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Mission Statement
Frostburg State University Mission Statement

Frostburg State University is a student-centered teaching and learning institution featuring experiential opportunities. The University offers students a distinctive and distinguished baccalaureate education along with a select set of applied master’s and doctoral programs. Frostburg serves regional and statewide economic and workforce development; promotes cultural enrichment, civic responsibility, and sustainability; and prepares future leaders to meet the challenges of a complex and changing global society.

Institutional Identity

Frostburg State University has provided paths to success for students for well over a century. Founded in 1898 to prepare teachers, the institution today is a public, comprehensive, largely residential university offering a wide array of distinctive programs at the undergraduate level and select applied graduate programs. The only four-year institution of the University System of Maryland (USM) west of the Baltimore-Washington corridor, Frostburg serves as the premier educational and cultural center for Western Maryland. The University was again recognized in July 2013 by the Colleges of Distinction organization for its continued commitment to and excellence in the areas of student engagement, quality of teaching, vibrancy of the college community and success of its graduates. As outlined in Maryland Ready, the State’s Plan for Postsecondary Education, Frostburg is committed to advancing the educational goals of all by promoting and supporting access, affordability, and completion. The University’s Carnegie classification is Master’s L.

The University draws its students from all counties in Maryland, and from other states and countries. Frostburg State University greatly values diversity among its students, faculty, and staff. The University includes in its Cultural Diversity Program strategies that focus on the effective recruitment, enrollment and retention of students from traditionally underrepresented groups. Frostburg works to create a welcoming and safe environment that promotes the understanding of diversity both domestically and internationally.

The academic experience of undergraduate students includes a rigorous and interdisciplinary general education program in the liberal arts and sciences, including the development of core skills. Major areas of undergraduate specialization are offered in education, business, science and technology (STEM) disciplines, the creative and performing arts, and selected programs in the humanities and social sciences. The University provides online instruction at the undergraduate and graduate levels. Frostburg also offers extensive programs at the University System of Maryland at Hagerstown.

Graduate programs provide instruction for students involved in or preparing for professional careers. In addition to master’s degree programs in biology, business administration, computer science, counseling psychology, education, and recreation and parks management, Frostburg offers a Doctor of Education in Educational Leadership. As it has in the past, the University will continue to develop graduate programs in business, the health sciences and other areas aligned with the mission of the University and responsive to Maryland’s development needs.

The University is a student-centered teaching and learning institution that emphasizes experiential education. Frostburg provides a strong support network focused on student success and persistence. Students are encouraged to apply and augment classroom learning through a wide range of experiential opportunities, including internships, volunteerism, service-learning, and undergraduate research.
Participation in clubs, campus organizations, and athletic programs fosters students’ communication skills and leadership development.

Frostburg also promotes global learning through international initiatives and programs that provide worldwide opportunities for students, faculty and staff. As a means to further internationalize its campus, the University continues to actively recruit international students and partners with a private organization that offers English language training on the Frostburg campus to international students who intend to enter college.

Frostburg also effectively uses technology to enhance instruction and provide greater accessibility to the University. The application of online learning through course redesign has enabled the University to improve students’ access to technology and assist them in completing their programs of study. In addition, Frostburg’s quality online courses and academic programs provide greater access to the University’s curricular offerings and allow nontraditional students to earn credentials they need for career advancement in such important workforce areas as nursing and teaching. GetEducated.com, a consumer organization that reviews online education, has awarded “Best Buy” status to Frostburg’s Master of Business Administration, Master of Science in Recreation and Parks Management, and Bachelor of Science in Nursing in recognition of these programs’ value.

The University is also strongly committed to preserving the environment through sustainability. The campus’s Climate Action Plan provides a detailed blueprint of specific and tangible methods by which Frostburg can achieve carbon neutrality by the year 2030. The University’s Sustainable Research Facility (SERF) provides a completely off-grid research facility that will serve as an academic center for residential-quality sustainable energy technologies and research. This facility will join Frostburg’s ongoing exploration of alternative forms of energy production, including the Wind-Solar Energy Program (WISE), to establish the University as an important regional center for energy issues and policy. The University’s commitment to sustainability also extends to the health and wellness of its students, faculty, and staff. Through its programs and policies, the University fosters the overall good health of its students by promoting good nutrition, exercise, and healthy choices.

Frostburg State University is an important and significant contributor to the economic prosperity of Western Maryland. A February 2013 University study reported that the institution has an economic impact conservatively estimated to be $173 million across the state of Maryland, including $121 million in Allegany County. The number of University economic development initiatives continues to grow, and includes both the well-established Allegany Business Center at Frostburg State University (ABC@FSU) and participation with the Maryland Industrial Partnerships (MIPS), which are funding research and development projects between FSU faculty members and regional companies.

**Institutional Capabilities**

Frostburg State University places primary emphasis on its role as a teaching and learning institution offering experiential opportunities for its students. Faculty and professional staff engage in a wide range of scholarly activities and professional involvement, with the ultimate goal of enhancing student learning. The University’s Center for Communications and Information Technology (CCIT), opening spring 2014, and the proposed Public Safety Facility and Education and Health Sciences Center are important and required facilities. Together they ready Frostburg for 21st century modalities of instruction and applied learning experiences while supporting quality teaching, learning, scholarship and co-curricular programming.
The University recognizes the importance of developing a highly educated and technologically competent workforce to meet the needs of a modern knowledge economy. Programs developed in response to the needs of businesses and industries in the region and state include Secure Computing and Information Assurance, Information Technology, and Engineering.

The University continues to strengthen its partnerships and collaborations with community colleges and other institutions throughout the state. The University has negotiated articulation agreements with community colleges to offer its B.S. in Engineering and promote interest in STEM-related disciplines at those sites. Reverse transfer agreements are being developed to assist with the state’s goal to increase the number of Maryland adults with either an associate’s or bachelor’s degree.

Responsive to evolving workforce demands, Frostburg also embraces its responsibility to strengthen public schools through the preparation of certified teacher-education graduates and preK-20 partnerships. Increased opportunities for the continuing education of teachers are achieved through the expansion of outreach and clinical partnerships with the Professional Development Schools in collaboration with the Maryland State Department of Education and the Maryland Higher Education Commission. The University, through its Center for International Education, also directly supports an Allegany County Public Schools initiative to offer a Chinese language and culture program for elementary students.

In the area of health science and allied health programs, FSU’s RN-BSN program has received accreditation through the Commission on Collegiate Nursing Education (CCNE). Frostburg plans to expand its health science programs.

The University serves as a regional cultural center in Western Maryland. Frostburg’s diverse performing and visual arts programs feature exhibits and performances by students, faculty, national and international professional artists. The University’s arts program attracts community members to campus to experience theatre, music, dance, international film, poetry, literary readings, and the visual arts. Other cultural resources that enhance the University’s visibility in the community include the University’s Center for Creative Writing, which provides space for students and Frostburg residents to pursue creative endeavors. Mountain City Traditional Arts, an arts cooperative staffed by Frostburg students and a University professor/folklorist, works closely with the Allegany Arts Council to provide retail opportunities for local artists.

Each year the University attracts thousands of visitors to the institution and Western Maryland through special events such as Homecoming, Family Weekend, the Cultural Events Series, and its vigorous summer programming, all of which bring additional resources to the institution and to the region. Moreover, representatives of Frostburg State University are actively involved in FrostburgFirst, a community-driven program that fosters economic development and cultural growth in the City of Frostburg.

**Institutional Objectives and Outcomes**

In fulfillment of its mission and in keeping with the goals of the Maryland Higher Education Commission’s 2013 State Plan for Postsecondary Education and the University System of Maryland’s Strategic Plan, Frostburg State University will address the following short- and long-range goals and objectives over the next several years:
**Long-Range:**
1. Develop and support academic programs and student services that prepare a changing student population for an era of complexity and globalization.

**Short-Range:**
- Increase the number of experiential and applied learning opportunities for students both inside and outside the classroom.
  - Implement experiential and co-curricular transcript by fall 2015.
  - Complete experiential and co-curricular governance activities by fall 2015.
- Increase efforts to encourage globalization of the campus by expanding the number of international students on campus and the number of study abroad opportunities for native students.
  - Increase F-1 and J-1 students enrolled at the University to 125 by fall 2016.
  - Increase the number of student at the University participating in study abroad to 75 by fall 2016.
- Support and develop academic programs that address statewide and regional economic and workforce development needs.
  - Increase the number of health sciences, STEM and teacher education graduates by 5% per degree year through 2020.
  - Gain approval for a new health science program and a doctorate in Business Administration.
- Sustain graduates’ satisfaction rate with education received for work and for graduate and professional schools at 85% or higher.
- Maintain the percentage of graduates employed one year after graduation at 90% through 2019.

**Long-Range:**
2. Enhance facilities and the campus environment in order to support and reinforce student learning.

**Short-range:**
- Build, renovate, or improve major academic, student life, and housing facilities consistent with 21st century technology and environmental standards and technology.
- Increase and support programs, extracurricular activities, and student residential opportunities that reinforce University core values and classroom learning.
- Continue lobbying efforts to move through the Maryland Capital Budget Pipeline the design and construction of new buildings for University Police, EDUC/Health Science, and the College of Business, and a Residence Hall.

**Long-Range:**
3. Increase student quality and institutional retention and graduation rates while encouraging baccalaureate students to graduate within a four-year time frame.

**Short-Range:**
- Develop and implement strategies to increase the academic profile for first-time students to the institution.
- Increase the retention and graduation rates for all students to contribute to the State or Maryland completion goal of 55% of residents’ ages 25 to 64 will have a college credential.
- Continue to implement the Achievement Gap initiatives.
• Maintain a diverse student population by continuing to improve retention and graduation rates for minority students.
• Upgrade academic advising and student support services designed to increase student retention and facilitate persistence to graduation.
• Continue the focus on maximizing the effectiveness of financial aid.

**Long-Range:**
4. Recruit and retain diverse and talented faculty and staff committed to student learning and University goals.

**Short-Range:**
• Ensure an environment in which faculty and staff feel valued and appreciated (e.g., through celebration of excellence and achievement).
• Emphasize the need for diversity in all searches, emphasizing the recruitment of women, black, and Latino faculty and staff.
• Continue efforts to recruit and maintain a diverse faculty and staff.
• Increase faculty and staff development opportunities.
• Continue to implement the goals and objectives of the Cultural Diversity Program.

**Long-Range:**
5. Promote activities that demonstrate the University’s educational distinction.

**Short-Range:**
• Continue efforts to implement marketing and branding strategies.
• Increase fundraising efforts through the FSU Foundation, grants, and contracts that support University priorities.
• Encourage and reward faculty and professional staff who engage in activities such as scholarship, workshops, professional presentations, and artistic performances and creative activities that reflect positively on the University.
• Maintain the number of grant applications, number of grants awarded, grant amount per award, and total grant dollars awarded at $3,000,000 in FY 2019.
• Provide increased opportunities for students to engage in service learning, volunteerism, and community service.
• Provide encouragement and rewards to faculty and professional staff who engage in activities such as scholarship, workshops, professional presentations, artistic performances, and creative activities that reflect positively on the University, as well as support University priorities.

**Long-Range:**
6. Serve as a catalyst for economic development in Western Maryland and the region.
Short-Range:

• Evaluate the adequacy and efficacy in spending of current resources and institutional structures that support the institution’s goals of regional outreach, economic development, workforce development, and community service, and attempt to map specific resources to desired outcomes.

• Establish annual goals in seeking extramural financial resources to augment and amplify the institution’s resource needs in its fulfillment of the economic development and public service needs of the region.

• Identify and inform the University’s constituencies of the full range of economic development and community service and cultural initiatives, accomplishments, and recognitions.

Approved by the Board of Regents of the University System of Maryland and the Maryland Higher Education Commission 2014.
University of MD (USM)
Policies & Statements
USM Policies and Statements

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 1 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 1 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 PTNNT instructional faculty. Institutions shall confer on each PTNNT 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 PTNNT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.

2. Search Procedures. The institutional president to 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 PTNNT 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 PTNNT 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.

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.

3. 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 (or 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 expectations 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.

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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.
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.

10. 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.

11. 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.

12. 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.

13. 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 of the 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


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

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(“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:


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 request 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
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. 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

II-2.25 – POLICY ON PARENTAL LEAVE AND OTHER FAMILY SUPPORTS FOR FACULTY

(Approved by the Board of Regents on June 22, 2012; Amended on April 20, 2018, Amended on June 21, 2019.)
I. Purpose

This Policy is intended to support faculty in balancing professional and family demands during and after the birth or adoption of a child through a combination of measures to promote a family-friendly environment on each University System of Maryland (USM) campus. These measures include:

A. A minimum assured period of paid parental leave of twelve (12) weeks;

B. The adoption of Family Support Plans at each Institution;

C. Minimum requirements to extend the time for tenure review for new parents; and

D. The availability of lactation facilities on each campus.

II. ASSURED MINIMUM PARENTAL LEAVE

Each eligible faculty member shall be assured a period of up to twelve (12) weeks of continuous paid parental leave to care for a new child, as follows:

A. Nature of Leave

The parental leave period shall consist of any form of 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 parental leave, or discretionary paid administrative leave granted to an institution's employees by the President for institutional closures that occur during an employee's parental leave period, such as in the case of extreme inclement weather or to provide employees with an additional day off prior to a holiday. If none of these categories of leave is available to the faculty member, supplemental paid leave days shall be provided by the Institution to attain the twelve (12) week paid parental leave assurance. As a matter of institutional policy, Institutions may permit employees to substitute use of accrued sick leave for annual leave in order to qualify for supplemental paid leave.

B. Interaction of Leave with the Family and Medical Leave Act

All leave taken during the parental leave period (annual, personal, sick, collegial, holiday, administrative or supplemental paid parental leave) shall run concurrently with any available FMLA leave (“FML”) per Section IV of USM BOR policy II-2.31– Policy on Family and Medical Leave for Faculty, if the faculty member is also eligible for FML under USM BOR policy II-2.31. The Institution shall administer both policies concurrently.
C. Applicability

The twelve (12) week paid parental leave assurance shall be available on a continuous basis during a six- (6) month period surrounding:

1. The birth of a child;

2. The adoption of a child; and

3. At the discretion of the Institution’s chief academic officer and subject to any limitations established by the Institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).

D. Eligibility

At a minimum, the paid leave assurance shall apply to tenured and tenure-track faculty, and non-tenure-track faculty with multi-year contracts, upon written affirmation that the faculty member will be the child’s primary caregiver during the parental leave period, subject to the following:

1. Institutions may offer assured minimum paid leave to other categories of faculty as a matter of institution policy.

2. Leave shall be pro-rated for eligible part-time faculty; and

3. If a child’s parents are employed by the same Institution, both parents may be eligible for paid parental leave as follows:

   a) Both parents may concurrently use accrued annual, sick, holiday, collegial or personal leave with the birth of a child or adoption of a child; and

   b) A parent may use supplemental guaranteed paid leave under II.A. of this Policy only during a period when that parent is the child’s primary caregiver.

4. A faculty member shall be eligible for assured minimum paid parental leave after six (6) months of employment with the Institution, except to the extent that institution policies permit, and the terms of the faculty member’s appointment establish a lesser eligibility period.

5. A faculty member may be eligible for paid parental leave under this Policy on one occasion in any twelve- (12-) month period.

6. Parental leave for faculty must be used continuously; it is not available on an intermittent basis.
III. FACULTY FAMILY SUPPORT PLANS

Each Institution shall assure that each eligible faculty member, as defined below in Section III.C, has the opportunity to establish a “Family Support Plan.” These plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted during periods of parental leave.

A. Plan Development

The plan shall be developed jointly by the faculty member and department chair, or the designee of the chair or the dean, upon request of the faculty member.

1. If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator shall participate in completing the plan.

2. Each completed plan shall be shared with the appropriate dean or other academic affairs administrator.

B. Plan Content

The plan shall allow the faculty member to reduce or otherwise modify workload, especially teaching duties, during parental leave, though a combination of:

1. Leave, including:
   a) Exhaustion of all available annual, personal, and holiday leave;
   b) Additional paid parental leave, as needed, up to the twelve (12) week total; and
   c) Any additional leave for which the faculty member may be eligible under USM BOR policy II-2.31 – Policy on Family and Medical Leave for Faculty.

2. Workload modifications, to the extent authorized by the Institution and feasible within the faculty member’s department, which may include:
   a) Part-time employment;
   b) The spreading of the semester’s teaching responsibilities over multiple terms preceding and succeeding the parental leave period;
   c) Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
   d) Other options identified by the Institution or department.
C. Eligibility

Each tenured or tenure-track faculty member whose responsibilities are primarily instructional is eligible for a Family Support Plan, subject to the eligibility standards of Section II.D.1 through .5 of this Policy. Institutions may offer the opportunity to develop a Family Support Plan to other categories of faculty as a matter of institution policy.

IV. EXTENSION OF TIME FOR TENURE REVIEW

A. Minimum Requirements

Each USM Institution shall establish policies and procedures to permit faculty members who become new parents with the birth or adoption of a child to extend the time for tenure review. At a minimum, institution policies shall provide for:

1. A one- (1-) year extension of the time for tenure review upon the birth or adoption of a child to run concurrently with any extension provided under USM BOR policy II-2.31 – Policy on Family and Medical Leave for Faculty; and

2. The ability to obtain such an extension twice during employment with an Institution.

B. Institution Procedures

Institution procedures may include requirements related to the timing and content of applications for the extension, documentation of eligibility and other aspects of the process for requesting and administering extensions of the time for tenure review.

C. Additional Institution Provisions

An Institution’s policies to extend the time for tenure review may be broader in scope than the minimum eligibility and duration requirements specified in this Policy.

V. SUPPORTS FOR NURSING MOTHERS

A. Lactation Facilities

Each Institution shall provide space at reasonable locations on campus where employees who are nursing mothers may express milk.

1. The area must be shielded from view and free of intrusions from others.

2. A bathroom or restroom may not be designated as a lactation area.
3. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.

4. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.

B. Breastfeeding

The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

VI. PROTECTIONS FOR FACULTY

No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure or other employment-related process as a result of utilizing the parental leave and other supports provided by this Policy.

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 employees 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 USM Chancellor.
Faculty
as
Employee
Academic Freedom
PN 2.023
Approved by University System of Maryland Chancellor, August, 1990

Frostburg State University is committed to the belief that each faculty member is a professional person and is therefore the individual best qualified to judge all materials relating to the conduct of his/her classes. Policies concerning class attendance, textbook selection and teaching methods are the prerogative of the faculty member. In those cases where the department chairperson and faculty members of a department have agreed upon a uniform textbook for multiple sections of a particular course and/or have agreed upon course and program objectives, the faculty member is expected to cooperate with his/her departmental colleagues. The department chairperson and members of each department are free to initiate academic procedures they consider most suitable to their special discipline, provided such procedures are not in conflict with general university goals and objectives or regulations and procedures relating to academic policies and procedures or to academic dishonesty. Academic policy and overall standards affecting degree requirements emanate from the faculty through the deliberations of the standing governance committees and are proposed by the Senate to the President.

Academic freedom is the freedom to teach, both in and outside the classroom, to research and conduct other scholarly or creative activities, and to publish or otherwise disseminate the results of those investigations, and to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance. Faculty should also have the freedom to speak to any matter of social, political, economic, or other interest to the larger community, subject to the academic standard of conduct applicable to each. Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

FSU Faculty Statement on Academic Freedom, Renewal, and Tenure
(Adapted from the AAUP Statement on Academic Freedom, Renewal, and Tenure)

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.
1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

2. Teachers are entitled to freedom in the classroom in discussing their subjects, but they should be careful not to introduce into their teaching controversial matter, which has no relation to their subjects. The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry, which the entire statement is designed to foster. The passage serves to underscore the need for the teachers to avoid persistently intruding material, which has no relationship to their subjects.

3. College or university teachers are citizens, members of a learned profession, and officers of educational institutions. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge their profession and their institutions by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not institutional spokespersons.

If the administration of a college or university believes that a teacher has not observed the admonitions of Paragraph (3) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning fitness for his/her position, it may proceed to file charges under the FSU Policy on Dismissal for Cause. In pressing such charges, the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and organizations such as the American Association of University Professors and the Association of American Colleges are free to investigate.

The controlling principle is that faculty members' expressions of opinion as citizens cannot constitute grounds for dismissal unless they clearly demonstrate unfitness for the position. Extramural utterances rarely bear upon faculty members' fitness for their positions. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar.

As members of their community, professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subjects, to their students, to their profession, and to their institution.

When they speak or act as private persons, they should avoid creating the impression that they speak or act for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary as well as to the tenured teacher but also to all others such as part-time faculty and teaching assistants/associates who exercise teaching responsibilities.
Institutional Regulations on Appointment, Tenure, and Permanent Status

These regulations are designed to enable Frostburg State University to protect academic freedom and tenure/permanent status and to assure academic due process. The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the institution. The University is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States' Supreme Court, "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

1. Statement of Terms of Appointment

   a. The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.

   b. With the exception of contractual (non-tenure track) or special appointments clearly limited to a brief association with the institution or reappointments of retired faculty members on special conditions, all full-time faculty appointments are one of two kinds: (1) probationary appointments; or (2) appointments with continuous tenure or permanent status.

   c. Except for faculty members who have tenure or permanent status, every person with a teaching, library, or research appointment of any kind will be informed each year in writing of the appointment and of all matters relative to eligibility for the acquisition of tenure/permanent status.

   d. In addition to the official appointment letter, each new faculty member will receive a copy of the Frostburg State University Faculty Handbook, which includes University System of Maryland-wide policies and procedures approved by the Board of Regents relating to faculty rights and responsibilities and all Frostburg State University policies and procedures relating to faculty rights and responsibilities, as approved by the President of Frostburg State University and the Chancellor of the University System of Maryland.

   e. The provisions of the USM policy on Appointment, Rank, and Tenure of Faculty, paragraphs I.C.1-.15, and the terms described in the faculty member’s contract, constitute the contractual agreement between the faculty member and the University.

   f. The faculty member shall be subject to all applicable policies and procedures duly adopted or amended from time to time by the University or the University System of Maryland including but not limited to, policies and procedures regarding annual leave, sick leave, sabbatical/professional 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. Except as provided in paragraph (e) above, such policies and
procedures are not incorporated into the faculty member’s contractual agreement with the University and are subject to change.

2. Probationary Appointments

a. Probationary appointments may be for one year or for other stated periods subject to reappointment. The total full-time service prior to the acquisition of continuous tenure/permanent status will not exceed seven years. Upon the recommendation of the department/library, the appropriate College Dean/Library Director, and the Provost, credit may be given for previous full-time (or equivalent) service with the rank of instructor or higher in other institutions of higher learning and/or for full-time (or equivalent) contractual service to this University. The terms of the appointment shall be stated in the initial letter of appointment. Scholarly leave of absence for one year or less will count as part of the probationary period as if it were prior service at another institution, unless the individual and the institution agree in writing to an exception to this provision at the time the leave is granted.

b. The faculty member will be advised, at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting reappointment and tenure/permanent status. Any special standards adopted by the faculty member’s department, college, or library will also be transmitted. The faculty member will be advised of the time when decisions affecting reappointment or tenure/permanent status are ordinarily made and will be given the opportunity to submit material believed to be helpful to an adequate consideration of the faculty member’s circumstances.

c. Appointments to the rank of full-time Instructor are for a term not to extend beyond the end of the fiscal year during which the appointment becomes effective. Appointments to all other ranks not specifically mentioned in the first sentence of II.A.1 of the University System of Maryland Appointment, Rank, and Tenure Policy and all part-time appointments are for a term not to extend beyond the end of the fiscal year unless otherwise stipulated in the appointment letter. An appointment to the rank of full-time Instructor will be renewed automatically for the second year and succeeding years unless the appointee is notified in writing to the contrary by March 1 during the first year of service and by December 15 during the second year and succeeding years of service.

d. Regardless of length of appointment, FSU evaluates all full-time, non-tenured and non-permanent status faculty each year. These evaluations serve as a basis for a decision on annual reappointment.

e. Subject to any special conditions specified in the contract or appointment letter, full-time appointments to the rank of Assistant Professor shall be for an initial term of one to three years. The first year of the initial appointment shall be a probationary year, and the appointment may be terminated at the end of that fiscal year if the appointee is so notified by March 1. In the event that the initial appointment is for two years, the appointment may be terminated if the appointee is so notified by December 15 of the second year. These dates should be adjusted appropriately if the appointment starts at a nonstandard date. After the second year of the initial appointment, the appointee shall be given one full year's
notice if it is the intention of the institution not to renew the appointment. If the appointee does not receive timely notification of non-reappointment, the initial appointment shall be extended for one additional year. An initial appointment may be renewed for additional one, two, or three year terms. Except as set forth in paragraph f. below, an appointment to any term beyond the initial appointment shall terminate at the conclusion of that additional term unless the appointee is notified in writing that the appointment is to be renewed for another term allowable under University System policies or the appointee is granted tenure/permanent status. Such appointments may be terminated at any time in accordance with I.C.6-12 of the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty and of the FSU Institutional Regulations on Appointment, Tenure, and Permanent Status (2 a-i).

f. A full-time faculty member seeking tenure whose appointment is extended to a full six years shall receive, no later than during that sixth year, a formal review for tenure and to the rank of Associate Professor. A full-time library faculty member seeking permanent status whose appointment is extended to a full six years and having achieved the rank of Librarian II shall receive, no later than during that sixth year, a formal review for permanent status. A Librarian II faculty member may also receive a formal review for promotion to Librarian III if they have three years of experience at a level comparable to the rank of Librarian II at FSU. The faculty member shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision to grant or deny tenure/permanent status and/or grant or deny promotion to the rank of Associate Professor/Librarian III. Notwithstanding anything in paragraph e. to the contrary, a full-time faculty member who has been notified that tenure/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 tenure/permanent status.

g. Full-time appointments or promotions to the rank of Associate Professor/ Librarian III or Professor/Librarian IV require the written approval of the chief executive officer of the institution. An Associate Professor/Librarian III or Professor/Librarian IV who is appointed without tenure/permanent status shall receive a formal review for tenure/permanent status no later than the time specified in the initial appointment letter. Notification timelines shall be consistent with the USM policy on Appointment, Rank, and Tenure of Faculty.

h. Promotions to the rank of Associate Professor/Librarian III or Professor/Librarian IV carry immediate tenure/permanent status. Appointments carrying tenure or permanent status may be terminated at any time as described within the University System of Maryland’s policy on Appointment, Rank, and Tenure of Faculty.

i. When a department/Library recommendation not to renew an appointment has first been reached, the faculty member involved will be informed of that recommendation in writing by the Department Chair\(^1\); the faculty member will be advised upon request of the reasons that contributed to the recommendation. The faculty member may request reconsideration by the Department/Library, and may submit a written rebuttal to the next level.

\(^1\) With the exception of the Retrenchment Policy, any reference to Department Chairs also applies to Associate Library Directors.
Timeline for Reappointment Decisions

NOTE: A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations.

If listed date falls on Saturday, Sunday, a legal holiday, or other day during which the University is closed, the next working day after the listed date is considered the deadline.

First-Year Faculty

January 22 Department Chair sends recommendation of Department/Library Review Committee and/or Department Chair to the Dean/Library Director and Faculty Member on Reappointment of First-Year Faculty.

January 29 Faculty Member may send written rebuttal to Dean/Library Director against Department's/Library’s First-Year Reappointment recommendation.

February 6 College Dean/Library Director sends recommendation to Provost and Faculty Member on Reappointment of First-Year Faculty.

February 13 Faculty Member may send written rebuttal to Provost against Dean's/Library Director’s First-Year Reappointment recommendation.

February 20 Provost sends report to President on Reappointment of First-Year Faculty. Informs Faculty Member of recommendation.

March 1 President notifies First-Year Faculty of Reappointment decision.

Second-Year Faculty*

* Also applies to Instructor and Librarian I ranks in second/subsequent year

October 30 Department Chair sends recommendation of Department/Library Review Committee and/or Department Chair to the Dean/Library Director and to the Faculty Member on Reappointment of Second-Year Faculty.

November 8 Faculty Member may send written rebuttal to Dean/Library Director against Department's/Library’s Second-Year Reappointment recommendation.

November 15 College Dean/Library Director sends recommendation to Provost and Faculty Member on Reappointment of Second-Year Faculty.

2 A third-and subsequent-year faculty member who receives a notice of non-reappointment shall be entitled to an additional and terminal one-year appointment for the succeeding academic year.

3 This process is contingent on completion of earned doctorate or terminal degree by the end of the spring semester of the academic year (May 31). Under special circumstances, the faculty member, their chair, their dean, and the provost may sign an agreement allowing extra time to complete their doctorate/terminal degree.
November 22  Faculty Member may send written rebuttal to Provost against Dean's/Library Director’s Second-Year Reappointment recommendation.

November 29  Provost sends report to President on Reappointment of Second-Year Faculty. Informs Faculty member of recommendation.

December 15  President notifies Second-Year Faculty of Reappointment decision.

Third- and Subsequent-Year Faculty*
* Applies only to Assistant Professor/Librarian II ranks and above

March 13  Department Chair sends recommendation of Department/Library Review Committee and/or Department Chair to the Dean/Library Director and the Faculty member on Reappointment of Third/Fourth/Fifth-Year Faculty.

March 20  Faculty Member may send written rebuttal to Dean/Library Director against Department's/Library’s Third/Fourth/Fifth-Year Reappointment recommendation.

April 17  College Dean/Library Director sends recommendation to Provost and Faculty Member on Reappointment of Third/Fourth/Fifth-Year Faculty.

April 24  Faculty Member may send written rebuttal to Provost against Dean's/ Library Director’s Third/Fourth/Fifth-Year Reappointment recommendation.

May 1  Provost sends report to President on Reappointment of Third/Fourth/Fifth-Year Faculty. Informs Faculty Member of recommendation.

June 30  President notifies Third/Fourth/Fifth-Year Faculty of Reappointment decision.

FSU Policy On The Employment of Full-Time, Non-Tenure-Track Faculty
Approved by Faculty Senate, April 2015

Purpose
This Frostburg State University (FSU) policy on the employment of full-time, non-tenure track (FTNTT) instructional faculty implements and fully complies with the University System of Maryland (USM) policy II-1.05, Policy on the Employment of Full-Time, Non-Tenure-Track Instructional Faculty in the University System of Maryland.

Applicability and Definition of Full-Time, Non-Tenure-Track Instructional Faculty
USM policy II-105 and this FSU policy only apply to FSU faculty members (i) who are employed full-time, (ii) who are neither tenured for eligible for tenure, (iii) whose responsibilities are primarily or exclusively in the instructional program.

Percent of Effort
Frostburg State University ordinarily expects FTNTT instructional faculty to teach between seven to eight courses per year, depending on the nature of the instructional assignment. Assignment of a fifth course in a given semester will constitute a course overload for which the instructor must be paid at a rate established by the University.
Rank

Frostburg State University confers the Board of Regents approved rank of Lecturer for all FTNTT instructional faculty.

