
- B. For example:

1. If a Faculty Member normally works forty (40) hours per week and takes three (3) weeks of FML continuously, then the Faculty Member's three (3) weeks of leave will constitute three (3) weeks of FML.
2. If a Faculty Member normally works thirty-two (32) hours per week and takes twenty-four (24) hours of FML, then the Faculty Member's twenty-four (24) hours of leave will constitute three-fourths (3/4) of a week of FML.
3. If a Faculty Member normally works forty (40) hours per week and works twenty (20) hours under a reduced schedule, then the Faculty Member's twenty (20) hours of leave will constitute one-half (1/2) of a week of FML for each week the Faculty Member works under the reduced schedule.
4. If a Faculty Member normally works thirty (30) hours per week and works twenty (20) hours per week under a reduced schedule, then the Faculty Members ten (10) hours of leave will constitute one-third (1/3) of a week of FML for each week the Faculty Member works under the reduced schedule.

C. Whether a period of FML is paid or unpaid will be determined by Section IV of this Policy.

VI. Military FML Entitlement

A. Military Caregiver Leave

A Faculty Member who is the Spouse, Child (of any age), Parent, or Next of Kin of a Covered Servicemember may use up to twenty-six (26) workweeks of leave in a single Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. The Twelve- (12-) Month Period described in this Paragraph shall be measured forward, beginning on the first day the Faculty Member takes FML to Care for a Covered Servicemember and ending twelve (12) months after that date.

B. Exigency Leave

A Faculty Member with a Spouse, Child (of any age), or Parent who is a Military Member on Covered Active Duty or notified of an impending call or order to Covered Active Duty status may use up to twelve (12) workweeks of leave to address a qualifying Exigency arising out of the fact that the Faculty Member's Spouse, Child, or Parent is on Covered Active Duty or notified of an impending call or order to Covered Active Duty status.

VII. Intermittent Leave or Reduced Schedule Leave:

- A. Intermittent leave is FML taken in separate blocks of time for a single qualifying reason. Reduced schedule leave is FML that reduces a Faculty Member's usual number of working hours per workweek or workday for a period of time.

- B. A Faculty Member may take intermittent or reduced schedule leave for purposes of the Faculty Member's or the Immediate Family Member's Serious Health Condition, the Serious Injury or Illness of a Covered Servicemember, or for a qualifying Exigency. There must be a medical need for leave and it must be that such medical need can be best accommodated through intermittent or reduced schedule leave.
- C. The Faculty Member shall make a reasonable effort to schedule intermittent or reduced schedule leave for planned medical treatment so as not to unduly disrupt the operations of the Institution's applicable unit. If the Faculty Member neglects to consult with the Institution to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the Institution's operations, the Institution may initiate discussions with the Faculty Member and require the Faculty Member to make a reasonable effort to make such arrangement, subject to the approval of the Health Care Provider.
- D. It is within the discretion of the President or designee to grant intermittent or reduced schedule leave for reasons of childbirth, placement with the Faculty Member of a Child for adoption or foster care, or care for a newborn Child.
- E. The President or designee may temporarily reassign a Faculty Member on intermittent or reduced schedule leave to an Alternative Position for which the Faculty Member is qualified, and which better accommodates intermittent or reduced schedule leave than does the Faculty Member's regular position. Such reassignment may occur only where the Faculty Member foreseeably needs intermittent or reduced schedule leave or where the President or designee agrees to permit such leave under Paragraph D of this Section VII. The Alternative Position must have equivalent pay and benefits but need not have equivalent duties and may not constitute a hardship on the Faculty Member or discourage the Faculty Member from taking leave. When the Faculty Member no longer needs leave, they must be placed in the position they held when FML commenced or in an Equivalent Position.

VIII. Job Rights and Protections

- A. A tenure-track Faculty Member whose leave under this Policy is six (6) continuous months or totals at least one semester may request through his or her department chair or appropriate appointing authority that the mandatory tenure review be postponed for one (1) year. The request shall be forwarded through the Faculty Member's dean, for recommendation, to the chief academic officer of the Institution for decision.
- B. Except as provided in Sections VIII. C., D., E., and F., a Faculty Member returning to work at the conclusion of FML shall be Restored to the position they held when FML commenced or to an Equivalent Position with the pay, benefits, and other terms and conditions of employment that they enjoyed immediately prior to the FML.
- C. A Faculty Member is not entitled to Restoration if the President or designee determines that the Faculty Member had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the institution would not otherwise have continued to employ the Faculty Member.

- D. If at any point prior to or during the FML the President or designee determines that the Faculty Member's position held when FML commenced cannot be held available for the duration of the leave, the President or designee, at the conclusion of the leave, shall Restore the Faculty Member to an Equivalent Position.

If it is determined that the position cannot be held available, the President or designee shall immediately notify the Faculty Member in writing of details associated with the decision and the details of the Equivalent Position to which the Faculty Member will be Restored. The Faculty Member shall have the right to return to work within fifteen (15) working days from receipt of such notice to keep the position held by the Faculty Member when FML commenced.