Policy

A. Search

1. Credentials: The University’s form, Non-Tenure-Track Instructional Faculty: Employment Responsibilities and Credentials must be fully completed and signed by the appropriate department chair and academic dean prior to the start of the hiring process to fill a FTNTT instructional faculty position. The academic department and the college are to retain a copy of the form in their personnel files.

2. Search Procedures: The Office of the Provost working closely with the college deans will ensure that the search procedure used by academic departments or units include the verification of credentials and reflect the commitment of Frostburg State University and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring

1. Contracts and Letters of Appointment: Each FTNTT instructional faculty member shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
   a. a statement that the appointment is full-time
   b. academic rank
   c. length of appointment
   d. time of service
   e. salary
   f. whether or not the appointment is renewable
   g. nature of the assignment
   h. benefits (see below, Section C.8. b.)
   i. performance evaluation policies and procedures

2. Information for Faculty: Upon signing a contract or otherwise accepting an appointment, the FTNTT instructional faculty member will receive access, electronically or in print, to the University’s Non-Tenure-Track Faculty Handbook and the University’s Faculty Handbook.

3. Terms of Employment: Normally, initial contracts shall be for a period of one academic year. Subsequent contract may be for longer terms, not to exceed three years. Notice of non-renewal shall be provided in accordance with Board of Regent 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 University shall provide each FTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee’s duties, including the following:
   a. Information on the college and department’s policies, requirements, learning outcomes, and goals for each course, along with access to examples of past course syllabi (if available);
   b. Official schedule of classes, including academic calendar and timeframes of class meetings;
   c. Assistance in the ordering of textbook(s) for the course(s) and ancillaries for the text(s), if these are not otherwise selected by the department, plus necessary office supplies;
   d. A University email account along with access to a computer for their individual use, plus access to on-campus computing facilities; and
   e. For FTNTT instructional faculty teaching face-to-face and/or blended classes on campus, support will also include:
      i. Telephone or other voice access, as appropriate;
      ii. Copying services for course materials;
      iii. Appropriate space for meeting with students during scheduled office hours.

2. The chair of the academic department must certify that all listed and required support was provided to FTNTT instructional faculty members working in the department by completing and signing the University’s form: Non-Tenure-Track Instructional Faculty: Department Resources Provided.

3. Professional Development: Professional development opportunities for FTNTT instructional faculty shall be supported to the extent feasible, and may include invitations to departmental, college, and University external faculty development events, and providing financial support for attending professional conferences when funding permits.

D. Teaching Assignments:

1. The appointing department/unit shall provide FTNTT instructional faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.

2. The chair of the academic department must certify the number of days prior to the start of class a salaried, FTNTT faculty member was notified of a teaching appointment by completing the University’s form Non-Tenure Track Instructional Faculty: Departmental Notice of Teaching Assignment.

E. Performance Evaluation:

1. The department chair or designee is solely responsible for evaluating the performance of FTNTT instructional faculty on a regular schedule, including the evaluation of all teaching.

2. This evaluation will be guided by criteria set forth by the University.
3. The Provost will assure that each college has in place approved written procedures for evaluating FTNTT instructional faculty performance on a regular schedule, as required by USM Policy II-1.20.

4. Full-time, non-tenure-track instructional faculty evaluations and related documents shall be kept on records in personnel file within the academic department and shall be consulted when decisions about promotion, compensation, and subsequent appointments are made.

F. Grievance and Appointment Rights:

1. Grievance Procedure: With the exception of those policies and procedures that relate to the appointment, rank and tenure of tenured and tenure-track faculty, FTNTT instructional faculty shall have available the same grievance procedures as all other faculty, consistent with the USM Policy on Faculty Grievances, II-4.00 and FSU Policy on Faculty Grievance Procedure.

2. Process Related to the Termination of FTNTT Instructional Faculty: All FTNTT instructional faculty members shall have the opportunity for an informal hearing at the level of the appropriate dean’s office before termination of an appointment within the term of the faculty member’s contract. The University may remove the FTNTT instructional faculty member from the classroom, while continuing to pay the faculty member, pending the outcome of the hearing.

3. Subsequent Appointments. The decision whether to re-appoint a FTNTT instructional faculty after the term of the faculty member’s contract remains within the discretion of the University provided that the decision was not made for unlawful reasons or in retaliation for the faculty member’s exercise of grievance rights or shared governance activities.

G. Faculty Participation:

1. Participation in the Campus Community: Full-time, non-tenure-track instructional faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit.

2. Shared Governance Participation: Full-time non-tenure track instructional faculty member are invited to attend meetings of the Faculty Assembly and the Faculty Senate. Non-tenure-track faculty members are allotted two seats on the Faculty Senate.

3. The election procedures outlined in the Charter of the Faculty Senate also apply to the non-tenure-track faculty positions. Non-tenure-track instructional faculty serving on the Senate have the same rights, privileges, and duties as tenured and tenure-track faculty serving on the Senate.

H. Compensation and Benefits:

1. The University will make every effort to make FTNTT instructional faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.

2. FTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointee shall be provided with access to relevant BOR policies governing the provision of benefits to USM faculty and staff.
At a minimum, the university shall provide each of the following benefits, or its equivalent, to FTNTT instructional faculty:

a. Health Benefits
   i. 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)
   ii. The University 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)

d. Institutional Benefits: A list of institutional benefits available to FTNTT instructional faculty appears in the faculty contract or letter of appointment.
   i. Full-time, non-tenure-track instructional faculty shall be ineligible for sabbatical leave or for transitional terminal leave, regardless of length of service.
FSU Policy On The Employment of Salaried Part-Time, Non-Tenure-Track Faculty
Approved by Faculty Senate, April 2015

Purpose

This Frostburg State University (FSU) policy on the employment of salaried part-time, non-tenure track (PTNTT) instructional faculty implements and fully complies with the University System of Maryland (USM) policy II-1.06, Policy on the Employment of Salaried Part-Time, Non-Tenure-Track Instructional Faculty in the University System of Maryland.

Applicability and Definition of Salaried Part-Time, Non-Tenure-Track Instructional Faculty

USM policy II-1.06 and this FSU policy only apply to FSU faculty members (i) who are employed on a less than full-time basis, (ii) who are neither tenured for eligible for tenure, (iii) whose responsibilities are primarily or exclusively in the instructional program, and (iv) who are compensated on a salary basis.4

Percent of Effort

The percent of effort of salaried PTNTT instructional 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.

Rank

Frostburg State University confers the Board of Regents approved rank of Lecturer for all salaried PTNTT instructional faculty.

Policy

A. Search

1. Credentials: The University’s form, Non-Tenure-Track Instructional Faculty: Employment Responsibilities and Credentials must be fully completed and signed by the appropriate department chair and academic dean prior to the start of the hiring process to fill a FTNTT instructional faculty position. The academic department and the college are to retain a copy of the form in their personnel files.

4 PTNTT instructional faculty who are compensated on a per-course basis are “adjunct faculty” under USM policies and are not included in this policy. Adjunct faculty members are covered instead by USM Policy II–1.07, Policy On the Employment of Adjunct Faculty in The University System of Maryland and FSU Policy on The Employment of Adjunct Faculty.
2. Search Procedures: The Office of the Provost working closely with the college deans will ensure that the search procedure used by academic departments or units include the verification of credentials and reflect the commitment of Frostburg State University and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring
1. Contracts and Letters of Appointment: Each salaried PTNTT instructional faculty member shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
   a. academic rank
   b. length of appointment
   c. time of service
   d. percent of full-time and salary
   e. whether or not the appointment is renewable
   f. nature of the assignment
   g. benefits, (see below, Section C.8. b.)
   h. performance evaluation policies and procedures
   i. explanations of the implications of the cancellation of a course before the start date

2. Information for Faculty: Upon signing a contract or otherwise accepting an appointment, the salaried PTNTT instructional faculty member will receive access, electronically or in print, to the University’s Non-Tenure-Track Faculty Handbook and the University’s Faculty Handbook.

3. Terms of Employment: Normally, initial contracts shall be for a period of one academic year. Subsequent contract may be for longer terms, not to exceed three years. Notice of non-renewal shall be provided in accordance with Board of Regent 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 University shall provide each salaried PTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee’s duties, including the following:
   a. Information on the college and department’s policies, requirements, learning outcomes, and goals for each course, along with access to examples of past course syllabi (if available);
   b. Official schedule of classes, including academic calendar and time frames of class meetings;
   c. Assistance in the ordering of textbook(s) for the course(s) and ancillaries for the text(s), if these are not otherwise selected by the department, plus necessary office supplies;
   d. A University email account along with access to on-campus computing facilities; and
2. For salaried PTNTT instructional faculty teaching face-to-face an/or blended classes on campus, support will also include:
   a. Telephone or other voice access, as appropriate;
   b. Copying services for course materials;
   c. Appropriate space for meeting with students during scheduled office hours.
   d. Department/unit computer access

3. University Form: The chair of the academic department must certify that all listed and required support was provided to salaried PTNTT instructional faculty members working in the department by completing and signing the University’s form, Non-Tenure-Track Instructional Faculty: Department Resources Provided.

4. Professional Development: Professional development opportunities for salaried PTNTT instructional faculty shall be supported to the extent feasible. This support may include invitations to departmental, college, and University external faculty development events, and providing financial support for attending professional conferences when funding permits.

5. Teaching Assignments: The appointing department/unit shall provide salaried PTNTT instructional faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
   a. The chair of the academic department must certify the number of days prior to the start of class a salaried, PTNTT faculty member was notified of a teaching appointment by completing the University’s form Non-Tenure Track Instructional Faculty: Departmental Notice of Teaching Assignment.

D. Performance Evaluation: The department chair or designee is solely responsible for evaluating the performance of salaried PTNTT instructional faculty on a regular schedule, including the evaluation of all teaching.
   1. This evaluation will be guided by criteria set forth by the University.
   2. The Provost will assure that each college has in place approved written procedures for evaluating salaried PTNTT instructional faculty performance on a regular schedule, as required by USM Policy II-1.20.
   3. Salaried part-time, non-tenure-track instructional faculty evaluations and related documents shall be kept on records in personnel file within the academic department and shall be consulted when decisions about promotion, compensation, and subsequent appointments are made.

E. Grievance and Appointment Rights:
   1. Grievance Procedure: With the exception of those policies and procedures that relate to the appointment, rank and tenure of tenured and tenure-track faculty, salaried PTNTT instructional faculty shall have available the same grievance procedures as all other faculty, consistent with the USM Policy on Faculty Grievances, II-4.00 and FSU Policy on Faculty Grievance Procedure.
2. Process Related to the Termination of PTNTT Instructional Faculty: All salaried PTNTT instructional faculty members shall have the opportunity for an informal hearing at the level of the appropriate dean’s office before termination of an appointment within the term of the faculty member’s contract. The University may remove the PTNTT instructional faculty member from the classroom, while continuing to pay the faculty member, pending the outcome of the hearing.

3. Subsequent Appointments. The decision whether to re-appoint a salaried PTNTT instructional faculty after the term of the faculty member’s contract remains within the discretion of the University provided that the decision was not made for unlawful reasons or in retaliation for the faculty member’s exercise of grievance rights or shared governance activities.

F. Faculty Participation:
   1. Participation in the Campus Community: salaried part-time, non-tenure-track instructional faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit.
   2. Shared Governance Participation: salaried part-time non-tenure track instructional faculty members are invited to attend meetings of the Faculty Assembly and the Faculty Senate. Non-tenure-track faculty members (FTNTT, salaried PTNTT, and Adjunct instructional faculty) are allotted two seats on the Faculty Senate. The election procedures outlined in the Charter of the Faculty Senate also apply to the non-tenure-track faculty positions. Non-tenure-track instructional faculty serving on the Senate have the same rights, privileges, and duties as tenured and tenure-track faculty serving on the Senate.

G. Compensation and Benefits:
   1. The University will make every effort to make salaried PTNTT instructional faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
   2. A written statement of the benefits available to the appointee must appear in the appointment letter or contract. Appointees shall be provided with access to relevant University System of Maryland Board of Regents (BOR) policies governing the provision of those benefits to USM faculty and staff.
   3. USM Benefits: salaried PTNTT instructional faculty shall be eligible for the benefits listed below, subject to the terms of the policy cited.
      a. Tuition remission for faculty member (See USM Policy VII-4.10);
      b. Tuition remission for dependents (see USM Policy VII-4.20);
      c. Family and medical leave (see USM Policy II-2.31);
      d. Annual leave (see USM Policy II-2.40);
      e. Earned sick leave (see USM Policy II-2.30);
      f. Collegial sick leave (see USM Policy II-2.30)
g. Personal leave (see USM Policy II-2.40);

h. Leave for jury service (see USM Policy II-2.50);

i. Leave without pay (see USM Policy II-2.20).

4. Institutional Benefits: A list of institutional benefits available to salaried PTNTT instructional faculty appears in the faculty contract or letter of appointment.

   a. Salaried pull-time, non-tenure-track instructional faculty shall be ineligible for sabbatical leave or for transitional terminal leave, regardless of length of service.

**FSU Policy On The Employment of Adjunct Faculty**
Approved by Faculty Senate, December 2011

A. Purpose

This Frostburg State University (FSU) policy on the employment of adjunct faculty implements and fully complies with the University System of Maryland (USM) policy II-1.07, *Policy on the Employment of Adjunct Faculty in the University System of Maryland.*

B. Applicability and Definition of Adjunct Faculty

USM policy II-107 and this FSU policy only apply to Adjunct Faculty. Under USM policy II-107, adjunct faculty members at Frostburg State University are:5

1. employed to provide instructional services;
2. neither tenured or eligible for tenure; and
3. appointed to teach specific courses and compensated on a course-by-course basis.

C. Categories of Adjunct Faculty

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

1. Adjunct Faculty I: All adjunct faculty, except those faculty members who meet the criteria for designation by the University as “Adjunct Faculty II”;
2. Adjunct Faculty II: Adjunct faculty members who are determined by the University to have a consistent record of high-quality instruction. Frostburg State University shall consider

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5 Part-time, non-tenure track (PTNTT) instructional faculty who are appointed to salaried positions are not included as “Adjunct Faculty” for the purposes of the USM policy, and are covered instead by USM Policy II-1.06-Policy on the Employment of Salaried Part-Time, Non-Tenure Track Instructional Faculty in the University System of Maryland and the FSU Policy on the Employment of Salaried Part-Time, Non-Tenure-Track Instructional Faculty. Full-time, non-tenure track (FTNTT) are covered by USM Policy II—1.05- Policy on the employment of Full-Time, Non-Tenure Track Instructional Faculty in the University System of Maryland and the FSU Policy on the Employment of Full-Time, Non-Tenure-Track Instructional Faculty.
granting Adjunct Faculty II status to adjunct faculty members who meet the following criteria:

a. have established a record of teaching of at least 36 credits or more over at least three years at Frostburg State University;

b. are supported by a series of high-level performance evaluations over the course of at least twelve full-semester courses at Frostburg State University; and

c. upon written request (Application for Rank of Adjunct Faculty II form) by the faculty member to the department chairperson, the department chairperson and college dean will provide a written recommendation to the Provost to grant Adjunct II status.

D. Recruitment and Selection of Adjunct Faculty

Faculty status and related matters are primarily a faculty responsibility; this includes, but is not limited to searches and appointments of all faculty members. Departments/Units may designate that the department chair handle the recruitment and selection of adjunct faculty.

1. Specification of Appropriate Credentials: The University’s form Non-Tenure-Track Instructional Faculty Employment: Responsibilities and Credentials must be fully completed and signed by the appropriate department chair and academic dean prior to the start of the hiring process to fill an adjunct faculty position. The department, the college, and other appropriate offices should retain a copy of the form in their personnel files.

2. Search Procedures: To ensure compliance with University hiring procedures, the Office of Human Resources Recruitment Authorization Request form must be fully completed and signed prior to the start of the hiring process to fill an adjunct faculty position at or above 50 percent of the standard instructional workload for full-time non-tenure-track instructional faculty.6

E. Professional Development and Working Conditions

1. Support for Teaching: The University shall provide each adjunct faculty member with the support it determines to be necessary for the execution of the appointee’s duties, which may include access through the institution’s website or other electronic resources, including the following:7

   a. information on the college and department’s policies, requirements, learning outcomes and goals for each course, along with access to examples of past course syllabi (if available);

6 The standard workload of full-time non-tenure-track FSU faculty is 7 to 8 courses per academic year.

7 See USM Policy II—1.07
b. official schedule of classes, including academic calendar and time frames of class meetings;

c. assistance in the selection of textbook(s) for the course(s) and ancillaries for the text(s), if these are not otherwise selected by the department;

d. a University email account along with access to on-campus computing facilities; and

e. or adjunct faculty teaching face-to-face classes on campus;
   i. telephone or other voice access, as appropriate;
   ii. necessary office supplies;
   iii. copying services for course materials; and
   iv. appropriate space for meeting with students during scheduled office hours.

2. The chair of the academic department must certify that all listed and required support was provided to each adjunct faculty member working in the department by completing and signing the University's Non-Tenure-Track Instructional Faculty: Departmental Resources Provided.

3. Professional Development: Professional development opportunities for adjunct faculty shall be supported to the extent feasible, and may include invitations to departmental, college, University, and external faculty development events.

4. Performance Evaluation: The department chair or designee is solely responsible for evaluating the performance of adjunct faculty on a regular schedule, including the evaluation of all teaching. This evaluation will be guided by criteria set forth by the University. The Provost and Vice President will ensure that each college has in place approved written procedures for evaluating adjunct faculty performance on a regular schedule, as required by USM Policy II-1.20.
   a. Department chairs shall evaluate the teaching by adjunct faculty in a manner that identifies high-level performance, according to University and departmental standards.
   b. Adjunct faculty evaluations and related documents shall be kept on record in a personnel file within the academic department and shall be consulted when decisions about promotion, compensation, and subsequent appointments are made.

F. Appointment and Assignment

1. Contracts and Letters of Appointment: Each adjunct faculty member, including both Adjunct Faculty I and Adjunct Faculty II, shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
   a. position title
   b. contract term
   c. per-course compensation
   d. description of the assignment
e. institutional benefits, if any
f. performance evaluation policies and procedures
g. explanation of the implications of the cancellation of a course before the start date

2. Provisions for Adjunct Faculty II: After designation as Adjunct Faculty II at the University, a faculty member:
   a. shall receive a compensation increment of at least 10% of the minimum, annual per-course compensation for adjunct faculty at the University, consistent with State and USM budget policies.
   b. shall be given priority consideration, to the extent operationally feasible, among adjunct faculty for future teaching assignments in the subjects for which the adjunct faculty member has had consistent instructional experience at the University.
   c. may be eligible for longer term appointments that assure the adjunct faculty member assignment to a fixed number of classes during the term of the appointment.
      1. The designation of a faculty member as Adjunct Faculty II will not prevent the faculty member from competition for or selection into a salaried PTNTT or other faculty position.

G. Teaching Assignments
   1. The appointing department shall provide adjunct faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. The University has the goal of providing such notice 45 days before the class start date, to the extent feasible. Nothing in this section shall prevent a department from making an adjunct faculty teaching appointment on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.
      a. If the University has a fall or spring semester class to which an adjunct faculty member has been assigned that is cancelled less than 30 days prior to the class start date, and has been unable to offer the adjunct faculty member re-assignment to a comparable class, the University shall compensate the adjunct faculty member 10% of the payment amount specified in the contract or appointment letter for that class.
      b. The chair of the academic department must indicate the number of days prior to the start of class an adjunct faculty member was notified of a teaching appointment by completing the University’s form: Non-Tenure-Track Instructional Faculty: Departmental Notice of Teaching Assignment.

2. Notice of Policies and Procedures: Upon signing a contract or otherwise accepting an appointment, the adjunct faculty member will receive access, electronically or in print, to the University’s Faculty Handbooks and University System of Maryland policies, including those policies explaining benefits for which the adjunct faculty member may be eligible.

H. Compensation and Benefits
   1. Compensation: The University will make every effort to make adjunct faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
2. Benefits: The University may provide designated institutional benefits to adjunct faculty, in either or both of the Adjunct Faculty I or Adjunct Faculty II categories, at the discretion of the president of the University. A written statement of the benefits available to the appointee must appear in the appointment letter or contract.

I. Grievance and Appointment Rights

1. Grievance Procedure: With the exception of those policies and procedures that relate to the appointment, rank and tenure of tenured and tenure-track faculty, adjunct faculty shall have available the same grievance procedures as all other faculty, consistent with the University’s policy on Faculty Grievance Procedure and the USM Policy on Faculty Grievances, II-4.00

2. Process Related to the Termination of Adjunct Faculty: All adjunct faculty members shall have the opportunity for an informal hearing at the level of the appropriate dean’s office before termination of an appointment within the term of the faculty member’s contract. The University may remove the adjunct faculty member from the classroom, while continuing to pay the faculty member, pending the outcome of the hearing.

3. Subsequent Appointments: The decision whether to re-appoint an adjunct faculty after the term of the faculty member’s contract remains within the discretion of the University:

   a. Consistent with Section VI. B. of this policy.
   b. Provided that the decision was not made for unlawful reasons or in retaliation for the faculty member’s exercise of grievance rights or shared governance activities.

J. Participation in the Campus Community

1. Integration in the Campus Community: Adjunct faculty members shall be invited, to the extent possible, to participate in the scholarly, intellectual, academic, and social life aspects of the department and the University.

   a. Shared Governance Participation

      i. Adjunct faculty members are invited to attend meetings of the Faculty Assembly and the Faculty Senate. Non-tenure track faculty members are allotted two seats on the Faculty Senate. The election procedures outlined in the Charter of the Faculty Senate also apply to the non-tenure track faculty positions. Non-tenure track faculty serving on the Senate have the same rights, privileges, and duties as tenured and tenure-track faculty serving on the Senate.

      ii. Adjunct faculty or their representatives will be given the opportunity to meet with the provost and the vice president for administration and finance at least twice annually. The meetings will be arranged by the Office of the Provost.

In recognition that adjunct faculty are compensated only for course-by-course instructional services, the University shall provide reimbursement for travel and other reasonable expenses, consistent with USM and University travel policies, to each adjunct faculty member who serves on a University-wide shared governance body.
Compensation/Fringe Benefits
PN 3.001

Credit Union
Faculty members are eligible to participate in the State Employees Credit Union of Maryland, Inc., Information concerning the Credit Union and its operations may be obtained from the University’s Office of Human Resources. Faculty members are also eligible for membership in the CCSAC Federal Credit Union.

Deductions
Mandatory deductions include Federal Withholding Tax, State and Local Withholding Tax, and FICA. Some retirement options require a 7 percent employee contribution after reaching the social security base rate.

Maryland State Public Employees’ Deferred Compensation Plan
State employees may channel a portion of their earnings into a tax-sheltered savings and investment program through the Deferred Compensation Plan. Investment options afforded are: bank savings account, mutual fund, variable annuity, guaranteed fixed annuity, and life insurance. Information may be obtained from the Office of Human Resources.

Medical Insurance
Full-time members of the faculty and their dependents, under certain conditions, are eligible to join a group health insurance plan for employees of the State of Maryland. Medical insurance information is available in the University Office of Human Resources and eligible faculty members may enroll in the program within 60 days of the date of employment. Application forms are provided by the FSU Office of Human Resources as part of the employment processing procedure. Contractual members of the faculty and their dependents, under certain conditions, are eligible for health insurance through State of Maryland group rates.

Retirement and Pensions
Faculty members must select a retirement plan from the Maryland State Retirement Agency or from four Optional Retirement Plans. The Optional Retirement Systems include Aetna, TIAA-CREF, American Century, and VALIC.

Salary Payments
If hired for an academic year, faculty members may choose to exercise either the 21 or 26 salary payments option. If hired for a semester, faculty members will receive ten salary payments. Paydays are biweekly (every other Wednesday) through Direct Deposit. Contact the Payroll Office to enroll.

Social Security
All members of the Faculty are covered by social security.

Survivor Benefit Under Maryland State Retirement System
Survivor benefit is also referred to as a death benefit. Survivor benefit provides financial protection to the employee's designated beneficiary (ies) if the employee dies during active membership. Coverage goes into effect after one year of completed service for non-job related death. The employee is covered from the first day on the job for death in the performance of duty.
Survivor protection remains in effect as long as the employee is on the payroll or on a qualified approved leave of absence.

The survivor benefit is normally a one-time payment equal to the employee's annual salary at date of death plus any member contributions with accumulated interest.

**Tax Shelter Annuities**

Annuities may be purchased by faculty members through PEBSCO (Public Employees Benefit Service Corporation), TIAA-CREF (Teachers Insurance Annuity Association - College Retirement Equity Fund), Aetna, American Century and VALIC. Information is available in the University Office of Human Resources.

**Tuition Remission**

Tuition remission benefit for employees:

1. Full-time, permanent employees subject to certain restrictions, may:
   - Register for up to two courses (not to exceed eight credits per semester) with tuition remitted at any institution in the University System of Maryland, and
   - Have tuition remitted for spouses and dependent children, as consistent with University System of Maryland Policy.

2. Part-time, permanent employees (working 50% or more), subject to certain restrictions, may:
   - Receive tuition remission for credits proportional to percentage of service (full-time equivalent status), at any institution in the University System of Maryland;
   - Have tuition remitted for spouses and dependent children proportional to percentage of service (full-time equivalent status).

Tuition Remission Benefits for Spouses and Dependent Children of Permanent Employees Hired Before 01/01/90:

Subject to certain restrictions, spouses and dependent children may:

- Receive 100% tuition remission for courses at both the undergraduate and graduate level, and
- Register for courses at any of the institutions of the University System of Maryland.

Tuition Remission Benefit For Spouses And Dependent Children Of Permanent Employees Hired On Or After 01/01/90:

Subject to certain restrictions, spouses and dependent children may:

- Receive 100% tuition remission only on courses toward a first undergraduate degree, and
- Receive 100% tuition remission only if the courses are taken at the institution where the spouse or parent is employed, or
- Receive 50% tuition benefit at other institutions, if the academic program is unavailable at the employing institution and if the president/director or designee of the employing institution approves.
Tuition Remission Benefit for Spouses and Dependent Children of Permanent Faculty and Permanent Staff Whose Period of Employment Began on or After July 1, 1992:

- Tuition remission benefits for the spouses and dependent children of permanent faculty and permanent staff whose period of employment began on or after July 1, 1992 shall, in addition to the restrictions outlined above, be available only after the employee has been in the university service for two years prior to the anticipated date of registration for course work.
- Tuition Remission for Self-Supported Programs (PN 3.028).
- Frostburg State University supports tuition remission for Summer School courses in the University System of Maryland on an intra-and inter-institutional basis.
- All Summer School enrollments are subject to space availability. Individuals exercising tuition remission may not be counted towards the enrollment numbers required to determine faculty pay and course viability.
- This policy shall be administered by the Office of Human Resources consistent with the policies on Tuition Remission for Spouses and Dependent Children of Faculty and Staff and Tuition Remission for Faculty and Staff, consistent with the preceding paragraph.

**Unemployment Insurance**

On January 1, 1972, the Maryland Unemployment Insurance Law became applicable to institutions of higher education. The law provides for the compulsory setting aside of unemployment reserves to be used for the benefit of persons "unemployed through no fault of their own." Unemployment insurance claims are initiated through the local Economic & Employment Development office.

**Workers' Compensation**

All faculty members are covered by the Workers' Compensation Law. Persons injured in the course of employment should immediately report to the Campus Police.

**Faculty Evaluation**

*Approved by Faculty Senate, May, 1998; Revised December, 2001; Revised May, 2003, Revised August 2005, Revised May 2010*

**Introduction**

Academic departments/library carry out faculty evaluation for four purposes:

1. To inform faculty members regarding the degree to which their performance matches Department/College/Library/University expectations;
2. To supply information and guidance to faculty with respect to professional improvement and development;
3. To establish a base of information for future personnel decisions including contract reappointment, tenure/permanent status, and promotion and;
4. To determine annual merit pay increases.
Process: Rationale and Summary

This evaluation procedure is a comprehensive approach to reviewing and evaluating the activities of faculty members within their three major roles. The evaluation allows faculty members to receive greater or lesser emphasis on each of the three major roles reflecting their performance in those roles in a given year. Teaching and Advising (Job Performance for Library faculty members), Professional Development and Achievement, and Service.

While it is not possible or desirable to identify and review all the roles of a faculty member for evaluation purposes, the roles incorporated within this system for Frostburg State University include those identified as being the most important to all faculty and those that could be reviewed efficiently and effectively.

For each major role there are institutional minimum and maximum values (weights) that are derived from the faculty workload guidelines established by the University System of Maryland. These weights (set March 1 through March 5 following the evaluation cycle) reflect the philosophy and mission of Frostburg State University as to the importance of each role within the faculty member’s total set of professional responsibilities. Data gathered for review and evaluation come from students (for teaching faculty members) and from the faculty member. Each rating source—department/library peers, Department Chair, and students, as appropriate—has a pre-established weight to reflect the impact each source has on the evaluation of each faculty role.

On or before February 1, following the annual evaluation cycle, tenured/permanent status faculty members will inform their Department/Library Evaluation Committee and Department Chair to submit either a Complete Evaluation or an Abridged Evaluation.

The minimum and maximum weights allowed in the evaluation system for Teaching and Advising, Professional Development and Achievement, and Service for teaching faculty members are as follows:

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The minimum and maximum weights allowed in the evaluation system for Job Performance, Professional Development and Achievement, and Service for library faculty members are as follows:

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Procedures

The evaluation process is standard across all of the University’s academic departments/Library. The same online Student Evaluation of Instruction instrument is used in all course sections, except Internships and course sections with enrollment of 1 student or fewer. Overload, summer, and intercession course sections
will be fully evaluated and included in teaching feedback. The process results in a score, or Overall Rating, which summarizes the faculty member’s performance. Exceptions to the stated faculty evaluations procedures on this and subsequent pages must be reviewed and approved by the Faculty Concerns Committee prior to the beginning of the evaluation cycle.

Implementation of the online Student Evaluation of Instruction instrument will occur beginning in the fall of 2015. A decline in response rate has been noted for some colleges as they begin implementation of online student evaluation of faculty. As such, faculty who were hired prior to this change should not be disadvantaged by this change when being considered for renewal, tenure, and/or promotion.

Implementation of a new Student Evaluation of Instruction instrument with different evaluation statements and procedures will occur beginning in the spring of 2017. Due to the differences between this new instrument and the previous instrument, it may be difficult to directly compare student evaluation scores for faculty before and after the change. As such, faculty who were hired prior to this change should not be disadvantaged by this change when being considered for renewal, tenure, and/or promotion.

Note: Internship instruction will be evaluated according to approved departmental/Library guidelines and evaluation instruments.

Definitions
The Evaluation Cycle begins on January 1 and ends on December 31. However, departments/Library review evaluation guidelines and procedures before the actual start of the evaluation cycle, and prepare the actual evaluation/merit recommendation after the end of the evaluation cycle. Faculty members also seek approval for the evaluation of reassigned time before the evaluation cycle begins.

A Complete Evaluation means preparation of a self-statement with documentation and evaluator review of teaching materials, student responses, professional development and service for the evaluation cycle. A complete evaluation constitutes a comprehensive review according to USM guidelines.

A Comprehensive Review means a complete evaluation conducted according to USM guidelines to fulfill the periodic review requirement for tenured/permanent status faculty members. If a tenured/permanent status faculty member elected to forgo evaluation, the comprehensive review may include data from two, three, or four evaluation cycles.

An Abridged Evaluation means for one, two, three, or four years following a complete evaluation, tenured/permanent status faculty may elect not to submit evaluation materials in the category of teaching/job performance and accept the element ratings from the most recent complete evaluation of such materials. However, tenured teaching faculty must include in the element for Teaching Performance and Feedback to Students the current yearly student evaluation score.

Tenured/permanent status faculty must still provide evidence for evaluation in the categories of professional development and achievement and service.

The Element Ratings are derived by multiplying each source rating of an element by its assigned source weight and adding the weighted source scores totaling the weighted Element Rating. For example, the element rating for Professional Development and Achievement component would be computed as follows

25
if the DEC/LEC (75% of component) assigned a source rating of 4 while the Chair (25% of component) assigned a source rating of 5: \(4 \times .75 + 5 \times .25 = 4.25\), the element rating.

The Category Rating is derived by multiplying the Element Rating by the element weight to get the Weighted Element Rating and adding all of the Weighted Element Ratings for the Category. For example, the category rating for Teaching and Advising/Job Performance would be computed as follows if a faculty member received an element rating of 4.25 in Instructional Design, an element rating of 4.13 in Teaching Feedback:

\[(4.25 \times .50) + (4.13 \times .50) = 2.125 + 2.065 = 4.19\], the category rating.

The Overall Rating is the result of multiplying each Category Rating by the category weight chosen by the faculty member for that year and adding the three weighted Category Ratings along with ratings for reassigned time, if appropriate. In cases where the evaluation includes a semester sabbatical/professional leave, the summed weighted category and reassigned time rating are multiplied by .50 and added to sabbatical/professional leave evaluation multiplied by .50 to determine the overall rating. In the case of a full calendar year sabbatical/professional leave, the overall rating is equal to the sabbatical/professional leave rating. For example, if a faculty member negotiated weights of 70% in Teaching and Advising/Job Performance (evaluated as 4.22), 20% in Professional Achievement (evaluated as 3.5), and 10% in Service (evaluated as 4.0), and completed a one course reassigned time project (evaluated as 5.0) and had a semester sabbatical/professional leave (evaluated as 4.5):

\[
\{(4.22 \times (.70-.09)) + [3.50 \times .20] + [4.0 \times .10] + [5.0 \times .09]\} \times .50 + 4.5 \times .50
\]

\[
= \{2.57 + .70 + .4 + .45\} \times .5 + 4.5 \times .50 = 2.06 + 2.25 = 4.31\], the overall rating.

**Faculty Evaluation Schedule**

Evaluation must occur for:

1. All part-time non tenure-track faculty members annually;
2. All full-time non tenure-track faculty members annually;
3. All full-time tenure-track faculty members annually (Complete Evaluation);
4. All full-time Library faculty members annually who have not been awarded permanent status (Complete Evaluation);
5. All tenured/permanent status faculty members evaluation in the previous cycle below a 3.0 rating in any category (Complete Evaluation);
6. All faculty members seeking merit pay increases (3.0-5.0), (Complete or Abridged Evaluation) and;
7. All tenured/permanent status faculty members at least once in every five years (Comprehensive Review/Complete Evaluation).

Tenured/permanent status faculty must be evaluated at least once every five years (i.e., a Comprehensive Review conducted according to USM guidelines). The five-year Comprehensive Review cycle starts with the faculty member’s last Complete Evaluation (voluntary or mandatory). When evaluated in or before the fifth year, the faculty member must provide evidence for evaluation for the current year and for each of the previous years in which the faculty member elected to forgo evaluation. However, only one overall rating will be calculated for the current evaluation cycle’s merit pool.
Two consecutive annual evaluations that indicate a tenured/permanent status faculty member is materially deficient in meeting expectations (below 3.0 overall) shall occasion a mandatory Comprehensive Review (USM Policy on Evaluation of Performance of Faculty 11-1-20).

Tenured/permanent status faculty must submit a Complete or Abridged Evaluation in the year preceding a request for sabbatical/professional and/or research leave. In addition, tenured/permanent status faculty must submit a Complete Evaluation in the year preceding a request for a promotion.

For one, two, three, or four years following a Complete Evaluation, tenured/permanent status faculty may elect not to submit evaluation materials in the category of teaching/job performance and accept the element ratings from the most recent evaluation of such materials. However, tenured teaching faculty must include in the element for Teaching Performance and Feedback to Student, the current yearly student evaluation score. Tenured/permanent status faculty opting for this privilege must still provide evidence for evaluation of professional development and achievement and service. Faculty members who choose this option are also eligible for merit. Such an evaluation is considered an Abridged Evaluation.

Departments shall evaluate the teaching of all full-time and salaried part-time non-tenure track and adjunct faculty members on the same basis used to evaluate the teaching of tenured/tenure-track faculty members (student rating forms, free responses, syllabi, and other course materials when appropriate). The Library shall evaluate the job performance of all full-time and part-time faculty members on the same basis use to evaluate the job performance of permanent status faculty members. Departments/Library may design particular evaluation procedures depending on the faculty member’s responsibilities in the department/library and the terms of the contract. Evaluations shall be kept on record in department/library personnel files and shall be consulted when decisions are made about salary, and any subsequent contract.

**Category Weights**

Faculty members with non-standard assignments (reassigned times for Department Chair, department/library projects, research, etc.) will adjust category rates in the following manner: for each three-credit course of reassigned time, the weight typically assigned to teaching will be reduced by 1/8. That portion of service and/or professional development/job performance transferred from teaching and advising, for reassigned duties, will be rated separately from service/professional development ordinarily performed as a faculty member. In such cases, sources, source weights, and elements may also change to reflect the altered faculty role.

Prior to November 1, preceding the upcoming evaluation cycle, those faculty with reassigned time (excluding Department Chairs) will meet with the Chair of their department or the Dean/Library Director (as appropriate) to: (a) describe performance expectations for their reassigned time and (b) establish who will evaluate the performance of their reassigned time duties and the criteria for evaluation. Release time for travel is distinct from reassigned time, and is not evaluated.

For faculty members on sabbatical/professional and/or research leave for one semester of the evaluation cycle, one half of the evaluation weight will be generated through the standard evaluation system, and one half will be based on an evaluation (1.0-5.0) of the work done on the sabbatical/professional and/or research leave. For faculty on sabbatical/ professional and/or research leave for the entire evaluation cycle, the entire merit evaluation will derive from an evaluation of the work done on sabbatical/professional
and/or research leave. Each sabbatical/professional and/or research leave will be evaluated using the goals outlined in the sabbatical/professional and/or research leave proposal.

NOTE: The process of evaluating sabbatical/professional and/or research leave performance through the faculty evaluation process is independent of the post sabbatical/professional and/or research leave report required by the Office of the Provost.

**Source Ratings**
Faculty members receive Ratings from each rating source (generally a departmentally/library determined evaluator) within each element based on a five-level scale (whole numbers only):

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
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<tbody>
<tr>
<td>5.0</td>
<td>Outstanding Performance</td>
</tr>
<tr>
<td>4.0</td>
<td>Above Expectations</td>
</tr>
<tr>
<td>3.0</td>
<td>Meets Expectations</td>
</tr>
<tr>
<td>2.0</td>
<td>Below Expectations</td>
</tr>
<tr>
<td>1.0</td>
<td>Unacceptable Performance</td>
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</tbody>
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**Merit Pay Scale**
The Merit Pay scale has twenty-one steps in increments of 0.1, from 3.0 to 5.0. Merit Pay begins at the 3.0 level and increases as a faculty member’s overall rating rises to 5.0. There is no merit pay increase for an overall rating below 3.0. Faculty members must score 3.0 or above in all categories to be eligible for merit pay increases.

**Merit Pool**
Each year the merit pool will be divided as follows: Eighty-five percent (85%) will be retained in the standard merit pool. The standard merit pool will be subdivided into department/library merit pools. Each department/the Library will receive an equal share of the standard merit pool for each faculty member who applied for merit that year. Each department merit pool will then be divided according to the number and overall ratings of faculty members recommended for merit on the Faculty Evaluation Reports produced by the department.

Fifteen percent (15%) will be placed in a Dean’s/Library Director’s merit pool for each college consistent with the proportion of faculty members from each who applied for merit.

This money will be distributed according to criteria developed by each Dean/Library Director in accordance with the mission and needs of their college and the library. Criteria for distributing the Dean’s/Library Director’s merit pool will be shared with the faculty members no later than December 15 for the upcoming evaluation cycle. A summary of the distribution (number of awards, range of awards, etc.) will be shared with faculty through department chairs.
Standard and Deans'/Library Director’s Merit ratings for year(s) in which there is no merit pay will be banked. Distribution of both merit increments is determined by the total merit points accrued over the banked years. If merit is banked for two years or less, 100% of the total merit points accrued will be awarded the first-year merit is available along with the current year’s merit points. If merit is banked for three or more years, the total merit points accrued will be divided 50% for the first year is available and 50% the following year merit is available. In this case, the current year’s merit will be fully distributed along with the 50% banked merit. This process will continue each year until the banked merit pool is empty.

Responsibilities of the Faculty Concerns Committee, Faculty Members, Students, Department/Library, Department Evaluation Committee/Chair and the Library Evaluation Committee, Department Chair/Associate Library Director, Deans/Library Director, and Provost

Faculty Concerns Committee
The Faculty Concerns Committee will have the responsibility for the Faculty Evaluation Procedures. It will annually review and recommend to the Faculty Senate needed changes in the Faculty Evaluation Procedures. In addition, the Faculty Concerns Committee will review and approve exceptions and amendments to University Evaluation procedures.

The Faculty Concerns Committee will also have the responsibility for ensuring that departments/Library, Department Chairs, and Departmental/Library Evaluation Committees conform to the prescribed evaluation procedures. Faculty members who believe that procedural violations have occurred should bring those issues to the attention of the Faculty Concerns Committee, which may recommend further action to the Dean/Library Director of the relevant college/library.

Faculty Members
1. Faculty members should contribute to the development of Department/Library Evaluation Guidelines within their department/library.
2. Faculty members are responsible for providing the information and materials needed for the Department Evaluation Committee/Library Evaluation Committee and/or Chair to carry out their respective rating responsibilities.
3. Faculty members are responsible for reviewing the DEC/Chair’s or LEC/Chair’s evaluation of their performance and may submit a written rebuttal to the DEC/Chair or LEC/Chair if they disagree with their assessment. Faculty members also have the opportunity to submit written rebuttals to their College Dean/Library Director and the Provost (with copies of written rebuttals to DEC/Chair or LEC/Chair).

Students
Students will rate faculty members using the common online Student Evaluation of Instruction instrument and common instructions. The first eighteen questions (numbers 1-18) are standard across the university. Additional questions reflecting departmental or program evaluation criteria may be added, so long as they follow the same response format (A-F). The results from the first thirteen questions, which pertain to instructor performance, will be averaged to compile the faculty member’s student evaluation score for the
Departments may also ask demographic or informational questions. Questions numbered 14 or higher will not be used to calculate the faculty member’s student evaluation score, but may still be used by departments or programs in other parts of the faculty evaluation.

(NOTE: Departments will be responsible for analyzing the results from questions numbered 14 or higher, as appropriate).

Department/Library
Faculty members from each department/library will cooperate with the Chair/Associate Library Director (ALD) in establishing a common set of Department/Library Evaluation Guidelines to be used for evaluating department/library members. These should include a description of what evaluation materials (including self-statements and supporting materials) faculty members in the department/library will be required/permitted to submit in each evaluation category. Department/Library Evaluation Guidelines should conform to the University Evaluation Guidelines outlined below and be forwarded to the Dean/Library Director for approval by November 1 for the upcoming evaluation cycle, if revised by the department/library.

Each department/library shall select one of the following arrangements for conducting evaluations within the department/library. Selection of an evaluation arrangement should be by two-thirds majority vote of tenured/tenure-track faculty members of the department or library faculty members. If a two-thirds majority cannot be reached, then the default arrangement shall be what was done in the previous year by that department/library.

Such arrangements may include:

1. Evaluation by Department Chair/Associate Library Director (ALD) only;
2. Evaluation by DEC/LEC only;
3. Evaluation by the Department Chair/ALD as part of a DEC/LEC;
4. Evaluation by the Department Evaluation Committee/Library Evaluation Committee and the Department Chair/ALD independently; or
5. Departments/Library may design an alternate arrangement with the approval of the Faculty Concerns Committee.

In cases one through three, the entire percentage in each evaluation category will be shifted to the sole evaluator except reassigned-time duties for Department Chairs and activities with multiple evaluators as specified in departmental/library guidelines.

In cases two through four, each department shall establish a Department Evaluation Committee (DEC) and the Library shall establish a Library Evaluation Committee (LEC) consisting of three to five individuals on which all faculty members will eventually serve through rotation if the department is large enough; otherwise, the faculty may establish a standing committee or invite faculty from other departments to serve on the committee.

In case number four, the Department Chair/ALD may not serve both as a member of the Department/Library Evaluation Committee and as an independent evaluator.
When the Department Chair/ALD is evaluated (separate from the department/library evaluation of Chair’s/ALD’s duties) the department/library will appoint an alternative faculty member to perform the Chair’s/ALD’s function (if applicable) as evaluator.

The following arrangements for conducting evaluations within the department apply to FTNTT and PTNTT faculty members:

- The department chair or designee is solely responsible for evaluating the teaching of a PTNTT faculty member.
- The teaching of FTNTT faculty members is evaluated using the same procedures applied to tenured and tenure-track faculty members. The FTNTT faculty members may request a formal evaluation in all three performance categories – teaching, professional development, and service – using the same procedures applied to tenured and tenure-track faculty members.
- Evaluation materials are kept on file and consulted when personnel decisions are made. FTNTT and PTNTT faculty personnel files include all evaluation documents, including student evaluation of instruction ratings.

**Department/Library Evaluation Committee/Chair/Associate Library Director**

**Department**
The department-determined evaluator(s) will:

1. review the evaluation materials submitted by each faculty member. In each of the four areas; Instructional Design and Development, Teaching Performance and Feedback, Professional Development and Achievement, and Service, the evaluator will rate the faculty member on the numerical scale of 1-5 (whole numbers only);
2. prepare a brief written justification supporting each element rating for the faculty member;
3. prepare a written assessment of the faculty member’s work as an academic advisor for the year.
4. prepare a written assessment of the professional behavior of the faculty member for the year (praiseworthy collegial conduct should be noted as well as problematic professional conduct);
5. respond in writing to any written rebuttals submitted by individual faculty members; and
6. forward the completed Department Evaluation Committee Faculty Evaluation Report to the Department Chair.

**Library**
The library-determined evaluator(s) will:

1. review the library faculty member’s self-statement and materials submitted for the three elements of Job Performance, Professional Development and Achievement, and Service, rating the library faculty member on the numerical scale of 1-5 (whole numbers only) in the elements of each category;
2. prepare a brief written justification supporting each element rating for the library faculty member;

3. prepare a written assessment of the professional behavior of the library faculty member for the year (praiseworthy collegial conduct should be noted as well as problematic professional conduct);

4. respond in writing to any written rebuttals submitted by individual faculty members; and

5. forward the completed Library Evaluation Report to the Associate Library Director.

**Department Chair/Associate Library Director**

**Department Chair**
In addition to the responsibilities as a departmentally determined evaluator specified in departmental guidelines, the Department Chair will:

1. ensure that the standard instructions and student evaluation forms are administered to students during the last two weeks of class;

2. oversee the establishment of Department Evaluation Guidelines to be used for evaluating department members the following cycle and insure that each member of the department receives a copy by December 1 prior to the evaluation cycle;

3. forward the DEC Faculty Evaluation Report and/or the Department Chair Faculty Evaluation Report for each faculty member to the Dean, with a copy to the faculty member. Also, complete and submit the Department Faculty Evaluation Summary to the Dean and to Information Services;

4. communicate the results of the departmental evaluation process to each faculty member, preferably in a face-to-face interview and assist the faculty member in development in needed areas; and

5. maintain department files, including student rating results, the faculty member’s self-statement, the Department Evaluation Committee Faculty Evaluation Report, the Department Chair Faculty Evaluation Report, the Department Faculty Evaluation Summary and the final contract letter for each full-time faculty member of the department (to be retained for two years after the faculty member terminates employment with FSU).

**Associate Library Director**
In addition to responsibilities as a departmentally determined evaluator specified in library guidelines, the Associate Library Director will:

1. communicate the results of the library evaluation process to each library faculty member, preferably in a face-to-face interview, and assist the library faculty member in development in needed areas; and

2. forward the LEC Library Evaluation Report and the Associate Library Director’s Library Faculty
Evaluation Report for each library faculty member to the Library Director, with a copy to the library faculty member. Also, assist the Library Director in completing the Library Faculty Summary for submission to Information Services.

**Deans/Library Director**

**Each Dean will:**

1. share responsibility with Department Chairs for establishing and maintaining appropriate professional standards for faculty evaluation within their college by reviewing and approving Department Evaluation Guidelines;

2. be responsible for reviewing the Element Ratings, the Category Rating, the Overall Rating, and the rating justifications for each full-time faculty member;

3. consider written rebuttals from individual faculty members regarding their Faculty Evaluation Report. The Dean should notify the faculty member of the status of their written rebuttal by April 7, with a copy to the DEC and/or the Chair;

4. forward his/her endorsement of the department recommendation for merit level on each faculty member to the Provost; or should the Dean not concur with the Departmental recommendation for merit level, or should a faculty member challenge the evaluation of the Department Evaluation Committee and/or the Chair, or if the Dean’s overall rating is different from the department rating, the Dean will forward his/her rating recommendation and the departmental rating recommendation to the Provost, with a copy to the faculty member and the DEC/Department Chair; and

5. develop and disseminate criteria for distributing the Dean’s Merit Pool by December 15, prior to the evaluation cycle. In addition, the Dean will provide a report summarizing the distribution of the Dean’s Merit Pool including: number of awards, amount of awards, and other relevant information.

**Library Director will:**

1. share responsibility with the Associate Library Directors for establishing and maintaining appropriate professional standards for faculty evaluation within the Library

2. oversee with the Chair of the Library Evaluation Committee the establishment of Library Evaluation Guidelines to be used for evaluating library faculty members the following year and insure that each library faculty member receives a copy by December 1 prior to the evaluation cycle.

3. be responsible for reviewing the Element Ratings, the Category Rating, the Overall Rating, and the rating justifications for each full-time library faculty member;

4. consider written rebuttals from individual faculty members regarding their Faculty Evaluation Report. The Library Director should notify the faculty member of the status of their written rebuttal by April 7, with a copy to LEC/Associate Library Director;
5. forward his/her endorsement of the Associate Library Director’s recommendation for merit level on each library faculty member to the Provost; or should the Library Director not concur with the Library Evaluation Committee and/or Associate Library Director’s recommendation for merit level, or should a library faculty member challenge the evaluation of the Library Evaluation Committee and/or the Associate Library Director, or if the Director’s overall rating is different from the Library Evaluation Committee and/or Associate Library Director’s rating, the Library Director will forward his/her rating recommendation and the Departmental Rating recommendation to the Provost.

6. develop and disseminate criteria for distributing the Library Director’s Merit Pool by December 15, prior to the evaluation cycle. In addition, the Library Director will provide a report summarizing the distribution of the Library Director’s Merit Pool including: number of awards, amount of awards, and other relevant information.

7. maintain permanent library faculty files including the library faculty member’s self statement, the Library Evaluation Committee Library Faculty Evaluation Report, and the final contract letter for each full-time library faculty member (to be retained for two years after the faculty member terminates employment with FSU).

Provost will:

1. receive and review the recommendations from the Department/Library and the Dean/Library Director;

2. consider written rebuttals from individual faculty members regarding the Dean’s/Library Director’s merit recommendations. The Provost should notify the faculty member of the status of their written rebuttal by May 1, with a copy to DEC/Chair and Dean or LEC/Associate Library Director and Library Director.

3. be responsible for preparing faculty merit pay recommendations, which he/she will forward to the President; and

4. report a summary of faculty merit pay recommendations to the Faculty Concerns Committee for publication to the faculty. The summary should include:

   a) total amount of money in the merit pool, the amount in the Standard Merit Pool, and the amount in each Dean’s/Library Director’s Merit Pool;
   b) number of faculty who applied for merit, university wide and within each college/library;
   c) merit share per faculty member assigned to Department/Library Merit Pools;
   d) distribution of faculty ratings and average category ratings by department and college/library, average Overall Rating for each department, college/library, and for the University; and
   e) number of written rebuttals to Deans/Library Director, number granted (by college), and total number of recommendations from Deans/Library Director that differed from department/library recommendations.
Description of Faculty Role Model

To prescribe precise evaluation guidelines applicable to every college and department is unrealistic, but the university-wide Faculty Evaluation Guidelines described below identify some of the common elements that would normally be present in outstanding teaching and advising, professional development and service.

Each department is responsible for adapting these general guidelines to its discipline in a way that encourages the development of its faculty’s pedagogical and professional abilities. Pursuant to this responsibility, each department will develop specific Departmental Evaluation Guidelines identifying specific criteria that represent excellence within its discipline. A few examples are provided as models departments may use in developing their guidelines.

Evaluation is divided into three categories: Teaching and Advising, Professional Development and Service. The Teaching and Advising category is further divided into two sub-categories: Instructional Design and Development, and Teaching and Advising Performance and Feedback to Students. Department guidelines should reflect this division and conform to the idea that higher levels of performance should produce a higher overall rating.

Description of Teaching and Advising Category
(Minimum = 50%; Maximum = 80%)

1. Instructional Design and Development (Weight = 50%)

Each department should identify the minimum expectations for a rating of 3.0 for its faculty with regard to amount and type of reading, number and type of assignments, appropriate technologies, advising practices, etc.

Each department should also identify additional structural characteristics of outstanding courses, and best advising practices, and the levels of performance necessary to receive a 4.0 and 5.0 rating.

In general, ratings of 5.0 should indicate consistently high-quality courses, high-quality advising, and some development activities.

The purpose of these guidelines should be developmental and should facilitate diversity in pedagogical approaches.

Common Elements:

1. Course materials and content should be appropriate and supportive of course goals and objectives.

   Example: Upper division courses typically require scholarly readings in addition to a core textbook.

2. Examinations, quizzes, and assignments should allow students to demonstrate achievement of course objectives.
Example: Upper division courses include variation in assessment techniques (multiple choice, short answer, and essay) consistent with course objectives.

3. Texts, audio-visual aids, handouts, and other significant materials or equipment should be current and supportive of course objectives.

Example: Courses include extensive teaching aids that clearly contribute to educational goals.

4. Course materials, assessment instruments, and supplemental materials should reflect development of pedagogical skills through experimentation, workshops, scholarship and other activities.

Example: Scholarly activities in pedagogy have led to the enhancement of teaching methods (e.g., attending workshops, presenting papers, and the like).

Example: Significant experimentation in teaching methods contributed to student learning (i.e., simulations, cooperative learning exercises).

5. Advising materials, and interactions with students should promote student success and preparation for future careers.

Example: Development of advising practices based on participation in advising workshops, or conversations with colleagues and students.

Note: Internship instruction will be evaluated according to approved departmental guidelines and evaluation instruments.

2. Teaching and Advising Performance and Feedback to Students (Weight = 50%)

Each department should identify those elements of teaching and advising performance that would qualify a faculty member for a “meets expectations” rating, as well as those that best reflect outstanding teaching within their discipline. These guidelines should identify those characteristics of teaching performance that are most important within their discipline, and encourage faculty to develop these characteristics. Department Evaluation Guidelines should identify the levels of performance necessary to receive a 3.0, 4.0, and 5.0 rating. In general, ratings of 5.0 should indicate consistently high-quality teaching and advising performance and additional dedication to students (e.g. additional time, informal advising, extensive comments, etc.).

Department guidelines should go beyond simply looking at the overall score generated by the Student Evaluation of Instruction Form.

Faculty should:

- specify course objectives, assignments, and expectations;
- demonstrate evidence of planning and the ability to carry it through;
- demonstrate knowledge of and respect for the subject matter;
• encourage student questions and expression of student ideas;
• provide timely and sufficient feedback to students concerning class performance;
• return tests and papers in a reasonable amount of time;
• provide evaluation remarks on written work, such as essays, research papers, projects, and case analyses;
• adhere to University policies regarding syllabi and office hours;
• make students aware of resources such as the academic success network offices and the career center;
• contact advisees to discuss course selection prior to registration;
• help advisees manage their academic plan; and
• orient advisees to timelines for significant events such as standardized exams.

Description of Professional Development and Achievement Category
(Minimum = 10%, Maximum = 30%)

Each department is responsible for developing guidelines to encourage the professional development of its faculty consistent with professional standards of their disciplines and the needs of the college. Higher levels of performance and superior quality of professional work should produce higher evaluations.

Some examples of performance in the areas of professional development and achievement that rate 3.0 (meets expectation) are:

• Active membership in professional organization (e.g., conference attendance, etc.);
• Serving in capacities, such as adjudicator, review, or session moderator, to a local professional organization
• Participating in a publisher’s text review;
• Sharing expertise within the discipline (locally or regionally);
• Acting as a journal reviewer;
• Reading in their professional field and presenting evidence of ongoing scholarship in preparation for professional presentation (e.g. workshop, conference paper, and the like);
• Continuing certification in discipline;
• Contributing to the development of instructional materials for K-16 programs;
• Managing a web page; acting as a newsgroup facilitator.

Some examples of individual activities that may rate a 4.0 (above expectations):

• Regional conference leadership role (e.g. paper presentation, discussant, panel organizer, session chair, etc.);
• Published book review;
• Poster presentations at major conferences;
• Writing an external grant application;
• Substantial editorial duties with a scholarly publication;
• Certification, or comparable work, in a new area related to professional career.

Some examples of activities that may rate a 5.0 (outstanding):

• Production of a publication, performance, workshop, or artistic creation that has received some form of favorable peer review and has received at least regional recognition;
• Organization of a major regional or national conference;
• Significant participation in a national or international conference (e.g. paper presentation, workshop);
• Award of an external grant.

Department Evaluation Guidelines should identify the level of performance necessary to receive a 4.0 and 5.0 rating. In general, ratings of 5.0 should indicate quality of professional achievements as well as frequency.

**Description of Service Category**  
(Minimum = 5%, Maximum = 25%)

Standard service occurs at department and college level, earning the faculty member a rating of 3.0, and includes:

• Regular attendance at, and participation in department and college meetings;
• Fulfillment of normal committee assignment;
• Participation in regular departmental and college activities.

Additional service (beyond regular department duties) may earn faculty a 4.0 or 5.0 rating depending on level of contribution to department/college/university/community.

Some examples include:

• Serving on Faculty Senate;
• Serving on University committees or task forces;
• Serving as chair for numerous department committees or supervising department initiatives such as accreditation, major curricula revisions;

• Organizing small conferences or other limited activities that contribute to the University or community;

• Serving major department needs (i.e., newsletter and clubs, chairing committees);

• Chairing active University committees;

• Organizing major conferences or repeated activities that contribute to the university or community.

Department Evaluation Guidelines should identify the level of service necessary to receive a 4.0 and 5.0 rating. In general, ratings of 5.0 should indicate extensive, high quality contributions to service.

**Description of Reassigned Time**

(% Variable, 1/8 of teaching category per reassigned three-credit course)

That portion of Service and/or Professional Development transferred from Teaching and Advising for reassigned time duties will be rated separately from Service/Professional Development ordinarily performed as a faculty member.

Prior to the beginning of each evaluation cycle, those faculty with reassigned time (excluding service as Department Chair) will meet with the Chair of their home department or the Dean or other administrator (as appropriate) to: (a) describe performance expectations for their reassigned time and (b) establish who will evaluate the performance of their reassigned time duties and the criteria for evaluation.

These criteria should identify the level of performance necessary for a rating of 3.0 (meets expectations), as well as what level of performance would qualify for a higher rating.

In the event that a faculty member’s reassigned time duties are evaluated by someone outside the department the evaluation and recommendation for those reassigned time duties are due to the faculty member’s Department Chair by February 20. The Faculty Handbook section (covering Department Chair Policies and Procedures) that describes the role of the Department Chair will take the place of an individual plan for assessment of reassigned time as Department Chair. The Annual Faculty Evaluation System’s reassigned time assessment for serving as Department Chair is independent from the Administrative Performance Evaluation of Department Chairs. The evaluation of reassigned time as department chair will be jointly shared by the departmentally determined evaluators (75%) and the Dean/Library Director (25%).

**Description of Professional Behavior and Collegiality**

**Code of Conduct for FSU Faculty**

All Frostburg State University faculty members have the right to a safe, healthy, and respectful workplace. They have the right to freely share ideas and advance their careers. All faculty members have the right to free speech and expression. They should have the opportunity to create course content, establish committees, participate in university governance, participate in the appointment and promotion of faculty,
Faculty members should exhibit the following behaviors that represent professional integrity:

1. Follow all policies and regulations as stated in the USM policies and the Frostburg Faculty Handbook;
2. Demonstrate awareness and recognition of ethical issues related to higher education;
3. Adhere to System policies related to a drug-free workplace;
4. Demonstrate respect for one’s own and other’s academic freedom within the boundaries of the policies and practices in the university, department, and discipline;
5. Follow confidentiality practices regarding student, personnel, and university information; and
6. Engage in respectful interactions with administrators, colleagues, staff, and students.

Faculty must refrain from demeaning, threatening, intimidating, spiteful, and abusive behavior. They should not exhibit any of the following behaviors or actions towards other faculty members:

1. Unwanted or excessive monitoring;
2. Unwanted physical contact;
3. Language that creates a hostile environment;
4. Sexual harassment or harassment based on age, gender, race, ethnicity, national origin, religion, disability or sexual orientation; and
5. Uncivil behavior that interferes with the working and learning environment (for example: shouting, personal attacks or insults, throwing objects, or other displays of temper).

**Description of Library Faculty Role Model**

Each of the three categories below contains the descriptions of activities (Elements) that constitute expectations as librarians. Similarly each Element contains specific dimensions that describe the expected activities of all library faculty.

In all three categories the Library Evaluation Committee may justify as equivalent other achievement activities. The elements of each category may include the following but are not limited to:

**Description of Job Performance Category**
(Minimum = 50%; Maximum = 80%)

1. Demonstrated ability to provide effective library services as evidenced by: (weight = 75%)

Some examples of library service activities rated as 3.0 (meets expectations) include:

- Ability to work effectively with patrons, colleagues, and staff;
- Willingness to adapt to changing trends and technologies in the work environment;
- Effective communication skills, written and oral;
- Demonstrated ability to organize tasks and prioritize activities to accomplish defined goals;
- Willingness to consider suggestions from library clientele concerning services and collections;
- Demonstrated respect for the information needs of library clientele;
- Demonstrated respect for the research process;
- Posts and maintains library service hours;
- Adherence to the tenets of the “Library Bill of Rights.”