- E. If there are reductions in the work force while the Faculty Member is on FML and the Faculty Member would have lost his/her position under the Institution's retrenchment policy(ies) had he/she not been on FML, then the Institution has no obligation to Restore the Faculty Member to the position held by the Faculty Member when FML commenced or to an Equivalent Position.
- F. Faculty Members on FML are subject to generally applicable changes in compensation, benefits, or other terms or conditions of employment.
- G. A disruption in a Faculty Member's service due to FML taken in accordance with this Policy shall not count against years of service for purposes of eligibility for sabbatical leave under USM BOR policy II-2.00 – Policy on Sabbatical Leave for Faculty.

IX. Status of Benefits While on FML

- A. A Faculty Member on FML under this Policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the FML, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, unless otherwise elected by the Faculty Member and subject to any generally applicable changes in benefits eligibility or terms that may have taken place during the period of FML.
- B. A Faculty Member on FML may continue employer-subsidized health care benefits during the period of leave. The President or designee shall, in accordance with Section XI.B of this Policy, provide advance written notice to the Faculty Member of the terms and conditions under which premium payments are to be made by the Faculty Member, which shall include the following:
 - 1. If Accrued or Acquired Paid Leave or paid parental leave is being used concurrently during the FML period, the Faculty Member's share of premiums shall be paid by the method normally used during any paid leave; and
 - 2. If the FML period is unpaid, the Institution shall require the Faculty Member to pay his or her share of premium payments in the manner required by the State of Maryland Department of Budget and Management.
- C. The Institution shall recover its share of health premiums during a period of unpaid FML if the Faculty Member fails to return to work (does not work for at least thirty (30) calendar days) after the FML has been exhausted or the Faculty Member's eligibility expires, unless the reason for not

returning is due to the continuation, recurrence, or onset of a Serious Health Condition of the Faculty Member or Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, or other circumstances beyond the faculty member's control.

When a Faculty Member fails to return to work because of the continuation, recurrence, or onset of either a Serious Health Condition of the Faculty Member or Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, thereby precluding the Institution from recovering its (share of) health benefit premium payments made on the Faculty Member's behalf during a period of unpaid FML, the Institution shall require medical certification of the Faculty Member's or the Immediate Family Member's Serious Health Condition or the Covered Servicemember's Serious Injury or Illness. If the Institution requires such certification, the Faculty Member must provide the certification within thirty (30) days of the Institution's request. If the Faculty Member does not provide requested certification within thirty (30) days, or the reason for not returning to work does not involve circumstances beyond the Faculty Member's control, the Institution may recover one hundred percent (100%) of the health benefit premiums it paid during the unpaid FML.

- D. Except as noted in Section VIII, Job Rights and Protections, upon return from FML a Faculty Member shall be Restored all the rights, benefits, and privileges enjoyed prior to the leave.
- E. The status and maintenance of a Faculty Member's benefits other than employer- subsidized health care benefits during a period of paid or unpaid FML shall be determined by the Institution's established policies for providing those benefits when the Faculty Member is on other forms of leave (paid or unpaid, as appropriate). While on any unpaid portion of an FML, a Faculty Member shall not earn or accrue any additional leave or be entitled to salary or other compensation-based benefits.
- F. A Faculty Member may elect to purchase service credit at the time of retirement for prior leave without pay that is qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, a Faculty Member shall follow the Institution procedure to assure that this option may be exercised. Service credits are not applicable to the Optional Retirement Program

X. Faculty Notice Requirement

A. Timing

A Faculty Member shall give at least thirty (30) calendar days' notice (or if not practicable, as soon as practicable, generally within two (2) workdays) before FML is to begin for leave based on an expected birth, placement for adoption or foster care, planned medical treatment for a Serious Health Condition of the Faculty Member or of an Immediate Family Member, or planned medical treatment for a Serious Injury or Illness of a Covered Servicemember. For leave due to a qualifying Exigency, notice must be provided as soon as practicable. The Faculty Member shall advise the Institution as soon as practicable if dates of scheduled leave change or are extended, regardless of whether FML is to be continuous or is to be taken intermittently or on a reduced schedule basis.

B. Content

The notice provided by the Faculty Member shall be written and provided to the Faculty Member's immediate supervisor and Provost (or his or her designee), sufficient to make the Institution aware that the Faculty Member needs FML and shall include the anticipated timing and duration of the leave, if foreseeable.

C. Notice by Spokesperson

Notice may be given by the Faculty Member's spokesperson (e.g., Spouse, adult family member, or other responsible party) if the Faculty member is unable to do so personally.

XI. Employer Notice Requirements

A. Eligibility Notice

When a faculty member requests FML, or when the Institution acquires knowledge that a faculty member's leave may be for an FML-qualifying reason, the Institution shall notify the faculty member of the faculty member's eligibility to take FML within five (5) business days, absent extenuating circumstances. The Institution shall provide this eligibility notice in writing using the prototype form issued by the Department of Labor, Wage and Hour Division.