Library faculty members rated at the 4.0 or 5.0 levels demonstrate achievement in one or more of these categories substantially beyond what is expected for 3.0 (meets expectations).

2. Demonstrated growth in the theoretical knowledge of academic librarianship as evidenced by: (weight = 25%)

Those rated at the 3.0 level (meets expectations) should meet the following minimal requirements:

- Demonstrated knowledge of and respect for the subject matter;
- Evidence of the acquisition of knowledge/skills in multiple areas of responsibility within the library;
- Knowledge of and respect for the collection(s) that supports academic disciplines.

Library faculty members rated at the 4.0 or 5.0 levels demonstrate characteristics, attitude, and behavior in these categories substantially beyond what is expected of 3.0 rating in Growth in the Theoretical Knowledge of Academic Librarianship.

Some examples of such performance may include the willingness and ability to take on new and more complex responsibility as evidenced by:

- Initiation of new projects or procedures that contribute to departmental/division, library or
university goals;

- Participation on library-wide, local, regional and system-wide committees or task groups;
- Leadership and innovation in the development of new services and systems to meet the demands of library clientele;
- Demonstrated evidence of planning and the ability to carry projects through to completion;
- Performance of academic departmental liaison duties beyond basic collection development responsibilities;
- Development of course(s) in the field of information science.

**Description of Professional Development and Achievement Category**

(Minimum = 10%, Maximum = 30%)

Library faculty members are employed on a 12-month contract and perform their regularly assigned duties during at least a 40-hour week. All professional development activities and achievements are conducted without release time and in addition to their assigned duties. These contract parameters alter the time opportunities available for professional development and achievement for library faculty.

Below are some examples of performance in the areas of professional development and achievement. Some examples of activities that rate 3.0 (meets expectations) are:

- Proof of active membership in professional organizations (e.g., conference attendance, etc.);
- Proof of attendance or participation in relevant seminars or workshops including those with continuing education credit;
- Sharing knowledge or expertise based on participation in aforementioned professional organizations or activities (e.g., LISTSERVs, workshops, or seminars relevant to the library or archival professions);
- Creation of a new and unique pamphlet or printed guide for public dissemination that improves library service to patrons or provides access to a portion of the Library’s collections;
- Maintenance of a subject or service-specific web page on the Library’s web site.

The Library Evaluation Committee may add and/or substitute professional activities appropriate to the advancement of the discipline or the development of the library faculty member.

A library faculty member may receive a 4.0 rating for accomplishing more than three of the above activities.

Some examples of individual activities that rate a 4.0 (Above Expectations):

- Published book review;
- Poster presentations at major conferences;

- Service in capacities such as presenter, adjudicator, reviewer, or session moderator or otherwise participating in local, regional, state, national, or international professional organization’s conferences/meetings;

- Evidence of ongoing scholarship in preparation for professional presentation (e.g., workshop, conference paper, and the like);

- Assistance to an academic department in the development of a collection or services that support a new or revised course offering or program;

- Demonstration of the attainment of new/complex skills via relevant course work or experience;

- Development of an exhibit/presentation for the library that highlights a specific portion of the collection or which commemorates a significant event;

- Submission of a grant proposal.

The Library Evaluation Committee may add and/or substitute professional activities appropriate to the advancement of the discipline or the development of the library faculty member.

A library faculty member may receive a 5.0 rating for accomplishing more than two of the 4.0 activities.

Some examples of activities that rate a 5.0:

- Regional conference leadership role (e.g., paper presentation, discussant, panel organizer, session chair, etc.);

- Production of a publication, performance, workshop, or artistic creation that has received some form of favorable peer review and has received at least regional recognition;

- Service as a journal reviewer;

- Organization of a regional or national conference, meeting, symposium or workshop;

- Significant participation in local, state, regional, national or international professional associations;

- Achievement of certification or continuing certification in a relevant professional discipline;

- Completion of requirements for a second master’s degree;

- Development of a University course in subject area of expertise;

- Award of grant funding.
Description of Service Category
(Minimum = 5%, Maximum = 25%)
Minimum service occurs at division and library level, earning the library faculty member a rating of 3.0.
Standard service includes:

- Regular attendance at and participation in department and library meetings;
- Fulfillment of normal committee assignments;
- Participation in regular departmental and library activities, as deemed appropriate;
- Participation in library-wide committees.

Additional service (beyond regular division duties) may earn library faculty a 4.0 or 5.0 rating depending on level of contribution to division/library/university/community.

Some examples include:
- Service on Faculty Senate;
- Service on Faculty Senate Governance Committees, Subcommittees, Ad Hoc, Standing Administrative Advisory Groups, Administrative Ad Hoc Task Groups, Adjudicative or Mandated Committees;
- Significant contribution or leadership on library-wide local, regional and system-wide committees or task groups;
- Service on University ad hoc committees, search committees or task groups
- Involvement in major University activities (e.g., Commencement, History Day, Martin Luther King Convocation, Founders’ Day, Earth Day, etc.);
- Steering major library or university initiatives;
- Substantive contribution to the community in a manner that clearly impacts positively on the community, in a role that requires a high level of involvement and time, and in a manner that is clearly related to the library faculty member’s professional role.

Description of Professional Behavior and Collegiality
Code of Conduct for FSU Library Faculty
All Frostburg State University faculty members have the right to a safe, healthy, and respectful workplace. They have the right to freely share ideas and advance their careers. All faculty members have the right to free speech and expression. They should have the opportunity to create course content, establish committees, participate in university governance, participate in the appointment and promotion of faculty, elect department chairs, etc. Thus, all members of the Frostburg State University faculty shall abide by the following rules.
Faculty are expected to demonstrate professional behavior to administrators, colleagues, staff, and students.

Faculty members should exhibit the following behaviors that represent professional integrity:

1. Follow all policies and regulations as stated in the USM policies and the Frostburg Faculty Handbook;

2. Demonstrate awareness and recognition of ethical issues related to higher education;

3. Adhere to System policies related to a drug-free workplace;

4. Demonstrate respect for one’s own and other’s academic freedom within the boundaries of the policies and practices in the university, department, and discipline;

5. Follow confidentiality practices regarding student, personnel, and university information; and

6. Engage in respectful interactions with administrators, colleagues, staff, and students.

Faculty must refrain from demeaning, threatening, intimidating, spiteful, and abusive behavior. They should not exhibit any of the following behaviors or actions towards other faculty members:

1. Unwanted or excessive monitoring;

2. Unwanted physical contact;

3. Language that creates a hostile environment;

4. Sexual harassment or harassment based on age, gender, race, ethnicity, national origin, religion, disability or sexual orientation; and

5. Uncivil behavior that interferes with the working and learning environment (for example: shouting, personal attacks or insults, throwing objects, or other displays of temper).

Evaluation Timeline
(Dates should normally be interpreted as “not later than.” In the case of dates falling on Saturday, Sunday, or University holidays, the following Monday becomes the deadline.)

Date Chronology:

* before the evaluation cycle
** during the evaluation cycle
*** following the evaluation cycle

Fall* Department/Library works to design (refine) its Department/Library Evaluation Guidelines for the following evaluation cycle.
Fall**  Department/Library determines membership of DEC/LEC.

November 1*  Departmental/Library Evaluation Guidelines submitted to the College Dean/Library Director for approval.

November 1*  Faculty member provides Chair with plan to evaluate reassigned time.

November 14*  Dean/Library Director notifies departments/Library of any difficulties with Department/Library Evaluation Guidelines.

December 1*  Approved Department/Library Evaluation Guidelines shared with all faculty members.

December 15*  Dean/Library Director disseminate criteria for distribution of Dean’s/Library Director’s Merit Pool

December 31**  Evaluation cycle ends.

January 1**  Evaluation cycle begins.

February 1***  Tenured/permanent status faculty members inform the Department/Library Evaluation Committee and the Department Chair to submit a Complete Evaluation or an Abridged Evaluation.

February 20***  Evaluation recommendation and justification for reassigned time are due to Department Chair.

February 21***  DEC/LEC and Chair complete Evaluation of faculty members applying for promotion and provide preliminary copies to such faculty members.

March 1***  Department/Library Evaluation Committee reports completed. Materials sent by Chair to Faculty Member.

5 Working Days  Faculty under evaluation shall have the opportunity to review and respond to the DEC/LEC/Chair's appraisal of their activities generated by the process prior to submission to the unit administrator (Dean/Library Director), Faculty choosing to exercise this option shall submit the response(s) to the Department/Library Evaluation Committee/Chair.

Prior to March 20***  Department Chair reviews evaluation reports with Faculty Member.

March 20***  Department Chair forwards:

1. Department Faculty Evaluation Report;
2. DEC/LEC Committee Faculty Evaluation Report, and;
3. The Department Chair Faculty Evaluation Report for each faculty member to the Dean/Library Director with a copy to the faculty member.
March 27*** Faculty Member may send to Dean/Library Director written rebuttal against Department’s/Library’s Evaluation Rating (with a copy to department/library determined evaluators).

April 7*** The Dean/Library Director will consider written rebuttals from individual faculty members regarding their Faculty Evaluation Report and notify the faculty member of the status of their written rebuttal with a copy to the DEC/LEC and/or the Chair.

April 17*** College Dean/Library Director sends report to Provost on Faculty Evaluation/Merit. Informs Faculty Member if Dean’s/Library Director’s recommendation differs from Departmental/Library Recommendation.

April 24*** Faculty Member may send to Provost written rebuttal against Dean’s/Library Director’s Merit recommendation.

May 1*** Provost sends Faculty Merit pay recommendations to President. Informs Faculty Member if recommendation differs from the Dean’s/Library Director’s.

May 8*** Faculty member may send to Faculty Appeals a written rebuttal to the Provost’s Evaluation/Merit recommendation (only applicable to faculty who scored less than 3.0 overall).

June 30*** Provost files summary report on Evaluation/Merit with Faculty Concerns Committee.

June 30*** President notifies Faculty Members of Merit decision

**Student Evaluation Instrument**

Students will use the same digital instrument to evaluate faculty via a web-based software application for all course sections except internships and course sections with enrollment of 1 student or fewer. Internships will be evaluated using separate approved department or program evaluation instruments. Course sections with enrollment of 1 student or fewer will not be evaluated. Students who are listed on the PAWS roster for a course section with an assigned grade of W or WF at the time the instrument becomes available will be ineligible to evaluate that course section.

Students will be informed that the instrument contains statements pertaining to both instructor performance and to student experience in the course. The first thirteen statements on the instrument pertain to instructor performance, and the remaining five statements pertain to student experience. Student responses to the statements pertaining to instructor performance (1-13) will be averaged to compile the student evaluation score to be incorporated into an instructor’s numerical rating for Teaching Performance and Feedback to Students as part of the annual Faculty Evaluation process.

As appropriate, departments and/or programs may add additional numerical statements and/or free response questions to the instrument to the needs of those departments and/or programs. Any additional numerical questions shall be considered informational and shall not be included in an instructor’s student evaluation score.
A Student Evaluation of Instruction report will be provided for each section to the instructor and department chair. This report will summarize student responses to the statements on the Student Evaluation of Instruction Instrument and provide the student evaluation score for that section and for all sections. Average student evaluation scores for the department, discipline, college, and university may be provided for comparison.

Students will be notified by email that the online evaluation form is open and available to them for each eligible course section. Students will be provided with a link to the survey site, where they will be prompted to enter their PAWS username and password. Using a Likert scale, students will enter a response to all numerical statements. Responses are anonymous and cannot be connected to the student.

The digital Student Evaluation of Instruction surveys will be made available to students two weeks prior to the scheduled last day of classes. Students will have until 11:00 pm on the last day of classes to complete evaluations. Reminder emails will be sent every other day to students with uncompleted surveys, but participation remains voluntary.

Instructions for Faculty:
Faculty members are encouraged to increase student response rate through one or more of the following methods:

1. setting aside class time when the instructor will not be present for students to complete the evaluation on their electronic devices;
2. communicating the value of the student evaluation of instruction (e.g., by providing examples of how student feedback is used to improve instruction);
3. periodically encouraging and reminding students to complete the surveys; and/or
4. providing information to students about completion rates for course sections.

Faculty members are invited to be creative in adopting other strategies to increase student response rate as long as these strategies do not involve either rewarding or punishing students, such as offering extra credit, waiving or dropping assignments, giving prizes or parties, or withholding grades.

FROSTBURG STATE UNIVERSITY
Student Evaluation of Instruction

Using the following scale, ranging from “(A) Strongly Agree” to “(E) Strongly Disagree” or “(F) Not Applicable,” evaluate the following statements.

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Somewhat Agree</th>
<th>Neither Agree nor Disagree</th>
<th>Somewhat Disagree</th>
<th>Strongly Disagree</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>F</td>
</tr>
</tbody>
</table>

Rate your agreement with the following statements about your instructor for this course:
1. The instructor was well prepared for this course.
2. The instructor demonstrated high expectations for my learning.
3. The instructor effectively delivered course content.
4. The instructor clearly specified course assignments.
5. The instructor demonstrated a genuine interest in the subject matter.
6. The instructor actively encouraged student participation.
7. The instructor displayed an interest in students’ learning and success in the course.
8. The instructor acted professionally in the course and toward all students.
9. The instructor clearly communicated course expectations and grading procedures.
10. The instructor provided appropriate and timely feedback to benefit student learning.
11. The instructor was available outside of class during office hours, by appointment, or as stated in the syllabus.
12. The instructor effectively used course materials and educational resources to enhance instruction.
13. The instructor adhered to the class meeting times and dates, as stated on PAWS and in the syllabus.

Rate your agreement with the following statements about your experience in this course:

14. My level of knowledge in this course content has increased over the semester.
15. My interest in the subject matter has increased as a result of taking this course.
16. My grade in this course was evaluated fairly based on the expectations and procedures stated in the syllabus.
17. I would recommend this course to another student.
18. I would recommend this instructor to another student.

**Evaluation of Chairs’ Faculty and Administrative Responsibilities**

See *Department Chair Policies and Procedures in Section E.*

**Faculty Grievance Procedure**

*Approved by the Faculty Senate 10/1/91*

*Amended 4/16*

The Faculty Grievance Committee shall review conflicts of interest in PHS (Public Health Service)/NSF (National Science Foundation) sponsored activities which cannot be resolved to the satisfaction of the Director of Research and Sponsored Programs. The Committee will also hear grievances in any matter not covered specifically by another grievance procedure.

Faculty members are encouraged to resolve disputes informally whenever possible, but when situations arise that are not resolved, a faculty member has the option to file a formal grievance. This policy shall apply to anyone holding a recognized faculty rank; regardless of tenure/ permanent status or percent time of employment. The University System of Maryland Policy on Faculty Grievances dictates the following exceptions. No complaint shall be reviewed under this faculty grievance procedure if:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by any other System or institutional policy;

2. The complaint pertains to an official policy, regulation, or procedure of the System or the institution; a decision or action by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with any such official policy, regulation,
procedure, decision, or action;

3. The complaint pertains to broad areas of the fiscal management, staffing, or structure of the University System of Maryland or constituent institutions;

4. The resolution of the complaint is not under the control of the institution and/or of the University System;

5. The grievance originally falls under the jurisdiction of the Faculty Appeals Committee; or


For the purposes of this grievance procedure document, the "parties" will be defined as the grievant and the respondent. For the purposes of this grievance procedure document, the “Committee” will be defined as the Faculty Grievance Committee. There are two separate grievance procedures: one for grievances between faculty members pertaining to workplace bullying or other uncivil behavior and one for all other grievances between faculty referred to the Committee.

Hearing Procedures for Grievances between Faculty Members Pertaining to Workplace Bullying or Other Uncivil Behavior

1. If any faculty member alleges cause for grievance with another faculty member in any matter not covered by one or more of the exceptions listed above, he/she may seek resolution through mediation by a Faculty Ombudsperson. The grievant is strongly encouraged to pursue this resolution pathway before petitioning the Faculty Grievance Committee for redress.

The grievant must select a Faculty Ombudsperson from the publicized list of available Ombudspersons. The grievant reserves the right to select an Ombudsperson from a different College (or Library) than the grievant and the respondent.

2. The grievant confidentially reports the issue(s) to the Ombudsperson, who then seeks to informally mediate between the parties. No records are kept of this mediation process, and participation is kept confidential to just the grievant, the respondent, and the Faculty Ombudsperson. If at any point during the mediation process, the grievant is satisfied, the process stops. If either the grievant or the respondent fails to cooperate, the Faculty Ombudsperson may initiate a formal grievance hearing into the situation by petitioning the Faculty Grievance Committee.

3. Upon completion of the mediation process, the Ombudsperson follows up with the grievant to ensure that the situation has been resolved. If the grievant is satisfied, the process stops.

4. If the grievant is unsatisfied with the outcome of mediation, or if the situation is not resolved as a consequence of the mediation, the grievant may petition to the Faculty Grievance Committee for redress.
The petition will set forth in detail the nature of the grievance and state against whom the grievance is directed. It will contain any factual data, which the petitioner deems pertinent to the case. It is incumbent upon the petitioner to present factual data which he/she deems pertinent to the case.

The Committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the Committee such a settlement is not possible or is inappropriate, the Committee will report its findings and recommendations to the petitioner.

5. Upon receipt of a written grievance, the Committee shall contact the person against whom the grievance is filed and shall request a written response to the charges within 5 working days.

6. Decisions of the Committee shall be by a majority vote. No member of the Committee may participate in a hearing for a grievance pertaining to workplace bullying or other uncivil behavior unless he or she has received training as outlined in the Committee charter (page C-XX of this Handbook). If a member of the Committee must be replaced due to illness or other compelling reasons, the new member may not participate in the preparation of findings and recommendations of the Committee without first reviewing all pertinent materials available to the other members of the Committee. No business of the Committee may be conducted unless a quorum of 5 members is present.

7. The Chair of the Committee shall arrange for an audio recording of the hearing. No other recording of the hearing shall be permitted. After conclusion of the grievance, the Committee shall deposit the audio recording of the proceeding with the Faculty Ombudspersons Committee, which shall keep it for a period of 2 years. Other written evidence shall be forwarded to, and kept by, the Faculty Ombudspersons Committee for a period of 2 years following disposition of the grievance. The members of the Faculty Grievance Committee, the grievant, and the respondent shall all have access to the audio recording and written evidence produced by the Committee. Deliberations by the Committee concerning a grievance shall not be tape audio-recorded.

8. At the hearing, the grievant shall present his/her evidence. The respondent may then present evidence in response. Each may choose to invite one support person who shall not participate in the hearing. Both parties may also provide witnesses. The parties to the grievance and their support persons, if desired, shall be permitted to be present at all proceedings whenever any evidence is being presented, to examine all evidence presented to the Faculty Grievance Committee, and to present evidence available to them. Witnesses shall only be present during the phase of the hearing pertaining to the questioning of witnesses. All questions at the hearing shall be asked by and all answers directed to members of the Committee to ensure questions are appropriate and to prevent direct confrontation between the parties.

9. All hearings shall be open only to members of the Faculty Grievance Committee, the grievant, the respondent, and any support persons. Exceptions may be made with agreement of the respondent and the grievant. The evidence and proceedings are confidential and shall not be made public by any participant in a hearing. Only members of the Committee shall participate in deliberations.
10. A copy of the written findings of the Committee shall be sent to the grievant and to the respondent. The findings of the Committee should be completed within 30 working days of the Committee's receipt of the grievant’s written request to initiate the proceedings. If the Committee recommends sanctions, those recommended sanctions are also communicated in writing to the grievant and the respondent. These sanctions are also communicated in writing to the Department Chair (or other immediate supervisor), Dean or Library Director, Provost, and/or the Office of Human Resources as appropriate.

11. If at any point the grievant is satisfied, the proceedings stop. If the grievant is not satisfied with the decision of the Faculty Grievance Committee, he/she may choose to take the matter to the Office of Human Resources.

12. If at any point in the entire grievance proceedings either party fails to cooperate or to respond according to the above procedural rules, the Committee may offer a recommendation to the Faculty Senate for appropriate action against the offender(s).

Recommended Sanctions for Workplace Bullying and Other Uncivil Behavior Substantiated through Formal Grievance Hearing by the Faculty Grievance Committee

Depending on the situation, the Faculty Grievance Committee can recommend any or all of the following sanctions. Sanctions recommended by the Faculty Grievance Committee will be communicated in writing to the Department Chair (or other immediate supervisor), Dean or Library Director, Provost, and/or the Office of Human Resources as appropriate.

1. If a complaint is substantiated, neither party may serve on the other person’s department evaluation committee or promotion/tenure/permanent status committee for one or more calendar years until both parties mutually agree to end the injunction.

2. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil will receive a notation on their next faculty evaluation.

3. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil cannot apply for internal grants for one calendar year.

4. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil will be required to take an online civility module and pay the fee to do so.

5. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil must either recuse him or herself or be removed from all university governance positions for one full term, i.e., 2 years.

6. If a complaint is substantiated and the faculty member whose behavior is found to be uncivil is also a department chair, associate chair, or a coordinator, he or she will be suspended from this position for one term, i.e., 3 years.
7. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil shall be ineligible for Dean’s Merit Enhancement for that fiscal year.

**Hearing Procedures for All Other Grievances**

1. If any faculty member alleges cause for grievance in any matter not covered by one or more of the exceptions listed above, he/she may petition the Faculty Grievance Committee for redress. The petition will set forth in detail the nature of the grievance and state against whom the grievance is directed. It will contain any factual data, which the petitioner deems pertinent to the case. It is incumbent upon the petitioner to present factual data which he/she deems pertinent to the case. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The Faculty Grievance Committee will decide whether or not the allegations warrant a hearing.

The Committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the Committee such a settlement is not possible or is inappropriate, the Committee will report its findings and recommendations to the petitioner.

2. Upon receipt of a written grievance, the Committee shall contact the person against whom the grievance is filed and shall request a written response to the charges within 5 working days.

3. Decisions of the Committee shall be by a majority vote. If a member of the Committee must be replaced due to illness or other compelling reasons, the new member may not participate in the preparation of findings and recommendations of the Committee without first reviewing all pertinent materials available to the other members of the Committee. No business of the Committee may be conducted unless a quorum of 5 members is present.

4. The Chair of the Committee shall arrange for an audio recording of the hearing. No other recording of the hearing shall be permitted. After conclusion of the grievance, the Committee shall deposit the audio recording of the proceeding with the Provost who shall keep it for a period of 2 years. Other written evidence shall be forwarded to, and kept by, the Provost for a period of 2 years following disposition of the grievance. The President, Provost, members of the Faculty Grievance Committee, the grievant, and the respondent shall all have access to the audio recording and written evidence produced by the Committee. Deliberations by the Committee concerning a grievance shall not be audio-recorded.

5. At the hearing, the grievant shall present his/her evidence. The respondent may then present evidence in response. The grievant shall have the burden of persuading the Committee by a preponderance of the evidence. The parties to the grievance shall be permitted to be present at all proceedings whenever any evidence is being presented, to examine all evidence presented to the Faculty Grievance Committee, to present evidence available to them, and to question witnesses. The members of the Committee may ask questions of any witness or other person present at the hearing. Formal rules of evidence do not apply, and hearsay evidence is admissible.

6. Where more than one grievant complaining of a wrong arising out of the same set of facts have a hearing pending, the hearings may be consolidated with the approval of all such grievants and of
the Faculty Grievance Committee first appointed to hold such hearings. The consolidated hearing shall be conducted by that Committee.

7. All hearings shall be open only to members of the Faculty Grievance Committee, the grievant, and the respondent. Exceptions may be made with agreement of the respondent and the grievant. The evidence and proceedings are confidential and shall not be made public by any participant in a hearing.

8. After studying the information provided by all parties to the proceedings, the Committee shall arrange a meeting or series of meetings with both parties, at which time the Committee will try to mediate differences between or among the parties.

9. A copy of the written findings of the Committee shall be sent to the grievant and to the respondent. The findings of the Committee should be completed within 30 working days of the Committee's receipt of the grievant’s written request to initiate the proceedings.

10. If at any point the grievant is satisfied, the proceedings stop. If the grievant is not satisfied with the decision of the Faculty Grievance Committee, he/she may seek an appeal to the Provost within 5 working days. The Provost shall review the grievance within 10 working days of receiving a written appeal request from the faculty member.

11. If either party to the grievance is dissatisfied with the decision of the Provost, he/she may appeal to the Faculty Appeals Committee within 5 working days.

12. The grievant and/or respondent may seek review by the President within 5 working days of receipt of the second appeal decision. The President's response to the grievant’s appeal request will be made within 10 working days of written receipt of the same. The President shall respond in writing to the Committee’s findings within 5 working days.

13. After the President has made his/her decision, the proceedings are deemed final, and the Committee shall bring the matter to closure by writing an addendum to its original findings.

14. If at any point in the entire grievance proceedings either party fails to cooperate or to respond according to the above procedural rules, the case may be closed, and/or the Committee may offer a recommendation to the Faculty Senate for appropriate action against the offender(s).

**Recommended Sanctions for Uncivil Behavior Substantiated through Formal Grievance Hearing by the Faculty Grievance Committee**

Workplace (including university-sponsored events) bullying is defined as repeated and unreasonable behavior that threatens, intimidates, humiliates or isolates the targeted individual(s), or undermines their reputation or job performance. It may take, but is not limited to, one or more of the following forms:

1. Verbal abuse,

2. Malicious criticism or gossip,
3. Unwarranted or excessive monitoring,

4. Unwarranted physical contact,

5. Exclusion or isolation in the workplace,

6. Work interference or sabotage,

7. Cyberbullying, and

8. Other uncivil conduct / behaviors (including nonverbal) which are threatening, humiliating, harassing or intimidating.

**Recommended Sanctions for Workplace Bullying and Other Uncivil Behavior Substantiated through Formal Grievance Hearing by the Faculty Grievance Committee**

Depending on the situation, the Faculty Grievance Committee can recommend any or all of the following sanctions. Sanctions recommended by the Faculty Grievance Committee will be communicated in writing to the Department Chair (or other immediate supervisor), Dean or Library Director, Director of Research and Sponsored Programs, Provost, and/or the Office of Human Resources as appropriate.

1. If a complaint is substantiated, neither party may serve on the other person’s department evaluation committee or promotion/tenure/permanent status committee for one or more calendar years until both parties mutually agree to end the injunction.

2. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil will receive a notation on their next faculty evaluation.

3. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil cannot apply for internal grants for one calendar year.

4. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil will be required to take an online civility module and pay the fee to do so.

5. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil must either recuse him or herself or be removed from all university governance positions for one full term, i.e., 2 years.

6. If a complaint is substantiated and the faculty member whose behavior is found to be uncivil is also a department chair, associate chair, or a program coordinator, he or she will be suspended from this position for one term, i.e., 3 years.

7. If a complaint is substantiated, the faculty member whose behavior is found to be uncivil shall be ineligible for Dean’s Merit Enhancement for that fiscal year.
Faculty Consulting and Professional Services Request Procedure

Based on Board of Regents Policy II-3.10

The Board of Regents' policy on Professional Commitment of Faculty requires an internal institutional process for documentation and approval of consulting and other external professional services. The following procedures have been developed on our campus.

1. The faculty member initiates the request process by completing the "Faculty Consulting and Professional Services Request" form. The faculty member's signature on that form denotes that his/her consulting and/or professional service does not represent a conflict of interest with the University of Maryland System or with Frostburg State University. Furthermore, the activity does not conflict with his/her commitment to the University System of Maryland or to Frostburg State University.

2. The signed form is sent to the respective Department Chair. Upon the approval of the Chair, the form is approved or denied in writing by the Dean/Library Director as the President's designee. Approval must be granted before a faculty member may enter into a consulting or professional services agreement.

3. At least once per semester the Dean/Library Director will report the approved requests to the President through the Provost.

4. Faculty who are engaged in ongoing or long-range consulting or professional services projects may obtain a one-semester approval by submitting a detailed form citing circumstances requiring the one-semester approval. If the request is approved, the faculty member must submit an abbreviated report after each instance of occurrence.

Annual Leave for Academic Faculty

The 10-month contract runs from mid-August to mid-June covering a period of at least 190 working days excluding holidays and scheduled breaks. During nonclass days, faculty members will engage in course preparation, conduct research, and perform other professional activities. The University and the departments have the right to assign professional duties to faculty members during the entire contractual period.

A full-time faculty member on a 10-month contract is entitled to 15 calendar days of paid annual leave which shall be the last 15 days of the 10-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year. Faculty members are required to complete the positive-time reporting forms covering the entire contractual period.

Leave of Absence

PN 2.004

Since leaves of absence for the purpose of faculty development generally benefit individual faculty members and strengthen the institution, the University encourages faculty to pursue opportunities for
further study, research, or teaching exchanges that may require leaves of absence. Occasionally, however, this value comes into conflict with another one--that of maintaining continuity in academic programs and otherwise meeting the on-going needs of a department and the students it serves. Particularly in small departments, leaves can make for disruptions that the department cannot easily or often accommodate. Some compromise therefore seems needed to ensure that each of these values can be preserved without undue detriment to the other.

The following provisions are intended to affect such a compromise. They apply to all types of leaves--sabbaticals, professional, research, unpaid or grant-funded leaves, and exchanges--taken for one semester or more.

1. A faculty member is limited to two leaves not to exceed two academic years within a six-year period.

2. Leaves must be separated by at least two complete academic years.

**Leave Without Pay for Faculty**

PN 2.033

The faculty member shall apply in writing to his/her Department Chair not less than two months prior to the desired inception of leave without pay. This application should include the purpose for and the duration of the requested leave without pay. The applicant should also supply a history of previous leaves taken including the purpose for each leave and the duration, by date, that each leave was taken.

The Department Chair will submit the application for leave without pay to the Dean/Library Director no more than 15 days after receipt of the application. The Dean/Library Director will then submit the application to the Provost within 15 days of receipt, and the Provost will submit the application to the President within 15 days of receipt. The applicant will be advised of the decision within 15 days of the President’s receipt of the application.

**Family and Medical Leave for Faculty**

Under certain circumstances, a faculty member who regularly works full-time is entitled to a maximum of twelve (12) workweeks (60 days) of unpaid leave per calendar year. Under certain circumstances, a part-time Instructional faculty member may also be eligible for Family and Medical Leave benefits. This practice is in accordance with USM Policy on Family and Medical Leave for Faculty BOR II-2.31. (See USM Policies and Statements section of this handbook)

**Parental Leave and other Family Supports for Faculty**

Frostburg State University supports faculty in balancing professional and family demands during and after the birth or adoption of a child through a combination of measures to promote a family-friendly environment in accordance with USM policy II-2.25. These measures include:

A. A minimum assured period of paid parental leave of eight (8) weeks for eligible faculty members in the event of the birth of a newborn or adoption of a child under the age of six (6);
B. The establishment of Family Support Plans;
C. Extension of the time for tenure/permanent status review for one year for new parents;
D. The availability of lactation facilities at Frostburg State University; and
E. The assurance that faculty members who utilize these support shall not be discriminated against or experience reprisals.

For more information, see USM II-2.25 Policy on Parental Leave and Other Family Supports for Faculty.

**Terminal Leave for Faculty**

*PN 2.031*

Terminal leave is defined as a leave of absence with pay extending over a period that terminates on the effective date of a faculty member's separation from employment with Frostburg State University. Terminal leaves are beneficial to Frostburg State University and its programs since they may provide a means to reallocate positions and other resources from low-demand to high-demand programs. Under special circumstances, terminal leave may be granted by the President as a means of avoiding or assisting in a retrenchment effort. The President may or may not grant a terminal leave, upon application by the faculty member, in accordance with the following provisions:

**Eligibility and Duration**

Only full-time tenured/permanent status faculty members are eligible for terminal leave; if awarded, such a leave shall be with full pay for a period not to exceed twelve months, or with half pay for a period not to exceed twenty-four months.

**Conditions**

While on terminal leave, a faculty member shall:

1. Remain an employee of Frostburg State University, and be subject to all policies of the Board of Regents and Frostburg State University;

2. Receive the salary which would have been accorded had he/she remained at Frostburg State University, in accordance with the option selected as noted above;

3. Retain eligibility for all benefits normally associated with full-time employment, with the exception of annual leave; and

4. Not be required to perform duties of any kind during the period of leave unless otherwise stipulated.

The faculty member shall agree, in writing, to the conditions of the leave, waiving all claims arising out of his/her employment, other than those specified in item 3 above, and also waiving all claims to subsequent employment at Frostburg State University.
Procedures
The faculty member must submit a written request for terminal leave to his/her Dean/Library Director, who will review the request and provide a recommendation to the Provost. After reviewing the materials submitted, the Provost will consult with the President. The President will then notify the faculty member of his/her decision.

Positive Time Reporting
Faculty are required to complete a Faculty Positive Time Reporting record which is forwarded to the Department Chair on a monthly basis. Please refer to the instructions included on the form and included in the packet of forms distributed at the beginning of the academic year by the Office of Provost. Questions may be addressed to the Department Chair or to the Office of Human Resources.

Retrenchment
Approved by the Faculty Senate, May 2003
Approved by the Chancellor of the University System of Maryland August 2003

Definition
The term "retrenchment" means the termination of a faculty appointment as authorized in the November 29, 1990 University System of Maryland Board of Regents' Policy on Faculty Retrenchment (II-8.00).\(^8\)

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. shifting 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.

Retrenchment is limited by definition to the termination of tenured or tenure-track appointment before the expiration of contractually specified terms.

Accordingly, the retrenchment policies and procedures that follow do not pertain to such normal staffing actions as:

a. Not filling vacant positions;
b. Deciding against reappointment of faculty on contractual appointments (including non-tenure track faculty or temporary contracts);
c. Reallocating vacant positions to programmatic areas with high need;
d. Redeploying faculty to other programs or departments for programmatic or budgetary reasons.

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\(^8\) For purposes of these procedures, "restricted funding" as used in the USM policy on faculty retrenchment shall mean as applicable (i) the lack of appropriations or other funds with which to support the appointment, as set forth in the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty, section I.C.9 or (ii) such other meaning set forth in corresponding sections of earlier faculty appointment agreements still in effect.
Policy

These retrenchment procedures are applicable only to all persons appointed to a rank identified or permitted under the USM Policy on the Appointment, Rank, and Tenure of Faculty (II-1.00) of the USM By-Laws, Policies, and Procedures of the Board of Regents.

The USM Retrenchment Policy and these retrenchment procedures are in addition to and not in limitation of other USM and Frostburg State University policies and procedures concerning faculty appointments, nor are they in limitation of any USM or Frostburg State University policies on academic program review.

The President has the sole authority within Frostburg State University, subject to the authority of the Board of Regents, to initiate retrenchment. The President shall initiate retrenchment when the President determines that retrenchment is necessary, consistent with the USM and Frostburg State University policies on Appointment, Rank, and Tenure. Before determining that a fiscal crisis necessitates retrenchment, the President shall consult with the Chancellor and the Board of Regents. If consultation with the Chancellor and the Board of Regents confirms that a fiscal crisis exists, or may be imminent, the President shall inform the Faculty, and direct the Chair of the Faculty to conduct elections for the Retrenchment Plan Committee. The Board may request relevant information from the President and may consider comments from representatives of campus and faculty governance bodies and other interested persons.

Program eliminations or faculty retrenchment may be necessary as a consequence of institutional program review. Retrenchment may also be necessary due to restricted funding. In all cases, the President shall make the final determination within the institution concerning the need for faculty retrenchment. If the President determines that retrenchment is, or may be, necessary, the President shall inform the Faculty, announce administrative appointments to the Retrenchment Plan Committee, and provide a charge to the Retrenchment Plan Committee suggesting the level of retrenchment to be considered in their Retrenchment Plan.

Program review is a part of routine institutional planning. While such reviews may be motivated by broad financial considerations, they normally occur as part of the ongoing management of the institution. Resulting program eliminations provide a basis for faculty terminations without the necessity of showing restricted funding.

Where the restricted funding is the basis for faculty retrenchment, the retrenchment plan may take into consideration such non-financial factors as institutional mission, long-range educational planning, and may call for program reductions and/or program eliminations. Restricted funding exists when, in the president's judgment, there is a fiscal crisis that threatens or endangers the institution's ability to carry out its mission as defined in the most recent mission statement approved by the Board of Regents. Retrenchment may be utilized when the termination of tenured or tenure-track faculty appointments will be substantially less detrimental to the institution's ability to fulfill its mission than other forms of budgetary curtailments available to the institution. A president's determination that a fiscal crisis exists is subject to review by the Board of Regents. In the event the Board elects to review such a determination, the president shall provide documentation to the Board in support of his/her action. The Board may receive comments from the president, representatives of campus and faculty governance bodies, and other interested persons.
Nevertheless, Frostburg State University's policy is to make every reasonable effort to avoid retrenchment. The University will consider the following measures as alternatives to retrenchment of faculty: retraining of faculty, reducing part-time and contractual faculty positions, transferring faculty to other duties (in other academic departments or administrative units), encouraging early retirement, and leaving vacant positions unfilled. Only when the President believes that such measures are inadequate will the University retrench faculty.

The following retrenchment procedures shall be consistent with Sections I.C.9, I.C.10, I.C.12 and I.C.16 of the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty.

Retrenchment Procedures

a. Prior to any faculty retrenchment, a Retrenchment Plan Committee shall be formed. The committee shall consist of the following:

(1) One (1) tenured faculty member elected at large by the tenured faculty;

(2) One (1) tenure-track faculty member elected at large by the tenure-track full-time faculty;

(3) The elected Chair of the Faculty Senate;

(4) Three (3) tenured faculty members appointed by the President so as to ensure representation of the three colleges. In making these appointments, the President may be guided by the support indicated for individual faculty in the election results;

(5) The Dean of each college;

(6) The Provost/Vice President for Academic Affairs; and

(7) A budget officer (serving in an informational role and nonvoting) appointed by the President.

b. The chair shall be a tenured faculty member. If the faculty decline to elect faculty member(s) in a timely manner, or if the faculty decline to serve, the President shall appoint the required number of committee members to serve on the committee.

c. The Retrenchment Plan Committee shall develop a plan for retrenchment, taking into account the following factors, in accordance with the University's mission:

(1) The University's programmatic needs;

(2) The University's budgetary constraints;

(3) The impact of any proposed action on the students; and

(4) The impact of any proposed action on the faculty.
d. The Retrenchment Plan Committee ordinarily shall have at least two months to develop a plan. Nevertheless, the President retains the authority to establish a shorter time period when the President believes that swifter action is required.

e. The Retrenchment Plan Committee may investigate and consider all reasonable alternatives to retrenchment. When the decision to retrench is made, the committee may then consider the elimination of departments, majors, graduate degree programs, or minors.

f. The committee shall submit the retrenchment plan to the President for approval at least three months prior to the implementation date as established by the President. In all cases, when the President has requested a plan for retrenchment, the Retrenchment Plan Committee must produce such a plan. Should the committee fail to do so, the President shall have the right to appoint a new committee. All options considered by the committee and the expected consequences of each shall be presented along with the committee's recommendation.

g. The content of the plan shall be characterized by the following:

(1) An explanation of the committee's identification of the unit(s) recommended for retrenchment;

(2) A list of faculty appointments within a particular unit identified for retrenchment within the plan, although the only faculty members to be included are those whose appointments are made within the department in which the retrenchment unit is located. For interdisciplinary retrenchment units not located in a single department, the list of faculty appointments will include those appointed to the interdisciplinary unit, if any.

(3) The list shall not include faculty members assigned to the retrenchment unit but whose appointment is in another department;

(4) The "order of termination" as presented in section 5 below.

h. The Retrenchment Plan will be reviewed by the Institutional Priorities and Resources (IPR) Committee and the Faculty Concerns Committee (FCC), and those committees will have the opportunity to supply the President with recommendations concerning the plan within the time period established by the President.

i. Consistent with applicable law, deliberations about specific personnel decisions of any committee shall be confidential.

j. The President has final authority over any decision or determination under these retrenchment procedures. In addition to the advice of the committees established under retrenchment procedures, the President may seek the advice of any individual, group, or office within Frostburg State University or outside the institution. The President may adopt recommendations from any committee identified in the retrenchment procedures, adopt them with modifications, or reject them and make substitutions for them.
k. The President shall have the right to adjust any schedule referenced in the retrenchment procedures except for those pertaining to the notice for termination and to the appeal process. An effort will be made to give advance notice of any such adjustment. Failure to comply with such schedules, however, shall not be grounds for appeal under these retrenchment procedures. The President shall report the final retrenchment plan to the Faculty Senate.

l. The President shall give written notice of termination to each faculty member whose appointment is to be terminated pursuant to these retrenchment procedures. The faculty member shall be notified by certified or registered mail, return receipt requested, to the last address that the terminated faculty member has on record with Frostburg State University. The termination notice shall include the following information:

(1) Notification that the appointment is being terminated pursuant to these retrenchment procedures;

(2) The applicable notice period;

(3) The effective date of termination;

(4) A statement that System Administration shall send, for a period of one-year, written notice of faculty openings within the System to the last address that the faculty member has on record with the institution;

(5) Notification of the right of the faculty member to appeal the termination of appointment and a copy of these retrenchment procedures;

(6) If applicable, a statement that deviation was made from the order of termination and the circumstances of the deviation.

**Notice Periods**

For the purpose of these retrenchment procedures the applicable termination notice period is determined by the status of the faculty member at the time the notice of termination is given.

Notice of termination shall be effective on the date the notice is mailed by U.S. certified or registered mail, return receipt requested, to the last address that the terminated faculty member has on record with Frostburg State University.

An institution shall offer within three years to a tenured or tenure-track faculty member whose appointment was terminated pursuant to these retrenchment procedures any new positions with equivalent duties and responsibilities prior to hiring any other person. Tenured faculty members shall be given notice of termination not less than one year prior to the date of termination of appointment as set forth in the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty, Section I.C.9. or corresponding sections of earlier faculty appointment agreements still in effect, as applicable.
Non-tenured, tenure-track faculty with not less than two years of service shall be given notice of termination not less than one year prior to the date of termination of appointment. Non-tenured and tenure track faculty with less than one year of service shall be given notice of termination not less than four months prior to the date of termination of appointment. Non-tenured and tenure track faculty with not less than one year of service but not more than two years of service shall be given notice of termination not less than six months prior to the date of termination of appointment.

Full-time non tenure track faculty members with seven or more years of continuous service to the institution shall be given written notice of termination at least six months prior to the date of termination of appointment.

Full time non-tenure track faculty members, as defined in the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty, with not less than one academic year but less than seven years of continuous service to the institution shall be given written notice of termination at least 90 days prior to the date of termination of appointment.

**Order of Termination**

If a department, major, graduate degree program, or minor is to be reduced or eliminated, the order of termination or retrenchment shall be as follows:

a. Terminate part-time faculty on contractual appointments;
b. Terminate full-time non-tenured faculty;
c. Retrenchment of tenure track faculty; and
d. Retrenchment of tenured faculty.\(^9\)

The termination of employment within each category of faculty shall be by ascending length of service.

Deviations from the order of termination may be made only when the termination of the appointment of the faculty member would significantly impede the ability of the institution or retrenchment unit affected by retrenchment to fulfill its mission and goals or to fulfill commitments under grants and contracts. The reason and basis for making a decision to deviate from the order of termination shall be adequately documented.

**Appeals Process**

The President shall establish a retrenchment appeals committee pursuant to UMS BOR Policy on Faculty Retrenchment (November 29, 1990, II-8.00). A faculty member whose appointment is terminated under these retrenchment procedures shall have a right to appeal in accordance only with these procedures. No other appeal procedures within Frostburg State University are applicable. The faculty member must include all grounds for appeal in the written request for appeal.

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\(^9\) With respect to tenured faculty, seniority is based on length of service at the University since the effective date of initial appointment in the tenure-track position, not the date tenure was awarded.
The filing or consideration of a request for appeal will not alter the effective date of termination of the appointment.

a. Retrenchment Appeals Committee

The Faculty Appeals Committee shall serve as Frostburg State University's Retrenchment Appeals Committee. The committee shall consider the appeal of any faculty member terminated under a retrenchment plan and shall use for these cases the following procedures. In serving as the University Retrenchment Appeals Committee, the Faculty Appeals Committee will follow the guidelines and bylaws in its approved charter. However, the reasonable request of the faculty member or a majority of the Faculty Appeals Committee for the withdrawal of a committee member due to potential conflict of interest will be honored.

b. Appeal Schedule

(1) A request for appeal must be filed with the President within 10 working days\(^{10}\) after the effective mailing date of the notice of termination.

(2) The committee shall inform the faculty member of the date, time, and place of the hearing not later than 10 working days after the President's receipt of the request for appeal. The committee must schedule the hearing to occur within 30-45 calendar days after the President's receipt of the appeal.

(3) The faculty member must provide to the committee a statement of facts on which the appeal is based and a list of witnesses and documents to be introduced at the hearing no later than 5 working days prior to the date of the hearing.

(4) The committee shall send its recommendation to the President no later than 10 working days after the date of the conclusion of the hearing.

(5) Within 10 working days after receipt of the committee's recommendation, the President shall issue a final decision and mail a copy to the faculty member by U.S. certified or registered mail, return receipt requested.

c. Grounds for Appeal

The grounds for appeal shall be limited to:

(1) Error in the application of the order of termination of appointment;
(2) Procedural error;
(3) Insufficiency of notice of termination;
(4) Whether any deviation from the order of termination was made without reasonable grounds; and
(5) The termination was otherwise unlawful.

\(^{10}\) Working days are defined as Monday through Friday, inclusive, exclusive of holidays recognized by the institution.
d. Conduct of the Hearing

(1) The President shall forward the request for appeal to the chairperson of the Faculty Appeals Committee.

(2) Conflicts of Interest among Committee Members: Should an Appeals Committee member be either a faculty member being retrenched or a member of the Retrenchment Plan Committee, that member will not be eligible to participate in the hearing. If a member is disqualified from hearing a case, the alternate will then become a member of the panel.

(3) The Hearing Panel: In order to hear an appeal, at least five committee members must be present throughout the entire hearing. A hearing panel may consist of no more than seven. If a committee member misses any part of the hearing, he/she may not participate in the committee's final recommendations.

(4) The University administration shall cooperate with the committee in securing witnesses and making available necessary evidence and documents.

(5) The faculty member and the institution each may call witnesses and present documentary evidence at the hearing. Each member of the committee may call and question witnesses and request the presentation of documentary evidence.

(6) The formal rules of evidence and of judicial procedure shall not apply to the appeal hearing; however, the committee may exclude irrelevant or repetitious testimony.

(7) The faculty member may be represented by legal counsel throughout the appeal proceedings at the faculty member's expense.

(8) The institution will be represented by the Office of the Attorney General or its designee.

(9) The hearing will be at a mutually agreeable time to the committee and the faculty member. Postponement of the hearing may be granted at the discretion of the committee upon the written request of the faculty member.

(10) The hearing shall be audio taped and a copy of the tape shall be made available if requested by the faculty member.

(11) The faculty member's failure to appear at the hearing shall be deemed a voluntary dismissal of the appeal. However, if a sudden illness, accident, or other emergency prevents the attendance by the faculty member or one of the required five committee members, the hearing will be considered postponed, and be rescheduled.

(12) The committee must make the decision based on the record.

(13) The committee's decision will be based on a majority vote.
Faculty Searches
PN 2.029

Faculty status and related matters are primarily a faculty responsibility; this includes, but is not limited to searches and appointments of all faculty members. The primary responsibility of faculty for such matters is based upon the fact that faculty judgment is central to general educational policy. Furthermore, scholars in a particular field have the appropriate competence for evaluating the potential of future colleagues.

Accordingly, searches for new faculty members shall be carried out by the faculty in the department/Library that will receive the new member. In exceptional circumstances, others from outside the department/Library may be added to the faculty of the department/Library constituting the search committee. The recommendation for hiring shall be forwarded to the chief academic officers (appropriate College Dean/Library Director and Vice President for Academic Affairs) and the Director of Equal Employment Opportunity, who shall review the recommendation for adherence to the principles of equal employment opportunity, ethical procedures for searches, and the determination of salary. The Vice President for Academic Affairs shall convey the recommendation to the President of the University, who shall, after appropriate review, tender the offer of employment to the candidate.

The academic officers and the President should concur with the faculty judgment except in rare instances and for compelling reasons, which should be provided in detail in writing to the faculty making the recommendation.

Termination of Academic Appointments

This section pertains to termination of academic appointments outside the normal process of reappointment/nonreappointment of contracts.

USM Policies Governing Termination of Academic Appointments

(In the USM Policies and Statements section, see: 1. University System Policy on Appointment, Rank, and Tenure of Faculty, Section C.6. through C.16.; and 2. Policy on Faculty Retrenchment.)

Dismissal for Medical Reasons
Approved by University System of Maryland Chancellor
August, 1990

Termination of an appointment with tenure/permanent status, or a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence that the faculty member, even with reasonable accommodation, is no longer able to fulfill the terms and conditions of the appointment.

The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty
Appeals Committee. The Faculty member will be given severance salary not less than as prescribed in Regulation on "Terminal Salary or Notice" under Dismissal for Cause (below).

FSU Policy on Dismissal for Cause
Approved by University System of Maryland Chancellor
August, 1990

1. Termination of an appointment with tenure/permanent status or of a probationary or special appointment before the end of the specified term may be affected by the institution for adequate cause.

2. If termination takes the form of a dismissal for cause, it will be pursuant to the procedures specified below.

a. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

b. Dismissal of a faculty member with tenure/permanent status, or with a special or probationary appointment before the end of the specified term, may be preceded by:

(1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement;

(2) informal inquiry by the Faculty Concerns Committee which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President.

(3) A statement of charges, framed with reasonable particularity by the President or the President's delegate will precede a dismissal.

c. A dismissal for cause will be preceded by a statement of charges and notice of termination, and the individual concerned will have the right to be heard initially by the Faculty Appeals Committee or by an impartial hearing officer appointed by the President. With the consent of the President, the faculty member may elect a hearing by the President rather than by a hearing officer or the Faculty Appeals Committee. Upon receipt of notice of termination, the faculty member shall have 30 calendar days to request a hearing.

Members on their own initiative deeming themselves disqualified for bias or conflict of interest will remove themselves from the case. Each party will have a maximum of two challenges without stated cause. No additional challenges with or without cause may be made by either party. Regulations should provide for alternates, or for some other method of filling vacancies on the hearing committee resulting from disqualification, challenge without stated cause, illness, resignation, or other reason.
Pending a final decision by the Faculty Appeals Committee or hearing officer, the faculty member may be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the Institution's hearing procedures, the Administration will consult with the Faculty Concerns Committee concerning the propriety, the length, and the other conditions of the suspension, except in case of emergency involving threat to life. A suspension which is intended to be final is a dismissal, and will be treated as such. Salary will continue during the period of the suspension.

The Faculty Appeals Committee or hearing officer may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

The hearing shall be held no sooner than 30 calendar days after receipt of such a request. The date of the hearing shall be set by mutual agreement of the faculty member and the Faculty Appeals Committee or hearing officer. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate and rest its recommendation upon the evidence in the record.

The committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

During the proceedings the faculty member will be permitted to have an academic advisor and counsel of the faculty member's choice present at the faculty member's expense.

A verbatim record of the hearing or hearings will be taken, and a typewritten copy will be made available to the faculty member without cost, at the faculty member's request.

The burden of proof that adequate cause exists rests with the Institution and will be satisfied only by the preponderance of the evidence in the record considered as a whole.

The Faculty Appeals Committee or hearing officer may grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The Administration will cooperate with the Faculty Appeals Committee or hearing officer in securing witnesses and making available documentary and other evidence.

The faculty member and the Administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the
committee will identify the witnesses, disclose their statements, and if possible, provide for interrogatories.

(11) In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from their or other institutions of higher education.

(12) The Faculty Appeals Committee or hearing officer will not be bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

(13) The findings of fact and the decision will be based solely on the hearing record.

(14) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the USM Board of Regents, if applicable. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

(15) If the President appoints a hearing officer or if the case is heard by the Faculty Appeals Committee, the hearing officer or committee shall make a recommendation to the President for action to be taken. Either party to the hearing may request an opportunity for oral argument before the President prior to the action on the recommendation. If the Faculty Appeals Committee or hearing officer concludes that adequate cause for a dismissal exists, that recommendation will be made, with supporting reasons. If the President rejects the report, the President will promptly state the reasons for doing so, in writing, to the Faculty Appeals Committee or hearing officer and to the faculty member.

3. Action by the Board of Regents

In the event the President elects to terminate the appointment of a tenured/tenure-track faculty member for moral turpitude, professional or scholarly misconduct, incompetence or willful neglect of duty, the faculty member may appeal to the Board of Regents, which shall render a final decision. The appeal shall be considered by the Board of Regents pursuant to its review procedures.

4. Procedures for Imposition of Sanctions other than Dismissal

a. If the Administration, in consultation with the faculty member's department chairperson or supervisor, believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the appropriate department chair, supervisor, or college dean/Library Director, or the Academic Vice President may institute a proceeding to impose such a severe sanction; the procedures outlined in 2. a.-c. of this policy will govern such a proceeding.
b. If the Administration, in consultation with the faculty member's department chairperson or supervisor, believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, the appropriate department chairperson, supervisor, college dean/Library Director, or the Provost will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the Provost that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to the Faculty Grievance Procedure, petition the Faculty Appeals Committee for such action as may be appropriate.

5. Terminal Salary or Notice

If an appointment is terminated for cause, the President of the institution may, at his/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 President or the Board of Regents.

6. Academic Freedom and Protection Against Discrimination

a. All members of the faculty, whether tenure/permanent status or not, are entitled to academic freedom.

b. All members of the faculty, whether tenure/permanent status or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member's professional performance, including but not limited to race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference.

7. Complaints of Violation of Academic Freedom or of Discrimination in Nonreappointment

If a faculty member on probationary or other non-tenured/non-permanent status appointment alleges that a decision against reappointment was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference, the allegation will be given preliminary consideration by a three person arbitration panel appointed by the Faculty Appeals Committee to resolve informally issues concerning academic freedom (members of the arbitration panel will not include any members of the Faculty Appeals Committee) or the Equal Employment Opportunities Advisory Group (race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference), which will seek to settle the matter by informal methods. The allegation will be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty committees, of such reasons and evidence as the Institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the
committee so recommends, the matter will be heard in the manner set forth in Regulations 2C. and 3, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member. If the faculty member succeeds in establishing a prima facie case, it is incumbent upon those who made the decision against reappointment to come forward with evidence in support of their decision.

8. Administrative Personnel

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Administrators who allege that a consideration violative of academic freedom, or of governing policies against improper discrimination as stated in Regulation 10, significantly contributed to a decision to terminate their appointment to an administrative post, or not to reappoint them, are entitled to the procedures set forth in Regulation 10.

9. Political Activities of Faculty Members

Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such leave of absence will be set forth in writing, and the leave will not affect unfavorably the tenure status/permanent status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.

Faculty Scheduled Workload Compensation Policy
Full-time Tenured and Tenure-Track Faculty

I. GENERAL PRINCIPLES

This policy was developed by faculty, staff, and administration to improve transparency, consistency, and fairness in the implementation of workload decisions. Most importantly, it was developed with the expectation that the policy will be applied equitably across departments and colleges. Each college within the university is responsible for adhering to the workload policy as outlined in this document.

A. Purposes

The purposes of the Frostburg State University Faculty Scheduled Workload Compensation Policy are to promote optimal performance by faculty in meeting the needs and expectations of students and other clientele, to establish appropriate compensation, and to provide mechanisms that will ensure public accountability for that performance. Faculty at the University are the primary performers of instruction, professional development (research, scholarship and creative work) and service, and the University encourages and supports faculty in applying their creativity, ingenuity, initiative, knowledge, experience and professional skills in performing many diverse functions in these areas. The University also expects that faculty will meet their responsibilities in these areas independently and in full accord with both institutional expectations and established tenets of academic freedom.
This Policy reflects Frostburg State University's affirmation that teaching is at the heart of university life; and that teaching effectiveness is the paramount consideration in faculty tenure, promotion and merit; and that all full-time tenured and tenure-track faculty members will be compensated according to the following standards. They also reflect the University's affirmation that research, scholarship and creative work and service are fundamental to university life and are key criteria in faculty tenure, promotion and merit.

B. Application

This Policy applies to the following categories of faculty at Frostburg State University:

1. All persons holding full-time tenured and tenure-track positions (i.e., core faculty) who are classified as instructional faculty, and so reported to the Maryland Higher Education Commission through the Employee Data System.

2. All persons who, regardless of occupational classification, hold faculty rank and perform administrative duties at the level of academic department or equivalent academic unit, including chairs, associate chairs, program coordinators, etc.

This Policy does not apply to individuals who hold faculty rank but are assigned to duties outside of the department or equivalent academic units (e.g., library faculty, deans, vice presidents, presidents), nor does it apply to individuals classified as research faculty but whose salary is fully supported by non-state funds, e.g., federal research grants.

Part II. INSTRUCTION of this Policy also applies to all persons who, while neither tenured nor on the tenure track, are employed full-time and classified as instructional faculty.

C. Standard Workload Expectations

1. Expectations of workload and responsibilities for faculty at Frostburg State University are based on the University System of Maryland (USM) Board of Regents’ (BOR) Policy on Faculty Workload and Responsibilities (II-1.25).

<table>
<thead>
<tr>
<th>Percent of Effort*</th>
<th>Teaching (24 workload units)</th>
<th>Professional Development</th>
<th>Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>65-77</td>
<td>15-25</td>
<td>5-15</td>
<td></td>
</tr>
</tbody>
</table>

* In all cases, the addition of the percentage of effort in each area equals 100% of the faculty member’s effort.

University System of Maryland Policy on Faculty Workload and Responsibilities BOR II-1.25

2. For all faculty, workload and responsibilities in the area of teaching include preparation, classroom time, grading of student-produced materials, student advising and evaluation of instruction.

3. The standard instructional workload expectation is eight (8) course units per academic year. System policy defines one course unit (three workload units) as equivalent to a standard three-credit course. Courses that carry fewer, or more than, the standard three credits shall be...
prorated accordingly. Faculty members shall not be permitted to teach a course without standard compensation.

4. Standard workload and responsibilities expectations may vary from department to department. Under certain circumstances, related to accreditation for example, a department may need to place special emphasis in one or more of the three categories of effort so that expectations for faculty in the department differ from the standard workload.

5. The balance among teaching, professional development, and service for a faculty member may change over the faculty member's career. This balance may be adjusted annually when faculty and department chairs set workload and responsibilities expectations for the following academic year.

6. Because teaching is central to Frostburg State University's mission, all faculty members, including those with departmental administrative responsibilities, are expected to be involved in the instructional program, and senior faculty in departments with undergraduate programs are expected to participate in undergraduate teaching.

D. Assignment of Workload

The Faculty Scheduled Workload Compensation Policy establishes faculty workload expectations for full-time tenured-and tenure-track faculty. Faculty members shall not be permitted to teach a course without standard compensation. It is the responsibility of the department chair to set non-administrative faculty workload by assigning workload units. The assignment of units must take place within the context of the overall instructional and productivity needs of the department and college. Their implementation must also be strictly based on the budgetary resources available to the University. The dean of the college, subject to review by the provost, must approve the assignment of workload units by the chair.

This Policy allows variation in faculty workload assignments. Under this Policy full-time tenured and tenure-track faculty members (i.e., core faculty) are ordinarily assigned 4 course units each academic semester (a total of 8 units for an academic year). Over the course of the academic year, a faculty member can accumulate 8 course units by teaching the equivalent of eight three-credit class sections. Faculty members may also be assigned workload units for professional development, service, and administration. Faculty members are to be appropriately compensated for all workload units assigned to them.

This Policy does not attempt to assign workload units for all the professional work of a faculty member. Rather, faculty workload units under this Policy are awarded for specific assignments that are closely evaluated and approved in advance by the department chair and dean of the college.

This Policy will be used to calculate and assign workload and compensation in the regular Fall and Spring semesters of the academic year. Compensation for teaching courses during Summer and Intersession is calculated using a separate formula.
II. INSTRUCTION

The standard workload expectation is eight (8) course units per academic year. System policy defines one course unit (three workload units) as equivalent to a standard three-credit course. Courses that carry fewer, or more than, the standard three credits shall be prorated accordingly. Faculty members shall not be permitted to teach a course without standard compensation.

A. Types of Instruction

The assignment of course units may vary according to the nature of instruction and/or the number of students receiving instruction, as follows.

1. Classroom instruction including lecture/seminar (LEC), laboratory (LAB)/studio (STU) classes, ensembles (ENS), integrated lecture/lab (ILL), internship seminar (ISM), seminar (SEM)

As expressed in the USM BOR policy, one course unit for classroom instruction will be computed as three contact hours of instruction. A contact hour is fifty (50) minutes of faculty instruction per week. The formula applies equally to lecture/seminar/laboratory/studio instruction/internship seminar, where the faculty member is solely responsible for all activities therein (i.e., there is no teaching assistant assigned to the course). If a graduate teaching assistant is assigned to any type of class, related course units will be assigned to involved faculty by the department chair with the approval of the college dean.

2. Thesis supervision (THE), dissertation (DST), independent study (IND), Research (RSC), and other formal student activities outside of class

Course units shall be prorated as described in the USM BOR policy for undergraduate or graduate thesis supervision, independent study, and other formal course activities outside class time.

Table 1. Student Credit Hour (SCH) Equivalency for One Course Unit

<table>
<thead>
<tr>
<th>Course level</th>
<th>USM BOR SCH requirements for one course unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>911/912 (doctoral individual studies)</td>
<td>9</td>
</tr>
<tr>
<td>699-714 (Master’s research paper/project/thesis studies)</td>
<td>12</td>
</tr>
<tr>
<td>500 - 698 (other graduate individual studies)</td>
<td>18</td>
</tr>
<tr>
<td>100 - 499 (undergraduate individual studies)</td>
<td>21</td>
</tr>
</tbody>
</table>

3. Field experience (PRI), practicum (PRA), and internship supervision (PRI)

Course units are assigned for undergraduate and graduate field experience, practicum, and internship supervision (with the exception of teaching internships, see A-4.) based on the credits assigned for the experience; the number of students; the number of different settings in which
students are placed (e.g., cohort placement vs. individual placement); and the faculty role in
arranging, teaching, and/or supervising the experience.