B. Rights and Responsibilities Notice

Institutions shall provide written notice detailing the specific expectations and obligations of the Faculty Member and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the Faculty Member each time the eligibility notice is provided and may be contained within the same form. An Institution shall use the prototype form issued by the Department of Labor, Wage and Hour Division, which shall include:

1. A statement that the leave may be designated and counted against the Faculty Member's annual FML entitlement if qualifying and the Twelve- (12-) Month Period defined in Section II.W of this Policy;
2. Any requirement for the Faculty Member to furnish certification of a Serious Health Condition, Serious Injury or Illness, or qualifying Exigency arising out of Covered Active Duty or call to Covered Active Duty status, and the consequences of failure to do so;
3. A statement that the Institution will require the substitution of paid leave per Section IV of this Policy, the conditions related to any substitution, and the Faculty Member's entitlement to take unpaid FML if the Faculty Member does not meet the conditions for paid leave;
4. Any requirement for the Faculty Member to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis per Section IX of this Policy;
5. A statement of the Faculty Member's status as a Key Employee under USM BOR policy VII-7.50 – Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees, if he or she

holds a concurrent administrative appointment under USM BOR policy II-1.03 – Policy on Concurrent Faculty and Administrative Appointments, and the potential consequence that Restoration may be denied following FML, explaining the conditions required for such denial;

6. A statement of the Faculty Member's rights to maintenance of benefits during FML and Restoration to the position held when FML commenced or an Equivalent Position upon return from FML; and
7. A statement of the Faculty Member's potential liability for payment of health insurance premiums paid by the Institution during the Faculty Member's unpaid FML if the Faculty Member fails to return to work after taking FML.

C. Designation Notice

1. When the Institution has enough information to determine whether the leave is being taken for an FML-qualifying reason (e.g., after receiving a certification, if requested), the Institution shall notify the Faculty Member in writing whether the leave will be designated and will be counted as FML, within five (5) business days absent extenuating circumstances. If the Institution has sufficient information to designate the leave as FML immediately after receiving notice of the Faculty Member's need for leave, the Institution shall provide the Faculty Member with the designation notice at that time. This notice shall be provided using the prototype form issued by the Department of Labor, Wage and Hour Division, which shall meet the requirements below in Section XI.C.2–.4
2. The Institution shall inform the Faculty Member in this written notice that the Institution is requiring the Faculty Member to use paid leave concurrently in the order set forth in Section IV of this Policy.
3. If the Institution will require the Faculty Member to present a fitness-for-duty certification to be Restored to employment, the Institution shall provide notice of such requirement with the designation notice. If the Institution will require that the fitness-for-duty certification address the Faculty Member's ability to perform the essential functions of the Faculty Member's position, the Institution shall so indicate in the designation notice, and shall include a list of the essential functions of the Faculty Member's position.
4. If the information provided by the Institution to the Faculty Member in the designation notice changes, the Institution shall provide written notice of the change within five (5) business days of receipt of the Faculty Member's first notice of need for leave subsequent to any change.
5. If an Institution does not designate leave as indicated in Section XI.C.1–.4, the Institution may retroactively designate leave as FML with appropriate notice to the Faculty Member provided that the Institution's failure to timely designate leave does not cause harm or injury to the Faculty Member.

XII. Certification

A. Medical Certification for Serious Health Condition of Faculty Member or Immediate Family Member.

1. For leave related to a Serious Health Condition, the Faculty Member shall provide medical certification(s) from the Faculty Member's or Immediate Family Member's Health Care Provider. The Institution shall use the Department of Labor's prototype forms for certification of the Serious Health Condition of an employee or the Serious Health Condition of a family member. The Faculty Member shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the Faculty Member's diligent good faith efforts. An Institution shall require only the following information in the certification:
 - a) The name, addresses, telephone number, and fax number of the Health Care Provider and type of medical practice/specialization;
 - b) A diagnosis of the nature and extent of the condition giving rise to the use of FML;
 - c) The approximate date the condition commenced and its probable duration;
 - d) A statement or description of appropriate medical facts regarding the patient's health condition for which FML is requested, including a regimen of continuing treatment to be prescribed;
 - e) In the case of a Faculty Member's Serious Health Condition, certification that the Faculty Member is unable to perform the essential functions of his/her position and prognosis of the Faculty Member's ability to return to his/her position;
 - f) In the case of an Immediate Family Member's Serious Health Condition, information sufficient to establish that the family member is in need of Care and an estimate of the frequency and duration of the leave required to Care for the family member; and
 - g) In cases of a request for intermittent or reduced schedule leave, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave, and:
 - i. An estimate of the frequency and duration of treatments and periods of recovery if the leave is for foreseeable planned medical treatment; or
 - ii. An estimate of the frequency and duration of episodes of incapacity if the Serious Health Condition may result in unforeseeable episodes of incapacity.
2. If a Faculty Member submits a complete and sufficient certification signed by the Health Care Provider, the Institution may not request additional information from the Health Care Provider. However, the Institution may contact the Health Care Provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the Institution has given the Faculty Member an opportunity to cure any deficiencies as set forth in Paragraph D of this Section XII. To make such contact, the Institution must use a Health

Care Provider, a human resources professional, a leave administrator, or a management official. Under no circumstances, however, may the Faculty Member's direct supervisor contact the Health Care Provider

3. The President or designee may require a second medical opinion at the Institution's expense if the Institution has reason to doubt the validity of a medical certification. The Institution may designate the Health Care Provider who is to furnish the second opinion. In the case of conflicting opinions, the opinion of a third Health Care Provider, agreed upon by both Faculty Member and the President or designee and obtained at the Institution's expense, shall be final and binding. The second and third opinions shall not be provided by individuals who are employed on a regular basis by the Institution.
4. The President or designee may require reasonable recertification as the FML continues. Recertification shall not be requested more often than every thirty (30) calendar days unless the Faculty Member requests an extension of FML, circumstances described by the previous certification have changed significantly, or the Institution receives information that casts doubt upon the continuing validity of the most recent certification. The Institution shall allow at least fifteen (15) calendar days for the Faculty Member to provide the requested recertification.

The Institution may ask for the same information on recertification as that set forth in Section XII.A.1 of this Policy. As part of the information allowed to be obtained on recertification for leave taken because of a Serious Health Condition, the Institution may provide the Health Care Provider with a record of the Faculty Member's absence pattern and ask the Health Care Provider if the Serious Health Condition and need for leave is consistent with such a pattern.

B. Medical Certification for a Covered Servicemember

When leave is taken to Care for a Covered Servicemember with a Serious Injury or Illness, an Institution may require the Faculty Member to obtain a certification completed by an authorized health care provider of the Covered Servicemember. For this purpose, the Department of Defense ("DOD") health care providers, a health care provider from the U.S. Department of Veterans Affairs ("VA"), DOD TRICARE Network and DOD non-network TRICARE authorized health care providers, and any Health Care Provider listed in Section II.K of this Policy are considered "authorized health care providers." A Faculty Member may use the appropriate prototype form issued by the Department of Labor's Wage and Hour Division or a comparable form requiring the same information (including invitational travel orders ("ITOs") or invitational travel authorizations ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside). An Institution may require additional information per 29 C.F.R. § 825.310 or other applicable law.

Second or third opinions are not permitted if the health care provider is from DOD, the VA, or DOD-authorized private health care providers, but are permitted if the health care provider otherwise meets the definition of Section II.K of this Policy. Recertifications are never permitted for leave to Care for a Covered Servicemember. Should an extension of leave be required, additional certification may be requested.

C. Certification for Leave Taken Because of a Military Exigency

The first time a Faculty Member requests leave because of a qualifying Exigency arising out of the Covered Active Duty or call to Covered Active Duty status (or notification of an impending call or order to Covered Active Duty) of a Military Member, the Institution may require the Faculty Member to provide a copy of the Military Member's active duty orders or other documentation issued by the military which indicates that the Military Member is on Covered Active Duty or call to Covered Active Duty status, and the dates of the Military Member's Covered Active Duty service.

An Institution may additionally require that leave under this Paragraph be supported by a certification setting forth the information listed in 29 C.F.R. § 825.309 or other applicable law. An Institution shall use the appropriate prototype form issued by the Department of Labor's Wage and Hour Division. An Institution may not require information additional to what is required by this Paragraph.

D. Sufficiency of Certification

The Faculty Member must provide a complete and sufficient certification to the Institution if required by the Institution under Paragraphs A, B, or C of this Section XII. The Institution shall advise the Faculty Member if the Institution finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the Institution receives a certification but one or more of the applicable entries have not been completed. A certification is considered insufficient if the Institution receives a complete certification, but the information provided is vague, ambiguous, or nonresponsive. The Institution must provide the Faculty Member seven (7) calendar days (unless not practicable) to cure any such deficiency.

E. Confidentiality

Consistent with the FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the Faculty Member's official institutional personnel file.

XIII. Documentation of Certain Relationships

If a Faculty Member takes FML under this Policy, including, but not limited to, for the birth of the Faculty Member's Child, the placement of a Child with the Faculty Member for adoption or foster care, or the need to take care of the Faculty Member's Child within a Twelve- (12-) Month Period after birth or placement, the Institution may require the Faculty Member giving notice of the need for leave to provide reasonable documentation or a statement of family relationship for purposes of confirming the family relationship. This documentation may take the form of, but is not limited to, a simple statement from the Faculty Member, a Child's birth certificate, an adoption certification, or a court document. The Institution is entitled to examine documentation, but the Faculty Member is entitled to the return of an official document submitted for this purpose.

XIV. Scheduling of Treatment

- A. When planning medical treatment, the Faculty Member must consult with the Institution and make a reasonable effort to schedule the treatment so as not to disrupt unduly the academic program or unit of which the Faculty Member is a part, subject to the approval of the Health Care Provider. Faculty Members are ordinarily expected to consult with their Institution prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the Institution and the Faculty Member.
- B. If a Faculty Member fails to consult with the Institution to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the Institution's operations, the President or designee may initiate discussions with the Faculty Member, require the Faculty Member to make a reasonable effort to make such arrangements, and request the Faculty Member to provide certification from the appropriate Health Care Provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the academic program or unit of which the Faculty Member is a part.