The following guidelines may be modified at the request of the department chair with approval of
the college dean.

Table 2. Course Unit Assignment for Field Experience (PRI), Practicum (PRA), and Internships (PRI)

<table>
<thead>
<tr>
<th>Undergraduate Students</th>
<th>Graduate Students</th>
<th>Course units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>1-2</td>
<td>0.33</td>
</tr>
<tr>
<td>4-7</td>
<td>3</td>
<td>0.67</td>
</tr>
<tr>
<td>8+</td>
<td>4+</td>
<td>1.00</td>
</tr>
</tbody>
</table>

4. Student teaching internship supervision (STT)

Course units shall be assigned to faculty with responsibility for supervising interns/student teachers
and who are supervising the oversight of a professional development school.

Table 3. Course Unit Assignment for Teaching Internship Supervision

<table>
<thead>
<tr>
<th>Students</th>
<th>Course units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internship I - 6-8</td>
<td>1.00</td>
</tr>
<tr>
<td>Internship II - 4-5</td>
<td></td>
</tr>
</tbody>
</table>

5. Private Music instruction (PMI)

Table 4. Course Unit Assignment for Music Instruction

<table>
<thead>
<tr>
<th>Contact hours</th>
<th>Course units</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 minutes</td>
<td>0.125</td>
</tr>
<tr>
<td>60 minutes</td>
<td>0.25</td>
</tr>
</tbody>
</table>

B. Administrative Responsibilities

1. Department Chairs and Associate Chairs

The teaching load for department chairs is based on the number of faculty, number of majors, and
complexity of administration of the department. The college dean may assign course units and/or
stipend for serving as a department chair in lieu of direct instruction.

2. Academic Program Coordinators

Based on size of the program and the complexity of administration of the program, the college dean
may assign course units for program coordination in lieu of direct instruction. The college dean may
offer a stipend in lieu of reassigned time.
C. Other Instruction-related Activities

1. Performing and visual arts

Performing and visual arts activities involving productions, events, and exhibitions that may or may not generate academic credit for students, may be assigned course units based upon the recommendation of the department chair and approval of the college dean.

2. Non-credit activities

Activities related to instruction that involve significant time commitment (e.g., planetarium support, scheduling and advising, coaching, regular travel to additional locations in support of Frostburg State University programs, coordination of a minor, etc.) may be assigned course units based on the recommendation of the department chair and approval of the college dean.

3. Curriculum development

Curriculum development may be assigned course units and/or stipend based on the recommendation of the department chair and approval of the college dean.

4. Accreditation visits/self-support studies

Accreditation or comprehensive assessment efforts may be assigned course units and/or stipend based on the recommendation of the department chair and approval of the college dean.

5. Grants and contracts

Reassigned time to fulfill the requirement of external grants or contracts may be assigned course units based on the recommendation of the department chair and approval of the college dean.

D. Enrollment, Compensation, and Banking

1. Enrollment

All classes are subject to the following projected target minimum enrollment expectations:

- 100 and 200 level courses: 15 students
- 300: 12 students
- 400+ level courses: 8 students

Courses having enrollment less than the normal enrollment expectations above may be offered if recommended by the department chair and approved by the college dean after consultation with the Provost. The three year historical average can be considered as supporting evidence to justify course offerings. Courses having enrollment greater than 48 may be offered if
recommended by the department chair and approved by the college dean after consultation with the Provost.

Table 5. Impact of Class Section Enrollment on Course Units

<table>
<thead>
<tr>
<th>Class Level</th>
<th>Class Section Enrollment</th>
<th>Course Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate</td>
<td>49-72 73 and above</td>
<td>1.5 2</td>
</tr>
<tr>
<td>Masters</td>
<td>31 and above</td>
<td>2</td>
</tr>
<tr>
<td>Doctoral</td>
<td>21 and above</td>
<td>2</td>
</tr>
</tbody>
</table>

2. Additional Compensation

Additional compensation shall be distributed for each course unit at the rate of $2,250. Course units shall be prorated for overload courses having less than the minimum enrollment expectations.

3. Banking

The standard workload expectation is eight course units per academic year. Winter and summer terms are not included as part of the academic year for the purposes of computing standard workload. Banking is defined as teaching less than four (4) course units in the fall and more than four (4) in the spring or vice versa. Banking of up to one (1) course unit shall be permitted on a voluntary basis within an academic year with the approval of the college dean.

III. PROFESSIONAL DEVELOPMENT

All faculty members are expected to engage in professional development activities, which may include direction or participation in grants or other research/scholarship as described in the USM Board of Regents Policy on Faculty Workload and Responsibilities, II-1.25. A portion of a faculty member’s workload each semester may be scheduled for specific professional development activities that go beyond the normal expectation. Professional development activities for which workload units are awarded must contribute directly to the achievement of the mission or goals of the college and/or the University and result in a predetermined specific, measurable outcome.

The dean of each college is responsible for establishing specific criteria for awarding professional development assignments under this Workload Policy consistent with the USM standards.

For example, criteria might include, but is not limited to, scholarship and publication leading to achieving or maintaining professional accreditation, or application for and participation in grant-funded research and scholarship. The dean, in consultation with the provost, will determine a maximum number of professional development workload units that the college may assign per academic year.

Ordinarily, an individual faculty member will not be assigned more than three workload units for professional development each semester unless designated formally as research faculty. The department chair and the dean of the college must approve requests for professional development assignments to be part of a faculty member’s required 24 workload units per academic year.
Any faculty member who fails to accomplish the agreed-upon assignment will normally be required to increase a subsequent semester’s normal workload units by the amount of workload units granted for the professional development assignment. The dean of the college, in consultation with the appropriate department chair and subject to review by the provost, will decide what adjustments in a faculty member's workload is required for an unaccomplished professional development assignment for which workload units have been assigned.

IV. SERVICE

All faculty members are expected to engage in service to the department, college, the University, and/or profession. Under this Policy, a portion of a faculty member’s workload each semester may be scheduled for specific service activities that go beyond the normal expectation. Service activities for which workload units are awarded must contribute directly to the achievement of the mission or goals of the college and/or the University and result in a predetermined specific, measurable outcome. The department chair and the dean of the college must approve requests for service assignments to be part of a faculty member’s required 24 workload units per academic year.

The dean of each college is responsible for establishing specific criteria for awarding service assignments under this Workload Policy. Criteria might, for example, include serving as Chair of the Faculty or directing a University recognized center or institute. The dean, in consultation with the provost, will determine a maximum number of service workload units that the college may assign per academic year.

Any faculty member who fails to accomplish the agreed-upon assignment will normally be required to increase a subsequent semester’s normal workload units by the amount of workload units granted for the service assignment. The dean of the college, in consultation with the appropriate department chair and subject to review by the provost, will decide what adjustments in a faculty member's workload is required for an unaccomplished service assignment for which workload units have been assigned.

V. ADMINISTRATION

This section of the Workload Policy pertains to faculty members who serve as department chairs, associate chairs, and academic program directors or coordinators.

A. Department Chairs and Associate Chairs

Based on the number of full-time equivalent faculty and the complexity of administration, the following ranges of workload units will be awarded by the dean of the college to faculty members serving as department chairs and associate chairs: *

<table>
<thead>
<tr>
<th>Department Chair</th>
<th>Range of Workload Assignments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-10 full-time equivalent faculty</td>
<td>3-6 workload units per semester</td>
</tr>
<tr>
<td>11 or more full-time equivalent faculty</td>
<td>6-9 workload units per semester</td>
</tr>
</tbody>
</table>
Associate Chair

<table>
<thead>
<tr>
<th>Size of the Department</th>
<th>Range of Workload Assignments</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 or more full-time equivalent faculty</td>
<td>3-5 workload units per semester</td>
</tr>
</tbody>
</table>

* Additional reassigned-time for complexity of administration may be granted by the dean, in consultation with the provost. Complexity of administration is affected by factors like large number of transfer students, managing multiple sites, level of online instruction, laboratory and facilities issues, number of full-time equivalent faculty members, accreditation issues, and number of graduate programs.

B. Academic Program Coordinators and Directors

Based on size of the program and the complexity of administration, the dean of the college may award workload units or a stipend to faculty members serving in the following academic program coordinator/director roles:

- Graduate Program Coordinators
- Undergraduate Academic Program Coordinators (not also serving as department chairs or associate/chairs)
- Academic Minor Coordinators (only applies to minors without corresponding majors)
- Education Certificate Programs Coordinators (within disciplines outside of the Department of Educational Professions)
- Other Directors or Coordinators

VI. POLICY REVIEW AND ADJUSTMENTS

The provisions of this Policy will be reviewed and adjusted annually by the Faculty Workload and Compensation Subcommittee of the Institutional Priorities and Resources Committee of the Faculty Senate and the Provost.

The implementation and adjustments of this Policy are based on budgetary resources available to the Department, College, and University.

Faculty Ranks and Titles at Frostburg State University

The faculty ranks and titles that can be used for appointment of academic instructional, library service, and/or research personnel at Frostburg State University and their descriptions/qualifications are as follows:

**Faculty with Duties Primarily in Instruction**

Instructor. The faculty member ordinarily will 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. Upon hiring, a tenure-track faculty member who has not completed his/her doctorate or appropriate terminal degree is normally assigned the rank of instructor. A faculty member initially assigned the rank of instructor where
the sole requirement for promotion is the completion of the doctorate or appropriate terminal degree may be advanced to the rank of Assistant Professor if he/she meets the Standards Governing Promotion in Academic Rank and receives his/her doctorate or terminal degree. The advancement becomes effective with the renewal of the faculty member’s annual contract, upon the recommendation of the Provost and the approval of the President.

Assistant Professor. The faculty member ordinarily will hold an earned doctorate or recognized terminal degree in the area of specialization. There will be evidence also of potential for excellence in teaching and advising; professional development and achievement; and service to the university, college, and department.

Associate Professor. The faculty member must hold an earned doctorate or recognized terminal degree in the area of specialization. Ordinarily, the faculty member will have a minimum of seven years of full-time university/college teaching experience with at least five years in the Assistant Professor rank. Exceptions may be made for comparable professional activity or research. Refer to the Standards Governing Promotion in Academic Rank for the minimum evaluation requirements.

Professor. The faculty member ordinarily will have a minimum of ten years of full-time university/college teaching experience and at least seven years in the Associate Professor rank. Exceptions may be made for comparable professional activity or research. Refer to the Standards Governing Promotion in Academic Rank for the minimum evaluation requirements.

Faculty with Duties Primarily in Research

Assistant Staff Scientist. The appointee shall hold the doctoral degree in the field of specialization and will have indicated promise of a high degree of ability in research in some subdivision of the field. This rank may carry tenure.

Associate Staff Scientist. In addition to the qualifications of an Assistant Staff Scientist, the appointee will have had extensive achievements in research and scholarship. This rank may carry tenure.

Senior Staff Scientist. In addition to having the qualifications of an Associate Staff Scientist, the appointee will have demonstrated a degree of proficiency in research sufficient to establish an excellent national reputation. This rank carries tenure.

Faculty Research Assistant. A baccalaureate degree will be the minimum requirement. 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. This rank does not carry tenure.

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. This rank does not carry tenure.
Research Assistant Professor; Assistant Research Scientist; Assistant Research Scholar; Assistant Research Engineer. The doctoral degree will be a normal requirement for appointment at these ranks. These ranks are generally parallel to Assistant Professor. In addition to the qualifications of a Research Associate, appointees to these ranks should have demonstrated superior research abilities. Appointees should be qualified and competent to direct the work of others (such as technicians, graduate students, and other senior research personnel). Initial appointment to this rank is for periods of up to three years, and reappointment is possible. These ranks do not carry tenure.

Research Associate Professor; Associate Research Scientist; Associate Research Scholar; Associate Research Engineer. These ranks are 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 appointments to these ranks are for a period of up to three years, and reappointment is possible. These ranks do not carry tenure.

Research Professor; Senior Research Scientist; Senior Research Scholar; Senior Research Engineer. These ranks are generally parallel to Professor. In addition to the qualifications required of the Associate ranks, appointees to these ranks 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 activities. Initial appointments to these ranks are for periods of up to five years, and reappointment is possible. These ranks do not carry tenure.

Faculty Engaged Exclusively or Primarily in Library Services

Librarian ranks with faculty status are Librarian I, Librarian II, Librarian III, and Librarian IV. These ranks 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. or its equivalent, from an American Library Association (ALA)-accredited program.

In exceptional cases, other graduate degrees may substitute for or augment the ALA-accredited M.L.S. These appointments are normally twelve-month appointments with leave and other benefits similar to those provided to twelve-month tenured/tenure-track faculty members, with the exception of terminal leave and non-creditable sick leave (collegially supported).

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. This rank does not carry permanent status.

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. This rank may carry permanent status.

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 equivalent to that of Librarian II at Frostburg State University. This rank may carry permanent status.

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 equivalent to that of Librarian III at Frostburg State University. This rank may carry permanent status.

**Additional Faculty Ranks and Titles**

**Assistant Instructor.** Appointment to this rank requires at least the appropriate baccalaureate degree. The appointee should be competent to fill a specific position in an acceptable manner but is not required to meet all the requirements of the rank of Instructor.

**Lecturer.** Appointees to this rank must have the background, experience, and academic qualifications required to develop or teach specific courses or participate in other instructional related activities such as advising. Appointments to this rank shall be for terms not to exceed three years and are renewable. Appointees to this rank are ordinarily not considered for professional appointments. This rank does not carry tenure.

**Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor.** These ranks are used to appoint outstanding persons who may be simultaneously employed outside Frostburg State University. The appointee should have expertise in the discipline and recognition for accomplishments 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 ranks do not carry tenure. Normally, adjunct appointments shall comprise no more than a small percentage of the faculty in an academic unit.

**Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor.** These ranks 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 within Frostburg State University.

The appointment will be made upon the recommendation of the faculty of the department with which the faculty member is affiliated 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.

**Visiting Appointments.** The prefix "Visiting" before an academic rank is used to designate a short-term, full-time appointment without tenure.

**Artist-in-Residence; Writer-in-Residence; Executive-in-Residence:** These titles 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. Appointees to these titles are ordinarily not considered for professional appointments.
Emeritus Faculty Appointments: Emeritus status may be bestowed by an institution on the basis of both quality and length of service to the institution. The Chancellor may bestow Emeritus titles at the System level.

All retired faculty are to be considered part of the larger university community, including alumni, benefactors, Board members, and others, whose association with the university is highly valued. “Emeritus/Emerita” is, however, to be considered a title of distinction, conferred by colleagues upon one whose contributions to the profession and institution have been especially meritorious.

The provisions for the awarding of emeritus status are as follows. Faculty members must:

1. Have achieved senior rank (Associate Professor, Full Professor, Librarian III, or Librarian IV), though in exceptional cases, members from the junior ranks may be awarded the emeritus title;
2. Have completed at least ten years of full-time service at the university; and
3. Be recommended by their Department Tenure and/or Promotion Review Committee or Library Review Committee to the Faculty Concerns Committee that they be awarded emeritus status.

The recommendations from the Department Tenure and/or Promotion Review Committee or Library Review Committee and the Faculty Concerns Committee must have the approval, by majority vote, of the Faculty Senate and the concurrence of the President of the University.

Emeritus Faculty Appointments are listed under "Emeriti" in the college catalogue. Emeritus Faculty members are eligible to: attend University-wide meetings; serve as voting members of the University Faculty; and use University facilities and services insofar as those are available.

Policy on Joint Academic Appointment
Passed by Faculty Senate, February, 2012

A faculty member may hold an appointment in more than one academic unit at Frostburg State University (a “Joint Academic Appointment”). The units will normally be academic departments and/or interdisciplinary majors or minors and may or may not be within the same college of the University.

a. Recommendations to the provost for a joint appointment shall initiate with the participating academic units and/or dean(s). Upon recommendation of the provost and approval by the president or designee, the terms of a joint academic appointment will be articulated in a Memorandum of Understanding (MOU).

b. A joint appointment may be used for new hires or for adjustments in the assignments of continuing faculty members. In the case of new hires, the advertisement shall reference the nature of the appointment.

c. The MOU will indicate the academic units involved, specify one unit to be the faculty member’s primary unit, and clarify the faculty member’s roles and involvement in governance of each unit. The primary unit will be responsible for coordinating personnel actions such as evaluation, promotion, tenure, and leaves. The unit(s) not primarily responsible for personnel actions will
provide input to the primary unit on personnel-related evaluations and recommendations; however, those units will not conduct separate and independent personnel, evaluation, promotion, and/or tenure reviews.

d. The faculty member will seek tenure in the primary academic unit. It shall be the responsibility of the dean(s) who oversee the units participating in the joint appointment to ensure that input from all participating units is fully considered in the tenure process.

e. After consultation with the participating academic units, the supervising dean(s) will determine the distribution among units of teaching load and other assignments. The distribution may change from time to time as circumstances require.

f. A tenured faculty member may request to change his/her primary academic unit after consultation with his/her academic unit department chairs. Such request shall be forwarded to the dean for review and a final determination shall be made by the provost.

g. A tenured faculty member may request that a joint appointment be abrogated after consultation with his/her academic unit department chairs. Such request shall be forwarded to the dean for review and a final determination shall be made by the provost. Should a faculty member’s joint appointment be abrogated, and the faculty member’s appointment be in a single department, s/he shall be subject to regular faculty policies of that department concerning promotion, merit, workload, voting rights, and all other matters addressed in the faculty handbook or otherwise related to faculty.

h. The elimination of one of the departments or programs of the joint appointment shall automatically abrogate the joint appointment. The faculty member shall then hold a single appointment in the remaining department or program.

i. A joint appointment may be abrogated due to reassignment and/or reallocation of the faculty member to another program or department for programmatic or budgetary reasons.

**FSU Promotion Standards and Procedures**
Passed by Faculty Senate, February, 1990
Approved by University System of Maryland Chancellor, August, 1990
Amended August 2004 and April 2014

These policies and procedures supplement and are subject to the *University System Policy on Appointment, Rank, and Tenure of Faculty* (see USM Policies and Statements section).

NOTE: Tenured/permanent status faculty must submit a Complete Evaluation in the year preceding a request for promotion.

**Tenure-Track/Permanent Status Ranks**
USM policies on promotion set minimum requirements, except in certain cases for faculty hired before July 1, 1989, where Board of Trustees of the State Universities and Colleges (BOTSUC) guidelines may still prevail. (Those individual faculty who did not sign the agreement may not be bound by USM policies.)
The criteria for tenure/permanent status and promotion in the University System of Maryland are:
(1) teaching effectiveness, including student advising/job performance; (2) research, scholarship, and, in
appropriate areas, creative activities; and (3) relevant service to the community, profession, and institution.
USM Policies allow FSU’s institutional mission to determine the relative weight of our faculty evaluation
criteria and promotion standards. As a comprehensive University, FSU has a mission and goals that place
greatest emphasis upon the faculty member’s performance as a teacher/librarian with performance in the
areas of professional development and service being essential, but less emphasized, components. These
promotion standards shall serve as a "bridge" between the USM policies and FSU's specific faculty
evaluation criteria.

The development of University-wide standards governing promotion is not intended to limit recognition of
the many different ways that members of the University community may develop as educators and
scholars and contribute to attainment of the University's mission and goals.

The faculty evaluation system outcome is to be employed in promotion decisions so as to establish, over
time, congruence between the annual faculty evaluation and the promotion decision system. Congruence
between annual evaluations and eventual promotion recommendations can, in part, be established if in the
evaluation process, faculty are commended in writing for areas of excellent performance even when their
overall evaluation does not qualify them for high merit pay increases.

Professional development and/or scholarship are defined broadly, in keeping with the mission and goals of
FSU as a comprehensive institution. Thus, the following multiple dimensions of professional development
are delineated in order to acknowledge the varied emphases of the colleges, the Library, and academic
programs, which compose our University community:

1. Development as a teacher/educator
2. Development as a disciplinary scholar
3. Development as a professional who applies discipline-based knowledge and skills
4. Creative performance (in relevant fields)

In keeping with the USM (and where applicable, BOTSUC) requirements, expectations of quality
performance by the faculty applicant increase with higher faculty rank. As stipulated by USM policy,
promotions to the ranks of Associate Professor or Full Professor carry immediate tenure. Therefore,
promotions to these ranks will not be considered prior to review for tenure. While for some faculty the
terminal rank may be Associate Professor, the rank of Professor should be realistically attainable for all
tenured faculty. A faculty member may apply for tenure/permanent status and (if eligible) promotion
during the same semester. However, the promotion process will immediately cease if the faculty member is
notified in writing that his/her application for tenure/permanent status was denied by the President.

The words "excellence" and "excellent" are used in preference to the evaluation system's use of element
rating in order to emphasize standards of performance rather than comparative rankings. Excellence is a
more qualitative concept and the attainment of this standard is not limited by any implicit quota. This is
appropriate for promotion decisions which involve assessment of an individual's long-term performance
and contributions to the mission and goals of the University. (Comparative rankings and judgments of evaluation element ratings may well be appropriate for pay decisions which, on the other hand, are year by year.)

Faculty are promoted based upon their total or overall performance and contribution to the goals and mission of the University. While the criteria and standards within the specific teaching/job performance, professional development and achievement and service areas serve as highly important guidelines, those persons responsible for promotion recommendations must be allowed enough flexibility to apply those guidelines in ways which reflect the overall merit of the promotion applicant's performance as a faculty member. The Provost will give full consideration to the recommendations of the Departments/Library, the Faculty Promotion and Tenure/Permanent Status Subcommittee, and the Dean/Library Director. The Provost then makes the final recommendation to the President. The faculty member may appeal to the Faculty Appeals Committee the Provost's recommendation. The decision of the President is final.

University-Wide Faculty Promotion and Tenure/Permanent Status Subcommittee

The composition of the University-wide Faculty Promotion and Tenure/Permanent Status Subcommittee of the Faculty Concerns Committee of the Faculty Senate is stipulated in the Charter of the Faculty Senate and its bylaws and procedures as found in the Faculty Governance section of the Frostburg State University Faculty Handbook and is selected by the process described there.

Department Promotion Review Committee/Library Review Committee

Each department/library shall select a committee to assist in promotion review. The department/library promotion review committee shall consist of at least three (3) tenured/permanent status faculty members.

Committee members will be selected in a manner determined by the faculty members in each department/library. If necessary or desirable, as determined by the department/library or President (or designee), individuals from the same or within related disciplines, mutually acceptable to the faculty member, department/library, and President (or designee) who are from outside the department or the University may be used in any or all parts of the review process. Where a mutually acceptable individual cannot be agreed upon, the President (or designee) shall provide the faculty member and the department/library with a list containing the names of at least three (3) tenured/permanent status individuals who are at or above the rank held by the member being reviewed, and are qualified by virtue of their discipline to evaluate the faculty member's application.

The faculty member shall have three (3) working days in which to select one individual from this list. If the faculty member fails to make a selection within the three-day period, the President (or designee), in consultation with the Department Chair/Library Director and the department/library, shall designate one individual from this list to serve on the department/library promotion review committee.

No faculty member or member of his/her immediate family (husband, wife, domestic partner, child, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law) shall serve as a committee member on the applicant's own promotion review committee.
Each department/library shall determine the rules and procedures under which their department/library promotion review committee will operate, including making recommendations for emeritus faculty appointments. Such rules and procedures shall be: i. specified in writing by the department/library, ii. filed with the Dean/Library Director, and iii. shared with the faculty member prior to the commencement of the promotion review process and the nomination process for emeritus faculty appointments.

Tenure/Permanent Status and/or Promotion Application Procedures$^{11,12}$

1. University-Wide Criteria for a Person Applying for Tenure/Permanent Status
   
a. For Instructional Faculty
   
   i. A record of success on the annual Teaching Evaluation criteria for Teaching shown by an evaluation rating of 3.0 or above and shows potential for excellence.
   
   ii. Must hold earned doctorate or recognized terminal degree in area of specialization.
   
   iii. A record of success on at least one of the four dimensions of professional development and achievement as shown by and evaluation rating of 3.0 or above.
   
   iv. A record of success on criteria for Service shown by an evaluation rating of 3.0 or above.
   
   v. Will have a minimum of six (6) years of full time university/college teaching experience with at least five (5) years in Assistant Professor rank. Exceptions may be made for comparable professional activity or research.
   
   vi. Will have been judged at least 4.0 overall on the annual evaluation instrument for the preceding three (3) evaluation cycles.
   
   vii. A record of excellent performance in ONE of the three major areas of evaluation: teaching OR service OR one of the four dimensions of professional achievement.
   
   viii. Meets professional responsibilities and ethical standards, maintains professional behavior that facilitates collegial relationships and productive interpersonal interactions, and supports the mission of the University and its initiatives such as diversity, technology, and service learning.

b. For Library Faculty

$^{11}$ Faculty who have begun their tenure-track/permanent status position before the adoption of these guidelines may choose to opt in to them. Specifically, upon adoption, all tenure-track/permanent status faculty who have not yet been reviewed for tenure/permanent status will be sent a letter allowing them to choose which of the two systems they wish to use as their guidelines.

$^{12}$ Under special circumstances, the faculty member, their chair, their dean, and the provost may sign an agreement allowing extra time to complete their doctorate/terminal degree. However, if extra time is granted, the faculty member will no longer be a part of this combined review. Tenure review will remain the same (application for tenure in the fall of the 6th year, but under no circumstances will it be considered without having obtained this degree), but the application for promotion shall take place in the fall of the 5th year following the year in which terminal degree was completed.
i. A record of success of FSU evaluation criteria for job performance as shown by a consistent evaluation rating of 3.0 or above on performance evaluations, showing potential for excellence. Willingness and ability to take on new and more complex responsibility.

ii. A record of success on at least one of the four dimensions of professional achievement and development as shown by a consistent evaluation rating of 3.0 or above in this category on performance evaluations. A record of meaningful contributions in professional achievement and development.

iii. A record of success on criteria for service shown by consistent evaluation rating of 3.0 or above in this category on performance evaluations. A record of meaningful contributions to service on committees, task forces, and civic organizations.

iv. Ordinarily will have a minimum of six (6) years of professional experience, (three years at FSU), three of which must be at a level comparable to the rank of Librarian II at FSU.

v. Will have been judged at least 4.0 overall on the annual evaluation instrument for the preceding two (2) evaluation cycles.

vi. Faculty librarians at the rank of Librarian II are eligible to apply for permanent status.

vii. A record of excellent performance in ONE of three major areas of evaluation: job performance OR service OR one of the four dimensions of professional achievement and development.

viii. Meets professional responsibilities and ethical standards, maintains professional behavior that facilitates collegial relationships and productive interpersonal interactions, and supports the mission of the University and its initiatives such as diversity, technology, and service learning.

2. Applicant Accessibility to Reappointment and Tenure/Permanent Status and Promotion Documents

All evaluation documents that are part of the process in consideration of reappointment, tenure/permanent status, or promotion shall be accessible to the applicant.

3. Department Tenure Committee/Library Review Committee

The Departmental Tenure Committee/Library Review Committee shall consist of at least three (3) tenured/permanent status members. The manner of selection shall be determined by the faculty members in each department. If necessary, or desirable, as determined by the department/library or President (or designee), individuals from the same or within related disciplines, mutually acceptable to the faculty member, department/library and University, who are from outside the department/library or the University may be used in any or all parts of the evaluation process. Where a mutually acceptable individual cannot be agreed upon, the President (or designee) shall provide the faculty member and the department/library with a list containing the names of at least three (3) tenured/permanent status individuals who have the qualifications by virtue of the discipline in which they teach to serve on the Departmental Tenure Committee/Library Review Committee (DTC/LRC). The faculty member shall have three (3) working days in which to select one individual from this list. If the faculty member fails to
make a selection within the three (3) day period, the President (or designee), in consultation with the Department Chair and the department/library, shall designate one individual from this list to serve on the Department Tenure Committee/Library Review Committee.

No faculty member or member of his/her immediate family (spouse, domestic partner, child, parent, parent-in-law, sibling, brother-in-law, sister-in-law) shall serve as a committee member on his/her own tenure/permanent status committee. Each department/library shall determine the rules and procedures under which the Department Tenure Committee/Library Permanent Status Committee will operate, including making recommendations for emeritus faculty appointments. Such rules and procedures shall be specified in writing by the department/library prior to the commencement of the tenure/permanent status evaluation process, and the nomination process for emeritus faculty appointments.

4. Tenure/Permanent Status Application Timelines

(Subject to the Provisions of the University System Policy on Appointment, Rank, and Tenure of Faculty-- see USM Policies and Statements section)

<table>
<thead>
<tr>
<th>RANK AT TIME OF INITIAL APPOINTMENT</th>
<th>YEAR IN WHICH TO APPLY&lt;sup&gt;13&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Professor</td>
<td>3&lt;sup&gt;rd*&lt;/sup&gt;</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>3&lt;sup&gt;rd*&lt;/sup&gt;</td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>6th</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RANK AT TIME OF INITIAL APPOINTMENT</th>
<th>YEAR IN WHICH TO APPLY&lt;sup&gt;13&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Librarian IV</td>
<td>3rd</td>
</tr>
<tr>
<td>Librarian III</td>
<td>3rd</td>
</tr>
<tr>
<td>Librarian II</td>
<td>6th</td>
</tr>
<tr>
<td>Librarian I</td>
<td>6&lt;sup&gt;th**&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

A decision on tenure/permanent status, favorable or unfavorable, must be made at least twelve (12) months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one.

<sup>13</sup> Unless otherwise stipulated in the original letter of appointment.

* If the appointment is for an initial period of one (1) year, then the formal review must be completed and written notice must be given that tenure has been granted or denied by March of that year. If the appointment is for two (2) 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 (2) 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.

** A person in the rank of Librarian I at the time of initial appointment must reach the rank of Librarian II to be eligible to apply for Permanent Status. The years spent in the rank of Librarian I are included in the six (6) years.
If the decision is affirmative, the provision with respect to the termination of service of a faculty member or an investigator after the expiration of a probationary period shall apply from the date when the favorable decision is made.

The tenure/permanent status application procedure for an Assistant Professor/Librarian II shall be interpreted as including up to three full years (or equivalent) of teaching/library experience at other institutions of higher education if so agreed upon in writing in his/her original or modified contract.

Full-time service at the institution in a non-tenure-track position shall be granted the same status as service in a tenure-track position, if so agreed upon in writing by the faculty member at the time of appointment to a tenure-track position.

When a part-time contractual person at FSU is appointed to a tenure-track position, he/she shall be given credit for work equivalent to a maximum of two years of full-time teaching, if so agreed upon in writing by the faculty member at the time of appointment to a tenure-track position. (One credit of work responsibility would be the equivalent of 1/24 of a year.)

Notice of eligibility to apply for tenure/permanent status and promotion is given to each faculty member in his/her contract reappointment letter by June 30 of year prior to eligibility, copy sent to Department Chair.

The faculty member may appeal a negative tenure/permanent status recommendation to the Faculty Appeals Committee.

**Tenure/Permanent Status and/or Promotion Application Materials**

The following materials should be included in the application package to the Faculty Promotion and Tenure/Permanent Status Subcommittee, and included in the order listed:

1. Copy of signed “letter of intent” that has been sent to the Provost’s Office (by October 21).
2. Completed check-off sheet of required materials, including “summary of performance” form.
3. *Curriculum vitae*, including: degrees earned (institutions, years, etc.); relevant employment history (institutions, rank, etc.); teaching information/job performance; professional development and achievement activities/publications/research; and service accomplishments.
4. Self-statement (three to five pages) including: consideration of each of the Standards Governing Tenure and/or Promotion listed under Tenure/Permanent Status and/or Promotion Application Procedures, teaching/job evaluations, professional development activities, service activities, and standards of professional behavior evidence.
5. Supporting evidence (limited to one notebook) including: representative material in teaching/job performance, research and professional development, and service.
6. All annual DEC/LEC/Chair Teaching/Job Evaluation Reports, Department Evaluation Summary Reports, Department Reappointment Review Committee Reports, and University-wide Summary Reports, completed since appointment or last promotion.
### Tenure/Permanent Status and Promotion Timeline

**NOTE:** A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations.

If listed date falls on Saturday, Sunday, a legal holiday, or other day during which the University is closed, the next working day after the listed date is considered the deadline.

Dates given are to be read as “no later than.”

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 15</td>
<td>Provost issues call for Tenure/Permanent Status and/or Promotion applications.</td>
</tr>
<tr>
<td>October 21</td>
<td>Faculty member sends signed letter of intent to the Provost.</td>
</tr>
<tr>
<td>November 1</td>
<td>Faculty Member applies for Tenure/Permanent Status and/or Promotion: Copies to Chair of the Department Tenure and Promotion Committee/Library Review Committee and to Chair of the Faculty Promotion and Tenure/Permanent Status Subcommittee.</td>
</tr>
<tr>
<td>December 1</td>
<td>Department Chair sends Tenure/Permanent Status and/or Promotion recommendation to Dean/Library Director and to Faculty Member.</td>
</tr>
<tr>
<td>December 13</td>
<td>Faculty Member sends to Dean/Library Director written rebuttal against Department's/Library's Tenure/Permanent Status and/or Promotion recommendations (with a copy to the department/Library determined evaluators).</td>
</tr>
<tr>
<td>January 10</td>
<td>College Dean/Library Director sends Tenure/Permanent Status and/or Promotion recommendations to Provost and Faculty Member.</td>
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<tr>
<td></td>
<td>Faculty Promotion and Tenure/Permanent Status Subcommittee informs Faculty Member and Provost of Tenure/Permanent Status recommendations. Transmits files to Provost.</td>
</tr>
<tr>
<td>January 17</td>
<td>Faculty Member sends to Provost written rebuttal against Faculty Promotion and Tenure/Permanent Status Subcommittee's and/or Dean's/Library Director's Tenure/Permanent Status and/or Promotion recommendation (with a copy to the Chair of the Faculty Promotion and Tenure/Permanent Status Subcommittee and/or the Dean/Library Director).</td>
</tr>
<tr>
<td>January 24</td>
<td>Provost calls Tenure/Permanent Status conference with Deans/Library Director and Faculty Promotion and Tenure/Permanent Status Subcommittee.</td>
</tr>
<tr>
<td>January 27</td>
<td>Provost sends Tenure/Permanent Status and/or Promotion recommendations to President. Informs faculty member of recommendation.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
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<tr>
<td>February 2</td>
<td>Faculty Member sends appeal to Faculty Appeals Committee against Provost's Tenure/Permanent Status and/or Promotion recommendation (with a copy to the Provost).</td>
</tr>
<tr>
<td>February 20</td>
<td>Faculty Appeals Committee recommendation to President and Faculty Member (with a copy to the Provost).</td>
</tr>
<tr>
<td>5 Working Days</td>
<td>Written rebuttal to the President against any Faculty Appeals Committee recommendation (with a copy to the Chair of the Faculty Appeals Committee).</td>
</tr>
<tr>
<td>March 15</td>
<td>President notifies Faculty Members of Tenure/Permanent Status and/or Promotion decision.</td>
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</tbody>
</table>
### Standards Governing Promotion in Academic Rank for Instructional Faculty

<table>
<thead>
<tr>
<th>Rank</th>
<th>Teaching Performance</th>
<th>Professional Achievement &amp; Development</th>
<th>Service</th>
<th>Experience Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Professor</td>
<td>Effective and competent and shows potential for excellence.</td>
<td>Must hold an earned doctorate or recognized terminal degree in area of specialization.</td>
<td>Shows potential for excellent service to University, College, and Department.</td>
<td>None.</td>
</tr>
<tr>
<td></td>
<td>Will show potential for excellence in advising.</td>
<td>Shows potential for excellent performance in one or more of the four dimensions of professional development.</td>
<td></td>
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</tr>
<tr>
<td>Associate Professor</td>
<td>A record of success on the annual Teaching Evaluation criteria for Teaching shown by an evaluation rating of 3.0 or above and shows potential for excellence.</td>
<td>Must hold earned doctorate or recognized terminal degree in area of specialization.</td>
<td>A record of success on criteria for Service shown by an evaluation rating of 3.0 or above.</td>
<td>Will have a minimum of six (6) years of full time university/college teaching experience with at least five years in Assistant Professor rank. Exceptions may be made for comparable professional activity or research.</td>
</tr>
<tr>
<td></td>
<td>A record of success on at least one of the four dimensions of professional development and achievement as shown by an evaluation rating of 3.0 or above.</td>
<td>A record of success on at least one of the four dimensions of professional development and achievement as shown by an evaluation rating of 3.0 or above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professor</td>
<td>Demonstrated excellence.</td>
<td>A continuing record of success in professional achievement and development as shown by an evaluation rating of 3.0 or above.</td>
<td>A continuing record of success in service as shown by an evaluation rating of 3.0 or above.</td>
<td>Ordinarily will have a minimum of ten years of full-time university/college teaching experience with at least seven years in Associate Professor rank. Exceptions may be made for comparable professional activity or research.</td>
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<tr>
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<td></td>
<td></td>
<td>Note: Applications may be submitted after you have completed six full years at Associate Professor rank.</td>
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<tr>
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<td>-AND-</td>
<td>-AND-</td>
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<td></td>
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<tr>
<td></td>
<td>• Will have been judged at least 4.0 overall on the annual evaluation instrument for the preceding three (3) evaluation cycles.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A record of excellent performance in ONE of three major areas of evaluation: teaching OR service OR one of the four dimensions of professional achievement.</td>
<td>• A record of excellent performance in ONE of three major areas of evaluation: teaching OR service OR one of the four dimensions of professional achievement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Meets professional responsibilities and ethical standards, maintains professional behavior that facilitates collegial relationships and productive interpersonal interactions, and supports the mission of the University and its initiatives such as diversity, technology, and service learning.</td>
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<td></td>
<td></td>
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</tbody>
</table>

Note: Applications may be submitted after you have completed six full years at Associate Professor rank.
## Standards Governing Promotion in Academic Rank for Library Faculty

<table>
<thead>
<tr>
<th>Rank</th>
<th>Job Performance</th>
<th>Professional Achievement &amp; Development</th>
<th>Service</th>
<th>Experience Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Librarian II</td>
<td>A record of success of FSU evaluation criteria for job performance and shows potential for excellence. Demonstrated growth in the theoretical knowledge of academic librarianship.</td>
<td>Shows potential for excellent performance in one or more of the four dimensions of professional achievement and development as defined under the Faculty Promotion Standard in the Faculty Handbook.</td>
<td>Shows potential for excellent service at the University, Library, and community.</td>
<td>Ordinarily will have a minimum of three years of progressively responsible professional experience at FSU. Effective professional knowledge and skills significantly above those expected of a Librarian I.</td>
</tr>
<tr>
<td>Librarian III</td>
<td>A record of success of FSU evaluation criteria for job performance as shown by a consistent evaluation rating of 3.0 or above on performance evaluations, showing potential for excellence. Willingness and ability to take on new and more complex responsibility.</td>
<td>A record of success on at least one of the four dimensions of professional achievement and development as shown by a consistent evaluation rating of 3.0 or above in this category on performance evaluations. A record of meaningful contributions in professional achievement and development.</td>
<td>A record of success on criteria for service shown by a consistent evaluation rating of 3.0 or above in this category on performance evaluations. A record of meaningful contributions to service on committees, task forces, and civic organizations.</td>
<td>Ordinarily will have a minimum of six years of professional experience (three years at FSU), three of which must be at a level comparable to the rank of Librarian II at FSU.</td>
</tr>
<tr>
<td>Librarian IV</td>
<td>Demonstrated excellence</td>
<td>A continuing record of success in professional achievement and development as shown by a consistent evaluation rating of 3.0 or above in this category on performance evaluations. A record of distinctive contributions in professional achievement and development.</td>
<td>A record of success in service as shown by a consistent evaluation rating of 3.0 or above in this category on performance evaluations. A record of distinctive contributions to the Library, University, USM, profession or community.</td>
<td>Ordinarily will have a minimum of nine years of professional experience (three years at FSU), at least three of which must be at a level comparable to the rank of Librarian III at FSU. Note: Applications may be submitted after you have completed six full years at Librarian III rank.</td>
</tr>
</tbody>
</table>

-AND-

- Will have been judged at least 4.0 overall on the annual evaluation instrument for the preceding two (2) evaluation cycles.
- A record of excellent performance in ONE of three major areas of evaluation: job performance OR service OR one of the four dimensions of professional achievement and development.
- Meets professional responsibilities and ethical standards, maintains professional behavior that facilitates collegial relationships and productive interpersonal interactions, and supports the mission of the University and its initiatives such as diversity, technology, and service learning. 

-AND-

- Will have been judged at least 4.0 overall on the annual evaluation instrument for the preceding two (2) evaluation cycles.
- A record of excellence in job performance and EITHER service OR one of the four dimensions of professional achievement and development.
- Will have completed a full annual evaluation in the year preceding application for promotion.
FSU Sabbatical Procedures for Teaching Faculty and Professional and/or Research Leave Procedures (PRL) for Library Faculty

Purpose
The major purpose of sabbatical leave is to provide a faculty member with an opportunity for a renewal experience to: conduct scholarly work, applied research, 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 University, and to enhance his or her standing in the discipline or profession.

The primary purpose of a PRL is to provide an opportunity for a librarian (II, III, IV) to conduct scholarly work or to engage in applied research, or to engage in activities that may result in the generation and application of intellectual property through technology transfer, which will increase the librarian’s value to the institution or enhance the reputation of the institution.

Eligibility
Potential applicants for sabbatical and PRL should verify their eligibility before filing application materials. Criteria for application are:

1. Academic Faculty: You must have completed at least six years of service at the time of an initial sabbatical leave (you may apply during your sixth year) or since the last previously granted sabbatical leave.

2. Library Faculty (II, III, IV): You must have completed at least six years of active service at the time of an initial PRL (you may apply during your sixth year). The leave period for Professional and/or Research Leave shall not be regarded as active service to the institution for purposes of determining eligibility for a subsequent PRL.

3. You must be a full-time tenured faculty member or library faculty member with permanent status. (Faculty may apply for tenure/permanent status during their sixth year. Awarding of a sabbatical/PRL is contingent upon the awarding of tenure/permanent status.)

4. You must submit a Complete and/or Abridged Evaluation in each of the two years preceding a request for a sabbatical/professional and/or research leave.

5. Faculty members who have not completed and submitted a sabbatical/PRL report by the start of the next regular academic semester (spring or fall) after the sabbatical is completed will be ineligible for a future sabbatical/PRL until the report is completed and submitted.

Provisions

1. The President may grant sabbatical/PRL to faculty members.

2. Ordinarily, a leave of absence without pay shall not be regarded as service to the institution for purposes of determining eligibility for sabbatical leave/PRL.
3. Ordinarily, sabbatical/PRL 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, or (for Library faculty) for a thirteen-week period in the summer equal to one-fourth of the recipient’s annual contract-term at normal compensation. Faculty members who are considering a sabbatical leave for the full annual contract term, at one-half normal compensation, should contact Human Resources regarding the impact this may have on their retirement.

4. During the period of the sabbatical/PRL, 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/PRL project.

5. While on sabbatical/PRL, the recipient may accept compensation for consulting services rendered during the sabbatical/PRL, provided: such services shall not exceed those allowed by the University System Policy on Professional Commitment of Faculty, that the recipient has submitted an FSU Faculty Consulting and Professional Services Request form, and that such services do not interfere with the approved sabbatical/PRL project.

6. All benefits and privileges of a faculty member on sabbatical/PRL shall continue in the same manner as if he or she were not on such leave, i.e., accrual of sick leave, opportunity for promotion, merit raises, and other benefits.

7. Ordinarily, as a condition for receiving sabbatical leave/PRL, recipients shall agree to return promptly to the institution at the termination of the leave and to serve on their normal basis for at least one full annual contract period.

8. Faculty members should be able to demonstrate that the work proposed is of sufficient weight to require the requested leave (e.g., extensive travel, resources, etc.)

**Considerations and Priorities in Awarding Sabbatical Leave/Professional and/or Research Leave**

A major consideration in granting a sabbatical/PRL is a record of consistent and productive contributions to the University and/or the profession as measured by the existing faculty evaluation system. (Examples: Teaching effectiveness/librarian job performance, Professional development and achievement, and/or University, related Community, Professional and/or Department/Library service and productivity, and/or (if applicable) Reassigned-Time assignment.

There are two major considerations in evaluating a sabbatical leave application: a. Will a sabbatical provide the faculty member with an opportunity for a renewal experience to conduct scholarly work, or applied research, 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 and values of the institution, and b. Will a sabbatical provide an opportunity for the faculty member to enhance his or her standing in the discipline or profession?

The primary consideration in evaluating a library faculty member’s Professional/Research Leave application is: Will the leave provide an opportunity for the faculty librarian (II, III, IV) to conduct scholarly work, or to
engage in applied research, or to engage in activities that may result in the generation and application of intellectual property through technology transfer which will increase the librarian’s value to the institution or enhance the reputation of the institution?

The following list of examples within each category should not be considered exhaustive nor is any precedence implied in the order of their listing, except that applicants with external grant support will be given priority.

**Contribution/Value to the University**

“Contribution to the mission and value of the University” will be interpreted according to the following:

1. **Potential contribution/value to the University.**
   Examples:
   - Work done under a government or foundation grant.
   - Scholarship potentially leading to publication.
   - Applied research addressing a specific issue.
   - Creative work potentially leading to a publication, performance, or exhibition.
   - Activities that may result in the generation and application of intellectual property through technology transfer.

2. **Maintenance or Improvement of Skills and Knowledge.**
   Examples:
   - Additional course work or education experience(s) beyond the terminal degree or in an alternate field.
   - Scholarship and/or research.
   - Creative and artistic work.
   - Development of alternative teaching strategies.

3. **Curriculum Development/Design or Development of technology-enhanced learning systems beyond that routinely performed by a tenured faculty member or permanent status faculty member.**
   Examples:
   - Development of a new course, program, or curriculum.
   - Reorganization of a new course, program, or curriculum.

4. **Enhancement to the Discipline or Profession or Potential Enhancement of a Faculty Member’s Standing in His/Her Discipline or Profession.**
   Examples:
   - Production of a performance, artistic creation, or a peer-reviewed publication.
   - Award of an external grant.
   - Organization of a major regional or national conference.
   - Scholarly or creative endeavors.
   - Activities that may result in the generation and application of intellectual property through technology transfer.
• Professional achievement in research.
• Collaboration in group research.
• Professional achievement in the discipline.

Application Materials

The sabbatical/PRL application will include all of the following:

1. A one page summary of the purpose, goals, and objectives of the sabbatical/PRL;
2. A summary of the various activities of the sabbatical/PRL;
3. An summary of the expected contribution of the sabbatical/PRL to the faculty member’s professional growth and its respective value to the University;
4. A statement of the evaluation criteria for the sabbatical/PRL detailing the activities and accomplishments required to earn a rating of 3, 4, or 5 for the Faculty Evaluation Report agreed upon by the faculty member and (for sabbatical) the DEC and/or the Department Chair or (for PRL) the LEC and/or the Associate Library Director/Library Director (per Faculty evaluation practice in the Department/Library) and signed by (for sabbatical) the Department Chair and Dean or (for PRL) the Associate Library Director and/or Library Director;
5. All faculty evaluations done at FSU in the last five years (including at least two faculty evaluations with department sheets (summary sheet) with signatures, the most recent being from the year prior to submission of this application);
6. A curriculum vitae.
7. Departmental/Library and University service completed in the last five years prior to submission of this application;
8. Length of service at FSU;
9. Length of service since the last sabbatical/PRL;
10. The number of sabbaticals/PRLs taken; and
11. The performance on past sabbaticals/PRLs (if applicable) – copy of previous sabbatical reports and department/library evaluation reports (e.g. DEC/LEC reports) for those years.

The final ranking of the Faculty Development and Sabbatical/Professional Leave Subcommittee shall give equal weight to the five-year record of productivity (described immediately above) and the merit of the proposal. In the case of applications of equal merit, the Subcommittee will take into account performance on previous sabbaticals/PRLs, length of service since last sabbatical/PRL leave, and seniority, in priority order.
Department/Library Review Committee
Each department and the library shall select a Committee to assist in the sabbatical/PRL recommendation and/or non-recommendation function. The Department Review Committee (DRC) and the Library Review Committee (LRC) shall consist of at least three (3) members.

The manner of selection shall be determined by the faculty members in each department or the library faculty in the case of the library. If necessary or desirable, as determined by the department, library, or President (or designee), individuals from the same or within related disciplines, mutually acceptable to the faculty member, department or library, and University who are from outside the department, library, or the University may be used in the review process.

Where a mutually acceptable individual cannot be agreed upon, the President (or designee) shall provide the faculty member and the department or the library with a list containing the names of at least three (3) individuals who have qualifications relevant for evaluating the proposal.

The faculty member shall have three (3) working days in which to select one individual from this list. If the faculty member fails to make a selection within the three (3) day period, the President (or designee), in consultation with the Department Chair and the department, or Library Director, Associate Library Director, and library faculty, shall designate one individual from this list to serve on the DRC/LRC.

No faculty member or member of his/her immediate family (husband, wife, child, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law) shall serve as a Committee member on the applicant’s own review Committee. Faculty Development and Sabbatical/Professional Leave Subcommittee members shall not serve on a DRC/LRC.

Each department and the library shall determine the rules and procedures under which the DRC/LRC will operate. Such rules and procedures shall be specified in writing by the department and the library prior to the commencement of the sabbatical/professional leave application review process.

Provost Change in Rank Order
If the Provost of the University desires to change the recommendations and/or rankings from the Faculty Development and Sabbatical/Professional Leave Subcommittee, written explanation will be provided to that Committee.

Appeals by Applicants
If an application for sabbatical leave/PRL receives a negative recommendation at any level of the process, the Faculty Member may submit a written rebuttal to the next level. In addition, a negative recommendation by the Provost may be appealed to the Faculty Appeals Committee. Ultimately, however, the decision to award sabbatical leave/PRL rests with the President of the Institution.

Sabbatical/PRL Report
By the start of the next regular academic semester (spring or fall), the faculty member shall submit a written report to their Department/Library Division, Dean/Library Director, the Provost, the President, and the Faculty Development and Sabbatical/Professional Leave Subcommittee describing accomplishments of the sabbatical/PRL. The report must identify and include documentation verifying those activities and objectives were accomplished during the sabbatical. The faculty member shall submit his/her
sabbatical/PRL Summary Report through the Ort Library to the institutional repository, MD-SOAR (Maryland Shared Open Access Repository, https://mdsoar.org). Faculty members are encouraged to present accomplishments of their sabbatical/PRL to the University community.

Faculty members who do not submit a sabbatical/PRL report by the start of the next regular academic semester (spring or fall) after the sabbatical is completed will be ineligible for further sabbaticals/PRL. A list of individuals failing to submit a sabbatical/PRL report will be compiled by the Provost’s Office to be submitted to the Faculty Develop and Sabbatical / Professional Research Leave Subcommittee for reporting to the Faculty Concerns Committee and the Faculty Senate.

**Evaluation of Sabbatical/PRL**

Faculty members will develop a set of evaluation criteria for their sabbatical/PRL in conjunction with their DEC/LEC and/or Department Chair/Associate Library Director/Library Director establishing the objectives and accomplishments required to earn a rating of 3, 4, or 5. These criteria must be approved by the Department Chair and Dean (sabbatical) or Associate Library Director and/or Library Director (PRL). These criteria will be submitted along with the sabbatical/PRL application. If during the sabbatical/PRL period it is determined that changes to the evaluation criteria are required, the faculty member will submit proposed changes in writing to the Department/Library and Dean/library Director and justify why they must occur. All changes must be approved by the Department/Library and Dean/library Director.

The faculty member must complete a Faculty Evaluation in the cycle immediately following the conclusion of their sabbatical/PRL. The sabbatical/PRL report will form the basis of the evaluation using the agreed upon criteria. Otherwise, the sabbatical/PRL is evaluated as any other reassigned time. If a report is not submitted, the faculty member will receive a rating of 0 (zero) for that sabbatical/PRL period.

**Sabbatical/Professional Leave Timeline**

NOTE: A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations. If listed date falls on Saturday, Sunday, a legal holiday, or other day during which the University is closed, the next working day after the listed date is considered the deadline. Dates given are to be read as “no later than.”

**September 16**
Provost issues call for Sabbatical/Professional and/or research leaves (PRL) proposals.

**September 27**
Faculty Member applies for Sabbatical/PRL: Copies to Department Chair/Library Review Committee Chair and to Chair of the Faculty Development and Sabbatical/Professional Leave Subcommittee; Letter of intent to Provost and copy to appropriate College Dean/Library Director. Ordinarily, to be formally considered for review, an application must be received no later than 4:00 PM of the deadline date. Applications determined by the Chair of the Faculty Development and Sabbatical/PRL Subcommittee to be late and/or incomplete will not be considered.

**October 18**
Department Chair sends Department/Library Sabbatical Review Committee's recommendation to the College Dean/Library Director and the Faculty Member.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 25</td>
<td>Faculty Member sends written rebuttal to College Dean/Library Director against</td>
</tr>
<tr>
<td></td>
<td>Department's/Library's Sabbatical/PRL recommendation.</td>
</tr>
<tr>
<td>November 1</td>
<td>College Dean/Library Director sends report to Provost on Sabbaticals/PRLs indicating rank order. Informs faculty member of recommendation.</td>
</tr>
<tr>
<td>November 1</td>
<td>Faculty Development and Sabbatical/Professional Leave Subcommittee informs faculty member of Subcommittee recommendation. Sends report to Provost on Sabbaticals/PRLs indicating rank order of applicants. Transmits application files to Provost.</td>
</tr>
<tr>
<td>November 8</td>
<td>Faculty Member sends written rebuttal to Provost against Faculty Development and Sabbatical/Professional Leave Subcommittee's and/or College Dean's/Library Director’s Sabbatical/PRL recommendation.</td>
</tr>
<tr>
<td>No Later Than November 22</td>
<td>Provost calls Sabbaticals/PRLs conference with College Deans/ Library Director and Faculty Development and Sabbatical/Professional Leave Subcommittee.</td>
</tr>
<tr>
<td>December 2</td>
<td>Provost sends report on Sabbaticals/PRLs to President. Informs Faculty Member and the Chair of the Faculty Development and Sabbatical/Professional Leave Subcommittee of recommendation.</td>
</tr>
<tr>
<td>December 9</td>
<td>Faculty Member sends appeal to Faculty Appeals Committee against Provost's Sabbatical/PRL recommendation.</td>
</tr>
<tr>
<td>5 Working Days</td>
<td>Written rebuttal to the President against any Faculty Appeals Committee recommendation.</td>
</tr>
<tr>
<td>January 30</td>
<td>President notifies Faculty Members of Sabbatical/PRL decision.</td>
</tr>
</tbody>
</table>
Faculty as Instructor
Office of Information Technology | Department of Technology Services

The Technology Services Department is dedicated to providing meaningful and successful experiences with technology to support teaching and learning. The department provides resources, technical assistance, and advocacy for technology initiatives for faculty, staff, and students. Core components of the department include the IT Help Desk, computer support and maintenance, classroom and lab support, technology purchases, software support and licensing, audio visual support, and multi-media. The IT Help Desk provides assistance for any technical issue including accounts, the Learning Management System, PAWS, Office 365, email, etc. The IT Help Desk can be contacted 24 hours a day, seven days a week via phone at 301-687-7777. The department also provides support for classes conducted through the University System of Maryland’s Interactive Video Network (IVN). This network provides an opportunity for faculty to teach and students to learn at other universities within the state of Maryland and beyond.

The department maintains a rich campus-wide computing environment that includes specialized department labs as well as five university computer labs located in The Gira Center for Communications and Information Technology (Gira CCIT). The university computer labs offer:

- Apple and Windows computers connected to the campus network and the internet.
- Scanning and printing facilities.
- Standard software including the Microsoft Office Suite, Internet browsers, Adobe Creative Cloud, and other specialized software.
- Access to statistics packages, programming languages, and database software.
- A 24 hour/7 days a week lab for students located in Gira CCIT 133 (accessible via a student ID).

Labs may be reserved for classes by contacting the department at 301-687-4317.

Office of Information Technology | Department of Instructional Design & Technology

The Department of Instructional Design & Delivery (IDD) is committed to providing support and resources for online, blended, and face-to-face courses which supports the principal mission of education at Frostburg State University (FSU). Qualified staff provide assistance with the university’s Learning Management System (LMS) and related software, pedagogical best practices, instructional design of courses, training and professional development for faculty, and other eLearning technologies.

FSU’s online courses are taught by FSU faculty who have taken and passed the Teaching Online Certification course developed and administered by Instructional Designers in the department. The department also conducts quality reviews of online and blended courses to ensure best practices and national standards are being met. To learn more about online learning at FSU, visit www.frostburg.edu/online/.

Both departments may be reached at 301.687.7090. For more information about these and other services, visit www.frostburg.edu/computing.

For additional information on offering an online course at FSU, please see Frostburg State University’s Online Education Procedures and Guidelines, (Office of the Provost, May, 2017) at http://www.frostburg.edu/admin/provost/reports.htm.
Academic Dishonesty
PN 2.017

The University holds firmly to the conviction that the entire fabric of a community of students, teachers, and scholars relies for its integrity upon the pursuit of truth, unfettered by interference or intimidation from outside that community or by the disintegration of mutual respect and honesty within. Accordingly, academic dishonesty in any form is viewed as one of the most serious offenses against the good order of the educational community. Any individual or group of students found cheating or plagiarizing is subject to the University disciplinary procedures in addition to any action taken by the faculty member of the course involved.

Academic dishonesty is defined to include any form of cheating and/or plagiarism. Cheating includes, but is not limited to, such acts as stealing or altering testing instruments; falsifying the identity of persons for any academic purpose; offering, giving, or receiving unauthorized assistance on an examination, quiz or other written or oral material in a course including looking at another person’s answer key or test or taking an online test with assistance from another person; or falsifying information on any type of academic record. Plagiarism is the presentation of written or oral material in a manner which conceals the true source of the documentary material; or the presentation of materials which uses hypotheses, conclusions, evidence, data, or the like, in a way that the student appears to have done work which they did not, in fact, do. In cases involving academic dishonesty, a failing grade or a grade of zero (0) for either an assignment and/or a course may be administered. Students who are expelled or suspended for reasons of academic dishonesty may not be admissible to other institutions within the University System of Maryland. Suspension or expulsion for academic dishonesty is noted on the student’s academic transcript.

Faculty who suspect a student is in violation of the academic dishonesty policy may submit a report to the office of Student Affairs at https://www.frostburg.edu/reporting-an-incident/ or contact the Director of Student Conduct and Community Standards, at X4312 or studentconduct@frostburg.edu.

Students who are found responsible for violating the University’s academic dishonesty policy are sanctioned as follows (in addition to any grade penalties levied by the reporting faculty member):

**FIRST OFFENSE:**

- $25 fine
- Completion of on-line academic integrity module
- Disciplinary probation for academic related concerns for the remainder of their undergraduate career.

**SECOND OFFENSE:**

- Referral to a conduct panel with a recommendation to suspend for one academic year.
Advising Campus Organizations

All student organizations are required to have faculty advisors. In all but a few instances, the organizations choose their own advisors. Ideally, an advisor will sustain an interest in the group and provide appropriate leadership. An advisor may be asked to sign a variety of forms including bills to be paid; contracts made by the organization; requests for a date on the calendar; and requests for the use of a University car. At least one advisor is expected to attend the meetings of an organization other than committee meetings.

Academic Probation and Dismissal for Undergraduate Students

PN 2.018

A student whose cumulative average falls below 2.00 is considered to be in scholastic difficulty and is placed on probation by the Academic Standards Subcommittee. This Subcommittee also judges who shall be dismissed from the University for unsatisfactory scholarship. A student may be dismissed from the University without first being placed on probation.

Once a student has been placed on probation, his/her academic schedule and course load are subject to certain rules for a specified period of time after which the student is either dismissed for unsatisfactory scholarship or removed from probation. The rules and regulations governing probation are contained in detail in the University Undergraduate Catalog.

Adding/Dropping Courses

PN 2.010, 2.013

Students may change registration (add or drop a course or change sections or credits) using PAWS (the Web-based student information system) from the time of registration through the first week of classes (or the equivalent proportion of class days in a session that is shorter than a semester) if the course or section added has openings. If the course is closed, students must request an override from the department chair involved. They may not add courses after the first week of classes (or equivalent).

Students are responsible for dropping/adding courses/sections at all times. Failure to do so will result in a grade of FX in the course or section “dropped” and no credit in the course or section “added.”

However, if the student misses the first-class meeting without notifying the instructor/department, the department chair at his/her discretion has the authority to drop that student from the course if other students are waiting for space in the class. All other drops must be initiated by the student.

A student may drop a course during the first 60 percent of a term (beginning with the first day of classes) with the approval of the instructor and the student’s advisor. The student receives a "W" in such cases. (See the current academic calendar for the exact date.) Students may not withdraw from ENGL 101 (Freshman Composition) after the end of the first week of classes except in unusual circumstances approved by the Chair of the department.

If a student withdraws after the first 60 percent of a term, a grade of "WF" will be assigned. Only under exceptional circumstances can a student receive a "W" after this deadline. Such action requires the
approval of the Dean of the College sponsoring the course, who will review the documentation provided by the student and consult with the instructor. The Dean will ensure that the student’s academic advisor has been notified if the “W” is approved.

If a student totally withdraws from the University after the first 60 percent of a term, a grade of “WF” will be assigned. Only under exceptional circumstances can a student receive a “W” after this deadline. Such action requires the approval of the Vice President for Student and Educational Services and the Associate Provost.

A grade of “W” will not be considered after the last day of classes.