XV. Providing Information About FML

Regardless of the reason for the FML, a Faculty Member shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from FML. An Institution may require Faculty Members on FML to report periodically on their status and intent to return to work if the Institution's procedures regarding such reports are nondiscriminatory and take into account all of the relevant facts and circumstances related to each Faculty Member's leave situation.

XVI. Abuse of FML

The President or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the FML program. Cases of bad faith, falsification of documents, or fraudulent information related to FML provided to the Institution, or other abuses of the FML program, may result in actions by the Institution, including, but not limited to, revocation of the leave, refusal to Restore, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

XVII. Early Return from Leave

A Faculty Member may discover after beginning FML that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. A Faculty Member may not be required to take more FML than necessary to resolve the circumstance that precipitated the need for leave. An Institution may require the Faculty Member to provide the Institution reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable.

XVIII. Extension of Leave

A Faculty Member may extend the date of return from FML to the extent they have remaining FML available. Notice need only be given one time regardless of whether the FML is to be continuous or

is to be taken intermittently or on a reduced schedule basis, but the Faculty Member shall advise the Institution as soon as practicable if dates of scheduled FML are extended and provide recertification if requested.

XIX. Failure to Return from Leave

- A. A Faculty Member who will not be returning to the Institution at the conclusion of FML shall so notify the President or designee in writing as soon as practicable. In the absence of written notification or other extenuating circumstances, failure to return from leave shall be generally interpreted as a resignation.
- B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the Faculty Member's last paid day.

XX. Spouses Employed by the Same USM Institution or Unit

- A. Regardless of whether Spouses work at the same Institution or in the same institutional unit, each Spouse shall be entitled to a separate, individual, maximum FML eligibility amount for the reasons listed in Section III of this Policy.
- B. The amount of leave for which one Spouse may be eligible, or the amount of leave used by one Spouse, shall not limit or enhance the leave amount or the leave usage of the other Spouse.
- C. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum FML eligibility amount.

XXI. Miscellaneous

- A. The President or designee is under no obligation to immediately Restore a Faculty Member whose return from FML does not coincide with the normal operating schedule of the Institution or the normal work schedule of the Faculty Member's academic program and/or unit or Restore a Faculty Member whose return date is inconsistent with the terms and conditions of the Faculty Member's appointment.
- B. Entitlement to begin FML for reasons of childbirth, placement with the Faculty Member of a Child for adoption or foster care, or care for a newborn Child expires by no later than the 364th day after the date of birth or placement. Any such FML must be concluded within this one-year period.
- C. Either the Faculty Member or the Institution may initiate a period of FML.

Implementation Procedures:

Each President shall identify his/her designee(s) as appropriate for this Policy; develop procedures as necessary to implement this Policy; communicate this Policy and applicable procedures to faculty members at his/her Institution and the general campus community; and post this Policy on the institutional website. Each President shall forward a copy of such designations and implementation procedures to the Chancellor.

Reference:

The Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2611 (2012); National Defense Authorization Act for Fiscal Year 2010 (2010 NDAA), Pub. L. No. 111-84 (2009); 29 C.F.R. pt. 825 (2016).

Policy on Employment of Members of the Same Family (Nepotism)

BOR VII – 2.10

Approved by the Board of Regents, February 28, 1992; Amended by the Board of Regents, December 12, 2008; Amended October 9, 2015)

I. Purpose and Applicability

To establish a policy for employees of the University System of Maryland (USM) which permits members of the same family to be employed in the USM while promoting fairness and preventing conflicts of interest. This policy applies to all USM Staff and Faculty.

II. Definitions for purposes of this policy.

A. "Family member" means:

1. The employee's spouse, children or step-children
2. A parent of the employee or the employee's spouse;
3. A brother or sister of the employee or the employee's spouse;
4. Grandparents or grandchildren of employee or the employee's spouse;
5. Aunts and uncles of the employee or the employee's spouse;
6. Nephews and nieces of the employee or the employee's spouse;
7. Sons-in-law and daughters-in-law of the employee or the employee's spouse.

B. "Supervisor/subordinate relationship means: a relationship in which one family member reports to another family member, or one family member otherwise participates directly in making personnel decisions regarding another family member.

III. General

Members of the same family are eligible for employment in the USM. However, a supervisor-subordinate relationship shall not exist between family members nor shall one member of a family assume for the other the role of advocate or judge with respect to conditions of employment or promotion.

IV. Family Members Recommended to Work for the Same Supervisor

When members of the same family are recommended to work for the same supervisor, the arrangement must be approved in advance by the Institution's President or designee. No appointment of a family member may be made without such prior approval.

V. Development of a Supervisor/Subordinate Relationship After Employment

- A. If a supervisor/subordinate relationship between family members develops during employment, the family members must notify the institution's Chief Human Resources Officer (CHRO) immediately. The institution must take action to ensure that the supervisor/subordinate relationship ends; such action may include transfer, reassignment or removal of one or more family members.
- B. If actions to avoid a supervisor/subordinate relationship between family members are not feasible, the next highest administrative supervisor of the employees may request an exception to the prohibition against such employment. The request shall be made in writing to the President, or, as appropriate, the Chancellor or the Board of Regents, and shall address:
 - 1. The unique circumstances that prevent actions to avoid a supervisor/subordinate relationship among the family member employees;
 - 2. The specialized qualifications of the family member employees or other factors that demonstrate why their continued employment is in the best interest of the institution despite the supervisor/subordinate relationship; and
 - 3. Proposed measures to restrict participation of the supervising family member in any personnel actions affecting the subordinate family member, including specific alternative procedures for the ongoing supervision and evaluation of the family member.
- C. Family members may not be employed in a supervisor/subordinate relationship without the approval of such a requests by the President or, as appropriate, the Chancellor or Board of Regents.
- D. This policy does not apply to appointments and promotions made, or to family relationships which existed, prior to the effective date of this policy, February 28, 1992.

Implementation Procedures

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.

Policy on Faculty Retrenchment

BOR II – 8.0

(Approved by the Board of Regents, November 29, 1990)

In fulfilling their educational roles and missions, the constituent institutions of the University of Maryland System must make optimal use of their faculty resources. Optimum utilization may call for a reduction in or a reallocation of faculty at various times and for various reasons; e.g. sifting enrollment patterns, changing program directions, restricted funding. If reassignment and/or reallocation is inadequate to effect such changes, an institution may find it necessary to terminate the appointment of tenure-track or tenured faculty members.

In order to insure the protection of rights of the faculty members, each institution will develop internal retrenchment procedures consistent with that institution's governance structure and with Sections I.C.9, I.C.10, I.C.13 and I.C. 17 of the 1989 University System Policy on Appointment, Rank and Tenure of Faculty and corresponding sections of earlier faculty appointment agreements still in effect. As a part of those procedures, each institution will establish a retrenchment appeals committee. Following review for form and legal sufficiency by the Office of the Attorney General, these procedures must be submitted to the Chancellor for review and approval.

Policy on Classified and Proprietary Work

BOR IV – 2.20

(Approved by the Board of Regents, April 25, 1991; Approved by the Board of Regents, June 16, 2017)

I. Purpose

The mission of the University System of Maryland (USM) is to generate and disseminate knowledge. USM interests and purposes are well served by the conduct of extramurally sponsored activities. Sponsors may operate within a classified or proprietary environment, while the USM functions on the principles of free inquiry and open expression. To serve the common interests of both the USM and external sponsors, it is necessary to have reasonable and workable guidelines for collaborative work, which facilitate mutually-beneficial arrangements with sponsors while protecting the basic tenets of the USM. To that end, this Policy describes the USM's general policy regarding sponsored activities involving classified or proprietary work, defines the elements to be considered by institutional presidents before approving exceptions in specific circumstances, and outlines reporting requirements for exceptions.

II. Policy

It is the USM's general policy that instruction, research, and services will be accomplished openly and without prohibitions on the publication and dissemination of the results of academic and research activities. This section establishes the basis, under this general policy, on which USM institutions will enter into contractual agreements with governmental or private sponsors. It also establishes the basis for acceptance of graduate theses and dissertations.

- A. The USM enters into no contractual agreement that restrains it from disclosing the existence of the agreement, the nature of the work, or the identity of the sponsor.

- B. USM neither conducts federal classified work nor permits the use of facilities or resources for such work on any of its campuses. When it is determined, consistent with the interests of both the USM and the United States, that it is appropriate to engage in classified work, such work must be conducted at off-campus sites.
- C. Only in exceptional circumstances may USM institutions enter into agreements (for non-classified work) that bar investigator(s) from publishing or otherwise disclosing findings publicly. With the concurrence of the investigator(s), the institution may agree to delay publication for a maximum of 90 days to allow sponsors to determine whether their proprietary information may be publicized, or whether they will exercise their rights under patent clause agreements with the institution. The institution, with the concurrence of the investigator(s), may agree to an additional delay of publication of up to 90 days, for a total maximum publication delay of 180 days.
- D. USM institutions shall accept no graduate theses or dissertations that cannot be made public. The provisions stated in item C above for delaying public disclosure also apply to graduate theses and dissertations; therefore, institutions will not permit a student to defend any thesis or dissertation which contains proprietary information until the time period allowed by item C has expired.
- E. The USM recognizes that some publishable work can best be accomplished if an investigator(s) has access to a sponsor's proprietary information or materials. The institution and investigator(s) may agree to use reasonable efforts to protect such information or materials from disclosure, but they cannot accept liability if such efforts fail.
- F. This Policy does not apply to consulting or other activities conducted off-campus, or without the use of USM institution facilities or resources and when performing consulting activities independent of the employment relationship with the USM institution. Consulting activities must conform to the USM's separate policy on consulting (Policy on Professional Commitment of Faculty – II-3.10).
- G. In highly unusual circumstances, institution presidents may grant exceptions to this Policy. Each institution must adopt policies and procedures that assure serious consideration of the following issues prior to presidential approval of an exception for a specific project:
 - a) The proposed work fits within the institution's mission and meets its ethical standards;
 - b) National interests (security, public health, etc.) have been considered;
 - c) Any classified or proprietary work restrictions will not adversely affect the academic progress of any student involved in the work;
 - d) Any faculty member involved in the work understands the implications of performing work that may not be immediately publishable in a publicly available format, and possible impact on academic/professional progress;
 - e) All research policies and procedures, including general safety and security, Institutional Review Board (IRB), Institutional Animal Care and Use Committee (IACUC), environmental considerations, and IT and data security have been carefully evaluated and appropriately articulated in the agreement;

- f) Proper documentation is provided that protects the institution, and accepted security measures are put in place to assure that any on-campus work does not place the institution at undue risk; and
- g) Other special circumstances relevant to a specific project or program are documented.

H. No classified or proprietary work in which a USM institution is involved shall violate any federal or state laws, regulations or guidelines on ethics or protection of privacy with respect to any person involved in the work as a participant, investigator or subject.

III. Reporting

Each institution will provide an annual report to the USM Chancellor on all exceptions made pursuant to this Policy, providing justification for the approval of the classified or proprietary research project. The Chancellor will make an annual report to the Board of Regents specifying exceptions granted under these provisions.

IV. Definition

For the purpose of this policy, proprietary information or materials means unclassified information or materials that can be made public or that can be disseminated only with the approval of an individual or organization external to the USM.

Replacement for: Original BOR VII – 8.00-1

Policy on Conflicts of Interest in Research or Development

BOR III – 1.11

Approved by the Board of Regents, August 23, 1996

Amendments approved by the Board on October 24, 2014

Amended June 16, 2017

I. Introduction

Maryland law encourages public senior higher education institutions to promote economic development in the State and to increase their financial resources through arrangements with the private sector, including collaborative research and development, commercial application of institution-owned intellectual property, and provision of technical assistance. To facilitate these purposes, the Maryland Public Ethics Law allows for the exemption of University System of Maryland personnel from some of that law's conflict of interest provisions. This policy establishes the essential elements of the procedures, to be adopted by each System institution, for obtaining such exemptions.

II. Policy

- A. A present or former official or employee of a constituent institution of the System may have a relationship (as defined herein) with an entity engaged in research or development, or an entity having a direct interest in the outcome of research or development, which relationship would otherwise be prohibited by the conflict of interest provisions of the Ethics Law, if such

relationship is disclosed and approved by the President of the educational institution in accordance with the institution's faculty conflict of interest procedures developed pursuant to this Policy.

- B. A The Chancellor, a Vice Chancellor, a President, or a Vice President or one holding a similar such position may have such a relationship only if the Board of Regents makes the following findings:
- 1) that participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and
 - 2) that any conflict of interest can be managed consistent with the purposes of relevant provisions of the Public Ethics Law.

The Board shall promptly notify the State Ethics Commission in writing of any approval given under this paragraph. In the event that the Commission disagrees with any approval and provides notice to the Board within 30 days of the Commission's receipt of notice of the approval, the Board shall reexamine the matter. The Board shall adopt procedures for handling requests for approvals under this paragraph.

- C. If the above conditions are not met, this Policy does not exempt a former or present official or employee from any of the provisions of the State Ethics Law.
- D. Nothing in this Policy allows an exemption on the part of any official or employee of the System from the provisions of 5-505 ("Solicitation or acceptance of gifts of honoraria") of the General Provisions Article. Further, an official or employee of the System may not (1) represent a party for contingent compensation in any matter before the Board of Regents or before the State's Board of Public Works, or (2) intentionally misuse his or her position with the System for personal gain or for the gain of another person.
- E. Each institution shall provide training regarding all applicable provisions of the Maryland Public Ethics Law (1) to all newly appointed faculty members and administrators serving at the level of Chair or above within six months of such appointment; and, (2) to all existing faculty members and administrators serving at the level of Chair or above at least once every five years. Online training provided by the State Ethics Commission for individuals who file financial disclosure statements may be substituted for the initial training required under this Policy.
- F. The approval of a relationship under this policy does not relieve the official or employee from the obligation to comply with other System and institution policies, including the System Policy on Professional Commitment of Faculty.
- G. The Chancellor is encouraged to consult periodically with the Maryland Department of Commerce and with Federal agencies that regulate federally-funded research concerning the implementation of this policy.

III. Procedures

- A. Each institution shall develop procedures based on the above policy and the purposes of the Maryland Public Ethics Law as stated at Section 5-101 of the General Provisions Article of the Maryland Annotated Code. The procedures shall be approved by the Office of the Attorney General and approved as to conformity with Maryland Public Ethics Law by the State Ethics Commission. The approved procedures shall be filed with the Office of the Chancellor.
- B. Procedures shall:
- 1) Require timely disclosure of any relationship. The disclosure shall be filed with the State Ethics Commission, and maintained as a public record at the institution.
 - 2) Subject to paragraph (5), require review of all disclosed relationships by a designated official who shall determine what further information must be disclosed and what restrictions shall be imposed in order to manage, reduce, or eliminate any actual or potential conflict of interest. The designated official shall also determine whether or not the disclosed relationship represents a harmful interest, as defined herein. If so, approval shall not be granted.
 - 3) Include guidelines to ensure that relationships do not improperly give an advantage to entities with which the relationships exist, lead to misuse of institution students or employees for the benefit of such entities, or otherwise interfere with the duties and responsibilities of the official or employee maintaining the relationship.
 - 4) Subject to paragraph (5), require that each relationship be approved or disapproved by the president of the institution, with such determination to be the final decision.
 - 5) Require that any relationship maintained by the President or a Vice President, by the Chancellor or a Vice Chancellor, and by one holding any other position designated by the Board of Regents be approved by the Board of Regents.

IV. Reporting

Institutions shall submit to the Chancellor in a format determined by the Chancellor a quarterly report which shall include all approvals granted under this Policy. The Board of Regents shall report to the Governor, the Legislative Policy Committee of the General Assembly, and the State Ethics Commissions, the number of approvals granted under this Policy and how this Policy and the procedures adopted pursuant to it have been implemented in the preceding quarter.

V. Definitions

- A. "Harmful interest" means an interest which is found to be so influential as to impair impartiality in the conduct of the research, the interpretation of the results of the research, and/or the determination of research or other professional and employment priorities.

- B. "Institution" as used in this policy means each constituent institution of the System, the University System of Maryland Office, the University of Maryland Center for Environmental Science, and any other Unit of the System that the Chancellor shall designate.
- C. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity that would be prohibited by Title 5, Subtitle 5 of the State's Public Ethics Law if not disclosed and approved pursuant to this Policy and procedures adopted pursuant to it. "Relationship" includes any relationship of the spouse or other relative of an officer or employee if such relationship creates restrictions on the officer or employee under the conflict of interest provisions of the Ethics Law.
- D. "Research or development" means basic or applied research or development, and includes the development or marketing of university-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

Human Subjects of Research

BOR IV – 2.10

Abridged

Approved by the Board of Regents, April 25, 1991; Amended by the Board on June 23, 2006; Amended by the Board on December 12, 2008; Amended by the Board on April 12, 2013

The policy of the University System of Maryland is to respect and protect the rights and welfare of individuals. In the conduct of research, actions of the University System of Maryland and its constituent institutions will be guided, to the extent that they are applicable, by principles as set forth in such nationally accepted documents as the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Ethical Principles and Guidelines for the Protection of Human Subjects of Research (April 18, 1979). Actions of the University System of Maryland and its constituent institutions will also conform to applicable federal, state, and local laws and regulations.

In accordance with this policy, all University System of Maryland research activities, which involve human subjects, regardless of the level of risk foreseen, require review and approval, prior to the initiation of the activity. An Institutional Review Board (IRB) shall have jurisdiction over all reviews and approvals in accord with procedures set forth in recognized documents, e.g. Federal Wide Assurance (FWA) and/or applicable regulations and policies including other policies adopted by the System or an institution.

OFFICIALS OF THE SYSTEM OR AN INSTITUTION MAY NOT APPROVE RESEARCH INVOLVING HUMAN SUBJECTS THAT HAS NOT BEEN APPROVED BY AN IRB. HOWEVER, OFFICIALS OF AN INSTITUTION MAY DISAPPROVE RESEARCH THAT HAS BEEN APPROVED BY AN IRB; IRB APPROVAL IS NOT THE ONLY APPROVAL REQUIRED FOR THE CONDUCT OF HUMAN SUBJECTS RESEARCH.

Those research activities in which human subjects may be exposed to more than minimal risk must be reviewed at a convened meeting of an IRB; other research activities may be reviewed in the manner determined by the IRB under its procedures. An individual is considered to be at more than minimal risk if exposed to the possibility of harm — physical, psychological, social, legal, or other — as a consequence of

participation as a human subject in any research activity which departs from the performance of routine physical or psychological examinations and tests, or which departs from established and accepted procedures necessary to meet the individual's needs, or which increases the probability or magnitude of risks ordinarily encountered in daily life.

This policy applies to all research activities and to all development, training, and improvement or other related activities containing a research and development component. Furthermore, it applies to any such activity performed on the premises of the University System of Maryland or its constituent institutions and to any such activity performed elsewhere by faculty, students, or employees under University System of Maryland auspices.

To carry out this policy the University System of Maryland institutions will maintain a sufficient number of IRBs with appropriate membership to provide for adequate reviews. The IRBs will have the authority to approve, to require modification as a condition of approval, and to disapprove proposed activities that are covered by this policy. Furthermore, the IRBs will have the authority to determine whether or not any activity is covered by the policy and whether it requires review by an IRB.

An institution may rely upon an external IRB for review and approval of research if (a) the institution's responsible official, identified in its FWA, approves use of the external IRB and (b) the external IRB meets federal standards, as determined by the responsible official.

NO OFFICIAL OF THE SYSTEM OR A CONSTITUENT INSTITUTION SHALL TAKE ANY ACTION INTENDED TO INFLUENCE OR COERCE AN IRB, OR ANY OF ITS MEMBERS, TO APPROVE SPECIFIC RESEARCH.

Replacement for: BOR VII-5.00