A grade of "FX" should be assigned to students who are officially enrolled in a course but who do not attend classes and do not properly withdraw from the course(s). Both the "WF" and "FX" grades are computed as an "F" in a student's grade point average.

**Advising, Student Academic Responsibility**

PN 2.037

The student is responsible for planning his/her academic program and for meeting the requirements of the University and of departments. This responsibility includes developing a complete understanding of, and following all degree requirements, academic regulations and procedures.

It is the student's responsibility to obtain, retain, and consult regularly the sections from the applicable catalog that govern his/her graduation requirements. The degree requirements specified in the catalog assigned to a student at the time of admission or readmission serve as a two-way contract between the student and the University. The contract specifies that the basic requirements to earn a bachelor's degree, the General Education Program, and major and minor requirements will not be changed as long as the student completes a degree within seven years of the time of his/her initial enrollment in college. In turn, the student is responsible for meeting these requirements.

The academic regulations and procedures described in the section of the Undergraduate Catalog entitled "Academic Regulations and Procedures" may change during the period of a student's enrollment, and it is the student's responsibility to be aware of, and follow the academic regulations and procedures currently in effect.

All changes in regulations and procedures will be published in official University publications such as the Undergraduate Catalog and Registration Guidelines Booklet, with prior notice of changes provided.

Each student is assigned an academic advisor, whose role is to assist the student in planning the academic program and in interpreting degree requirements and academic regulations. It is the student's responsibility to confer regularly with the advisor. The advisor will provide the best, most current information possible, but, ultimately, it is the student's responsibility to request and use this advice wisely and to meet graduation requirements and academic regulations.
After a student declares a major, he/she is assigned an academic advisor in the department in which he/she desires to major. It is the student's responsibility to promptly declare or change his/her major so that an appropriate advisor can be assigned.

Students should see the chair of the department in which they wish to major to declare or change their major or to change their advisor or, for first year students, visit the Center for Academic Advising and Retention.

**Academic Advising**  
PN 2.009

The University provides several programs and services to assist students in their academic planning. During the Preview FSU, freshmen and transfer students receive a general orientation to Frostburg State University and, with the assistance of a faculty member, plan a schedule of classes for the first semester.

Until the student declares a major, the student's orientation instructor is his/her academic advisor. When the student declares a major, he/she is assigned to a faculty member in the academic department in which he/she plans to major.

Department Chairs assign advisees to faculty. The Office of Student and Educational Services provides an advisor's handbook to help facilitate the process.

After the first year, students are encouraged to see their advisor as often as necessary in order to review their plans and progress, avoid problems, and build a relationship, which may help them throughout their college career. Information on procedures for changing advisors or majors appears in the University Undergraduate Catalog.

**Class Attendance**  
PN 2.024

Each faculty member sets his/her own policy on class attendance. Such policy is to be indicated to the student in writing at the beginning of the semester and should not be changed during the semester. It is the responsibility of the student to understand clearly the attendance policy of each of his/her instructors and to act accordingly.

The student is responsible for explaining the reason for any absence to the instructor. If at all possible, the student should contact the instructor prior to the absence. No administrative officer of the University issues class absence excuses for any reason.

The Health Center does not issue verification notices for routine treatment. In cases of significant or prolonged impairment, the Center will provide appropriate written verification of treatment at a student’s request. If forced by an emergency to be absent from classes, a student may notify the Office of the Vice President for Student Affairs, which will keep such information on file should instructors wish to confirm the absence.
The faculty recognizes the value to the student of such activities as attendance at meetings of regional and national scholastic and professional organizations, participation in university-sponsored dramatic or musical events, and varsity athletics. Students participating in such activities, and who incur class absences because of them, are responsible for notifying their instructors in advance of such absences. Should an instructor have any question regarding the student's absence for such activities, she/he may call the faculty member of other persons responsible for the activity.

Undergraduate students on academic probation may not incur class absences for non-credit activities without prior permission of their instructors. Since field trips connected with activities offered for academic credit are a part of the academic program, students are eligible regardless of grade average.

In order to comply with financial aid regulations, instructors need do the following regardless of attendance policy:

1. Verify that class attendance matches official rosters at the end of the add/drop period and make record of students on the roster who have not attended; and
2. Record a date of last attendance for each student receiving a grade of FX at the end of the term.

The University Store (Bookstore)

The University Store (located in the Lane Center) orders materials and books required for classroom use. Prior to each semester, notice is sent out to faculty requesting book-ordering information for the following semester. This information can be submitted through the University Store’s online textbook requisition system, which can be found on the University Store webpage, or submitted in paper form. Summer and Fall adoptions are due to the store by May 1 and Winter and Spring adoptions are due to the store by November 1. The faculty discount is ten percent on imprinted materials and supplies. Department discount on general merchandise is fifteen percent. All profits generated by the University Store are returned to the University to help reduce student fees and costs.

Textbook Provision

PN 3.071

The University Store can be considered as the main repository of information regarding textbooks, course materials, and classroom supplies for the FSU community. As such, all instructors shall provide the Bookstore, on a timely basis, with a completed "textbook adoption form" as supplied by the Bookstore each semester.

Any faculty member shall have the option to place orders for texts and other materials at any retail outlet, in the spirit of free enterprise and open competition. However, to serve students who are unable to go to other locations and make multiple purchases (e.g., parents provide only one check; "Bobcat Express" money is being used; physically challenged students are unable to obtain transportation), the Bookstore shall also receive textbook adoption requests so that students with particular needs can be served.
Cancellation of School
PN 3.013

Only in very unusual circumstances does the University ever close. When weather is so severe that it is necessary to close FSU, official notification will be made through the local news media, the University email system, and the Burg Alert Text Messaging Service.

Class Rosters

Class rosters are available on PAWS, Learning Management (see “Access Class Roster”). A class roster is the listing of all students officially registered for a specific course and section. Only students on the roster should be allowed to attend the class.

Class Schedules

Class schedules are made up by the Department Chair in consultation with the faculty members of the department. The Department Chair submits the schedule to the respective College Dean for approval of course offerings, faculty assignments, and specific class hours for courses.

Any changes in meeting times must be cleared with the Department Chair in advance and reported to the College Dean and the Registrar.

Classroom Visitation
PN 2.027

Frostburg State University supports and defends the individual faculty member’s right to academic freedom within the context of academic accountability and professional behavior. As an extension of that right, the faculty member has control and authority regarding issuance of permission for visitations to the class by any person or persons who are not regularly enrolled but who express an interest in attending one or more class sessions. Requests for class visitations should be for appropriate reasons such as faculty evaluation, academic or professional interest in the subject matter, or a desire to listen to a guest lecturer. Unless an open invitation is issued by the faculty member for attendance at class meetings, requests for visiting a particular class or classes must be made to the principal instructor of the class in a timely manner so as to comply with professional courtesy. Such requests should indicate a reason for the requested visit. This policy shall not prohibit reasonable, unannounced health and safety inspections by the Department of Public Safety.

Commencement Attendance

Faculty members are strongly encouraged to attend commencement. For those faculty members who participate in the commencement exercise, academic regalia is required. Arrangements for renting academic regalia can be made through the University Bookstore.
Record Keeping and Confidentiality
PN 4.030

Under the federal law entitled, "The Family Educational Rights and Privacy Act of 1974," the University is obligated to comply with certain procedures in handling and releasing personally identifiable information regarding students. The law provides college students the right to inspect official records directly related to themselves and an opportunity for a hearing to challenge such records on the grounds that they are inaccurate, misleading, or otherwise inappropriate.

Additionally, the law restricts, with certain specified exceptions, the release of personally identifiable data about students to third parties without the student's written consent.

The law permits a student to waive his/her right of access to confidential letters and statements of recommendation placed in a file that pertains to admission to any educational institution, application for employment, or receipt of an honor or honorary recognition. Pursuant to this, the University office involved in placement services for students, the Office of Career Services, has established a system whereby students, at their option, may waive their right to inspect letters or statements of recommendation submitted on their behalf in connection with admission to post-graduate institutions or applications for employment.

Another noteworthy exception to the law deals with the release of information to third parties. The law specifically provides that student written consent is not required where the student records circulate within the University for disclosure to those University officials with an appropriate educational interest. Faculty members and administrators are covered by this provision.

Continuing Instruction When Faculty Members Are Absent for Any Reason
PN 2.032

It is the responsibility of each Departmental Chair to help select a collegial substitute for any instructional faculty member who experiences a short-term absence from the classroom. This practice protects the interests of students by insuring the supply of qualified substitutes who are familiar with the teacher's educational objectives, methods, and standards.

Disability Support Services

The Office of Disability Support Services works closely with faculty to provide a positive learning experience for students with all types of disabilities. Some of the services available to students through DSS include the following:

1. Academic advising and counseling
2. Psychoeducational evaluation upon referral
3. Modified exam procedures
4. Sign language interpreters
5. Transcription
6. Audio textbooks and study materials
7. Use of telecommunications devices for the hearing impaired
8. Recording devices, including the use of recording devices to assist with the notetaking process.

At the beginning of each semester, students registered with the DSS office will present faculty with a letter outlining approved accommodations. It is the University’s obligation to not discriminate against students with disabilities. As part of our non-discrimination process, accommodations approved by DSS must be provided to the student upon request.

The student and the instructor should discuss how to apply the approved accommodations. The instructor may choose to arrange accommodations on his/her own, or DSS will provide those accommodations if preferred.

Although a student may decide that he or she does not wish to use approved accommodations, this is the sole decision of the student and accommodations should be available. Accommodations may not be withheld because of a student’s previous decision not to use them.

Faculty should ensure that classroom materials, including multimedia, are accessible to those with disabilities. The DSS office is available to assist with accessibility questions.

An appeals and grievances policy exists to address concerns, and appeals related to the Office of Disability Support Services should be directed to the Director of DSS (301-687-4483). However, in those instances when a grievance directly involves the Director of DSS, a student or faculty member may choose one or both of the following options.

1. One may direct her/his grievance to the Director of Programs Advancing Student Success (301-687-4598) who supervises the Director of DSS.
2. One may choose to file a formal grievance with the Americans with Disabilities Act (ADA) Office (301-687-4102) by following the “ADA Grievance Procedures for Students, Employees, and Visitors,” which is available at the ADA Office.

**Disruptive Student Behavior in the Classroom**

The University will not tolerate disorderly, disruptive, or unsafe conduct, which substantially threatens, harms, or interferes with university personnel or orderly university processes and functions. A faculty member may require a student to leave the classroom when his/her behavior disrupts the learning environmental of the class. A student found responsible for disruptive behavior in the classroom may be administratively withdrawn from the course.

A faculty member may require a student to leave the classroom for disruptive behavior or conduct which may impact the health and safety of other students. In those instances where the behavior is such that the faculty member recommends removal of the student from the course itself, the following procedures must be followed:
The faculty member must report the student's name and a brief description of the student's behavior to his/her chair and the appropriate college dean. This initial report must be in writing and must be filed within one day of the incident.

After reviewing the initial report, the dean may prohibit the student from attending the class pending the hearing provided for in paragraph d. below. Written notice of any such decision must be provided to the student, faculty member, and the department chair.

Within three days of the incident the faculty member must complete a Violation Report and forward it to the Office of Student and Educational Services. Violation Report forms are available at the Office of Student and Educational Services.

Within five days of receipt of the Report by the Office of Student and Educational Services, a hearing will be conducted by a judicial hearing panel, which shall forward its recommendations to the Provost within 24 hours of the close of the hearing. Recommendations may include removal of the student from the course.

Panel recommendations, and decisions of appellate boards, are subject to review by the Provost or the Provost's designee.

A student who is administratively removed from a course before the end of the withdraw period will receive a grade of "W" in the course. A student who is administratively removed from a course after the end of the withdraw period will receive the grade of "W" if the student is passing the course at the time withdrawal or the grade of "WF" if the student is failing the course at the time of withdrawal.

Students of Concern

Frostburg State University maintains a Students of Concern (SOC) team that provides guidance and assistance to students who are experiencing crisis, displaying odd or unusual behaviors, or engaging in other behaviors that may be perceived as being harmful (either to the student individually, or to others).

The SOC team accepts referrals and responds to students (and their families, faculty, and staff) when concerns for a student's health, welfare, and safety are identified.

A faculty member may choose to report a student of concern by completing the appropriate form. The following link will direct the faculty member to the correct form: https://www.frostburg.edu/reporting-an-incident/

Examinations and Grading

Examinations
PN 2.015

All faculty will employ and describe clearly, in writing, examination or other evaluation practices appropriate to each course and discipline to yield reliable evidence of student performance. Syllabi, distributed no later than the second class period, also will describe the proportional value of each examination, including the final examination, and make-up policies.
Faculty members are reminded that examinations, meetings, classes, etc., which are occasionally held after normal class hours—usually in the evening—will inevitably cause conflicts for students who are enrolled in curricular activities or who are active in campus organizations. Whenever such course requirements have not been clearly stated in the course description or in the schedule of courses, instructors should offer alternatives to a student who would be forced to miss a regularly scheduled rehearsal, choral group meeting, or other previous commitment.

**Final Examinations**

**PN 2.016**

It is the policy of Frostburg State University to establish a final examination period. In accordance with this policy, no final examinations are to be administered at any other time than during the established final examination period. Exceptions to this policy, for valid academic reasons, must be approved by the Department Chairperson and reported in writing to the appropriate College Dean and the Registrar by the Department Chairperson.

All syllabi will indicate the schedule for the final examination period (the 15th week of the semester) and will describe the activity.

**University Procedures for Review of Alleged Arbitrary and Capricious Grading (Grade Grievance Policy)**

*Based on Board of Regents Policy III-1.20*

**Grounds for Grievance**

The following procedures implement the University of Maryland System Policy for Review of Alleged Arbitrary and Capricious Grading (BOR III-1.20) and are designed to provide a means for a student to seek review of final course grades alleged to be arbitrary and capricious. In this policy the term *arbitrary and capricious* grading means 1) the assignment of a course grade to a student on some basis other than performance in the course; 2) the assignment of a course grade to a student by unreasonable application of standards different from the standards that were applied to other students in that course; or 3) the assignment of a course grade by a substantial and unreasonable departure from the instructor’s initially articulated standards.

Alleging a final grade to have been determined in an arbitrary and capricious manner is the sole ground upon which a student may seek review under these procedures. Since matters within the instructor’s sphere of academic judgment—such as choice of instructional and evaluation methods, criteria, and standards for evaluation—are not grounds for grievance, the burden of proving arbitrary and capricious grading by clear and convincing evidence will rest with the student.

**How to Undertake a Grade Grievance**

Students or faculty who desire additional information about the procedures that follow should contact the Associate Provost. Class days are days classes are in session in the subsequent semester after the grade
that the student wants to grieve is assigned. The timetable portrays the maximum time allotted. Participants can meet their responsibilities any time before the specified day.

Stage I: Mediation

A student seeking review for a final grade in a course should make a reasonable effort to confer with the instructor (in person or in writing) and attempt to resolve the matter informally. If this effort is unsuccessful, the student approaches the chair of the department offering the course to request mediation of the grade dispute. This action must be taken no later that the 15th class day of the semester subsequent to the term in which the grade was received. The chair will inform the student of the grounds proper to a grade grievance, as stated above.

The chair also will review relevant materials and consult with the instructor in an effort to resolve the issue of the grade. (If the instructor involved is the chair, the student approaches the senior faculty member in the department to request mediation). Mediation must be completed no later than the 25th class day.

In cases where a resolution mutually acceptable to the student and the instructor is not forthcoming, and the student wishes to pursue a formal grievance, the student may proceed to Stage II.

Stage II: Formal Grievance

As a precondition to filing a formal grievance, a student must fulfill all of his/her responsibilities and meet the deadline specified in Stage I: Mediation above.

No later than the end of the 30th class day of the semester, a student still wishing to grieve a grade must file a written grievance with the instructor's College dean. This grievance must describe in detail the bases for the allegation that the grade was arbitrary and capricious, and include all evidence supporting that claim. The student must send copies of this statement to the instructor and the chair.

Within 10 class days of receipt of a student’s written, Stage II grievance, the dean will dismiss the grievance if the student 1) did not participate in Stage I: Mediation and/or meet the deadline specified in Stage I; 2) did not file the Stage II appeal by the stated deadline; 3) does not furnish evidence that the allegations, if true, constitute arbitrary and capricious grading, as defined above, and/or 4) has filed a complaint concerning the same grade with the ADA/EEO Compliance Office alleging discrimination or sexual harassment.

If the grievance is not dismissed, the dean shall ask the instructor to respond to the grievance in writing within ten class days, addressing the response to the dean and copying the student and the chair. The dean will ask the chair to forward all documentary evidence collected during the mediation stage to the dean.

If the grievance is not dismissed, the dean shall appoint a grade grievance committee of three tenured faculty members and shall set the date for an informal, non-adversarial grade grievance hearing to occur within five class days following the due date for a written response from the instructor. The student, the instructor, and the chair will be invited to attend the hearing and may present relevant evidence. The dean also will attend and may choose to participate in the discussion. In keeping with the informal nature of the
hearing, neither the student nor the instructor may be accompanied by a representative or advisor. If the academic records of other students in the grievant's class are relevant to the discussion, the grievant must be excused for that portion of the hearing in order to protect the privacy of other students. The grade grievance committee shall forward its written recommendation to the dean within five days after the conclusion of the hearing. The dean may accept, reject or alter the recommendation. The dean shall render a decision to the student in writing, either in support of the original grade or of a grade change, with copies to the instructor, the chair, and the members of the grade grievance committee. If the dean recommends a grade change and the instructor refuses to change the grade, the dean will vacate and replace the grade in question.

In deciding whether the circumstances justify changing the grade, the dean shall determine whether the grievant has provided clear and convincing evidence of *arbitrary and capricious* grading. The dean’s decision is final.

### Change of Grades

A faculty member desiring to change a student's grade that has already been recorded by the Registrar must submit, to the Registrar, a Change of Grade form stating the reasons for the change. If the change of grade is not from "I" (incomplete) to a letter grade, the form must be approved by the Chair of the Department (or the Dean of the College if the Chair is the instructor) in which the course resides.

All grade changes must be made within six weeks of the beginning of the following semester. No grade changes are allowed after this date except in the case of an ongoing grade grievance that has reached Stage II; a late withdrawal due to documented extenuating circumstances; or, in exceptional cases, with the approval of the Dean of the College that offers the course. Faculty and students should raise issues about grades immediately upon recording and receipt.

### Course Repetition and Grading

A course may be counted toward graduation requirements only once regardless of how many times it is repeated unless the officially approved course description states that the course can be repeated for credit. Beginning with courses repeated in fall 2007 and after, when students repeat coursework in which they have earned a grade of A, B, C, D, F, FX or WF, the last grade earned, whether higher or lower, will count in their cumulative grade point average. Only a grade of A, B, C, D, F, FX, WF, or P (in courses where all students are graded P/F) can replace the previous grade earned. The earlier grade will continue to appear on a student’s transcript, but the credit hours attempted or earned and the grade earned in the previous attempt will not be used in calculating the cumulative grade point average and cumulative credits. The coursework must be repeated at Frostburg State University. *(See the undergraduate catalog regarding approvals required for course repetitions in a specific major).*
Grading System
PN 2.013

The grading system used at the University appears in the Frostburg State University catalog. The grading system is as follows:

A  Superior
B  Above average
C  Average
D  Passing, but below average
F  Failure
P  Pass
AP, CE, CL, IB, PT  Pass by examination
W  Withdrew
WF  Withdrew after the withdrawal deadline (counts as an F, failure)
FX  Withdrew unofficially (counts as an F, failure)
NC  No credit
I  Incomplete
AU  Audit (no credit earned)
NR  Grade not provided by instructor
CS  Continued Study Required (students must enroll in a course which satisfies the requirement in the next semester). Only available in English, mathematics, and health education courses that meet Basic University/Core Skills Requirements.
N  Non-pass (not permitted except where P/N is the only method of evaluation for a particular course)

Faculty members should familiarize themselves with the explanation of the Incomplete, Withdrawal, and NC (No Credit) grade as described in the catalog. Faculty members are expected to include in the course syllabus the method by which final grades will be determined. Included in such a statement should be the faculty member's use or nonuse of the NC grade. Faculty are to follow grading systems established by the department in certain courses. (See Department Chair for these courses.)

Mid-Semester Warnings
PN 2.038

Faculty members will assess students’ progress in all 100- and 200-level courses, and in all courses that meet Core Skills Requirements in the General Education Program, prior to mid-semester. Students performing at the D or F quality level will be issued a mid-semester warning early in the seventh week of classes. Students are responsible for discussing their performance with their instructors immediately.

Reporting Final Grades

All faculty are obliged to record semester grades on the final grade roster and to submit that roster online through PAWS within 48 hours after the scheduled final exam. The College Dean must approve exceptions.
Restricted Grade Forgiveness for Returning Undergraduate Students

An undergraduate student returning to Frostburg State University after a separation of a minimum of five calendar years may petition the Admissions Office to have a number of previously earned grades and credits removed from the calculation of the cumulative grade point average. Up to 16 credits and corresponding grades from courses previously completed at Frostburg State University will be removed from calculation of the grade point average and will not be counted toward graduation requirements.

The petition for restricted grade forgiveness, specifying the course credits to be deleted, must be filed at the time of readmission and prior to the first registration after readmission, after consultation with the department chair in the student's major department. To be eligible for restricted grade forgiveness, the student must re-enroll in course work at Frostburg State University and the student may only use the restricted grade forgiveness once in their academic career.

The Center for International Education

The Center for International Education (CIE), located in the Fuller House, promotes, coordinates, and supports FSU's study abroad programs and sponsors international co-curricular programs on campus. The Center also oversees international student programs and services. The Center's Director is advised by the International Education Council consisting of students, faculty, and administrators.

The CIE currently sponsors or co-sponsors study abroad programs in many countries around the world. The CIE is also affiliated with the International Student Exchange Program (ISEP), the School for International Training (SIT), Cultural Experiences Abroad (CEA), and the American Institute for Foreign Study (AIFS), and many other programs, all of which provide overseas programming in hundreds of locations.

The Center awards study abroad scholarships to academically qualified FSU students who participate in FSU-sponsored study abroad programs. Scholarship deadlines are March 15 for the summer session, fall semester, and academic year, and October 15 for the Intersession, spring, and summer (early bird) semesters.

The Center also awards the Rowe Scholarship to qualifying international students. Application deadlines for this scholarship are March 15, July 1, and October 15.

The CIE advises international students on U.S. Citizenship and Immigration Services (USCIS) regulations, local and U.S. customs and culture, campus life, and the U.S. educational system. Cultural trips for international students are arranged and funded through the CIE.

Faculty have an opportunity to participate in international programs through FSU, as well as to develop short-term programs in other locations, either through FSU or in conjunction with one of FSU’s affiliates. Proposals for new study abroad programs should be submitted to the CIE for review by the International Education Council at least 9-12 months in advance of the proposed program start date. All faculty who participate in overseas programs are required to obtain a copy of the ‘Study Abroad Faculty Handbook’ available from the CIE.
The CIE also serves as campus Fulbright representative for both students and faculty. Faculty who are interested in taking part in overseas exchanges or applying for Fulbright or other overseas programs should contact the CIE at 301-687-4714.

The CIE’s website is located at: http://www.frostburg.edu/admin/cie

**Library Services**

The Lewis J. Ort Library provides a wealth of research and reference materials for students, faculty, and community users:

- Over a half million items including books, journals, audio-visual materials, and other media;
- Thousands of e-books covering all academic subjects and accessible 24/7;
- Maryland state documents and U.S. government document collections;
- Approximately 300 periodical subscriptions;
- Over 37,000 full-text electronic journals and over 44,000 additional peer-reviewed open access resources available through approximately 80 online databases;
- Over 100,000 maps and other media resources such as art prints;
- Unique collections focusing on Frostburg State University, Western Maryland history (including commercial and cultural development), Communist Party USA, and U.S. Senators J. Glenn Beall and J. Glenn Beall Jr.

These resources can be discovered on the library’s website through:

- OneSearch: Provides the ability to search multiple article databases, library collections, and other online resources simultaneously, resulting in a single list of pertinent resources. The results may include titles found in any of the 17 University System of Maryland and Affiliated Institutions (USMAI) library’s collections;
- A-Z Databases LibGuide (http://libguides.frostburg.edu/az.php): Provides a list and access to over 80 databases, some of which are also accessible through OneSearch;
- CatalogUSMAI: Provides access to the collections of the 17 libraries in the University System of Maryland and Affiliated Institutions (USMAI) Consortium of Libraries.

Research Assistance provided through of variety of methods:

- Drop-in request: Librarians and trained staff are available for drop-in reference consultation at the Reference Desk or via telephone;
- Electronic reference through:
  - Ask a Librarian, an email reference service which connects to an FSU librarian;
  - Maryland AskUsNow, a live online interactive chat service available 24 hours a day, 7 days a week;
- Research consultation: A scheduled, private appointment with a reference librarian or Special Collections librarian, either on campus or online.
Information literacy instructional services are provided to classes at the request of faculty members to introduce students to the library or to enhance students’ knowledge and use of the relevant resources supporting their courses. Services include:

- Customize in-person or online instruction sessions for a specific class or course;
- Create an online library guide for a specific course;
- Collaborate with faculty members to provide library instruction through other means that are most appropriate to the students’ needs, such as through our learning management system or other online tools.

Other services include:

- Reserve Collection: Place books, articles, or other materials on reserve to be used by students in specific courses;
- Interlibrary Loan: Request resources not available at FSU or USMAI libraries from other institutions;
- Academic Program Support:
  - Compile and report the library portion of the Academic Program Reviews and other accreditation reports;
  - Analyze library resources on a specific subject;
  - Assist with department requests for print, ebooks, or media library materials;
- Individual and group study rooms as well as a smart multimedia room for practicing group presentations.

For more information see the Library Services for Faculty page on our website.

**Faculty Office Hours**

PN 2.005

All faculty are expected to schedule office hours and to keep those hours as scheduled. Office hours are to be scheduled, at reasonable times, for a minimum of five hours a week over at least four days of each week during the regular semester. Faculty members are to be available, on a reasonable basis, for appointments outside their regularly announced office hours. Individual departments may require additional posted hours. Justifiable exceptions (intern supervisors, part-time instructors, and summer school teachers) are to be worked out with the Department Chairperson and approved by the appropriate College Dean.

**Printing Services**

Printing services are available to faculty on the first floor of the Hitchins Administration Building. These services include offset, photocopying, color copying, collating, and stapling. For large jobs, adequate notice should be given to Printing to schedule the type of copying. Copyright materials may be duplicated with the permission of the author/publisher, the payment of royalties in specified instances, and in accordance of the law. The normal turn-around time is four days via the campus mail or two working days if the materials are delivered and picked up. Test material may only be relinquished to a faculty member or secretary. Students (including graduate students) may not pick up test material under any conditions.
Network printing is available through the university network server. You can send electronic files directly to the DT 6115 printer from the convenience of your office PC. Instructions on how to link to the printer can be found at https://www.frostburg.edu/printingservices/xerox-instructions/ or by calling x4164.

Program Entrance Requirements

Departments or programs at Frostburg State University that desire to establish entrance requirements into an academic program which are above those required by the University for continued matriculation may do so only after obtaining approval from the appropriate faculty governance bodies, the University Provost, and the President. The department chair or program coordinator will initiate the approval process by completing the "Application for Establishment of Additional Program Entrance Requirements". This application shall be submitted through the channels outlined on the form, with appropriate rationale attached. Fifteen (15) copies, with chair/coordinator and dean signatures, should be delivered to the Committee Chair no later than ten (10) days prior to the regularly scheduled meeting of the Academic Affairs Committee. Implementation shall not take place until final approval of the requirement by the President of the University.

Programs Advancing Student Success (PASS)

The Programs Advancing Student Success (PASS) Office is devoted to helping all students achieve academic success. PASS services include: assessing math and language skills of entering students; providing developmental math instruction; assisting students with development of learning strategies and workload management; individual tutoring for writing and content courses through the Tutoring Center; and one-on-one assistance for students wanting to improve time management, textbook reading, and test-taking skills through the PAL (Peer-Assisted Learning) program. Faculty may send recommendations to PASS for students with academic needs that cannot be addressed through means available in the academic department. PASS also offers individual appointments for students on academic probation or academic warning and helps them identify problem areas and appropriate resources to help them improve academic performance.

Registration for Classes
PN 4.004

Information concerning registration dates, times, and procedures appear in the University calendar, the academic schedule, and supplementary instructions distributed by the Registrar.

Scheduling of Academic Assignments on Dates of Religious Observance
PN 2.034

It is the policy of Frostburg State University that the academic programs and services of the University shall be available to all qualified students who have been admitted to its programs, regardless of their religious beliefs. Students shall not be penalized because of observances of their religious holidays and shall be given an opportunity to make up, in a reasonable time period, any academic assignment that is missed due to individual participation in religious observances. It is the responsibility of the student to notify his/her instructor of conflicts between religious observances and scheduled course activities.
Student Privacy Rights

Education Records Disclosure
The Family Educational Rights and Privacy Act (commonly referred to as “FERPA” or the “Buckley Amendment”), provides that students have certain rights regarding the inspection and disclosure of education records directly related to them and maintained by the University.

Students have a right to inspect and review their education records. Education records generally include every record that is related to the student, with certain minimal exceptions. Personal notes made by faculty members about the student may or may not be considered education records.

Therefore, it is recommended that faculty be prudent when taking notes about students and are cautioned about sharing them with others. Faculty should also note that emails in which a student is mentioned are generally considered public records and often must be released to a student who requests them.

Personally Identifiable Information
Students have a right not to have the University disclose personally identifiable information contained in the student’s education records without the student’s prior consent, except to the extent authorized by FERPA for disclosure without consent. One of the exceptions is to release information to University officials with a legitimate educational interest that requires access to the educational record in order to fulfill a professional responsibility, e.g. teaching or advising a student.

Personally identifiable information includes but is not limited to student identification numbers, student grades and academic warnings, disciplinary actions, and financial and billing information. This information cannot be disclosed to anyone other than the student or appropriate University official without the student’s prior written consent.

Student identification numbers are considered personally identifiable information. No part of the student identification number may be used to identify students on a grade sheet or other form. Example 1: Students may not be requested to sign their name next to their identification number on a class roster that other students will be able to see as the list is passed around the classroom; Example 2: Student grades should not be posted using the student identification number.

Directory Information
Directory information may be disclosed without the student’s prior consent unless the student completes a Non-Disclosure of Information Form through PAWS. Before disclosing directory information, the faculty member should check the student’s PAWS record for an icon that looks like a window shade. If the icon appears, the student has requested non-disclosure of directory information. The University considers the following information to be directory information: Name; local, home, and email address; local and home telephone number; major field of study; classification; dates of attendance, degrees, and awards received; officially recognized activities and sports; weight and height for athletes; and most recent school or educational institution attended.
**Authority to Release Information Form**

Faculty and advisors may determine if a student has given such consent by checking the student’s record in PAWS. If the student has given permission to disclose information, such as grades or financial records, there will appear a yellow icon representing a sheet of paper (Authority for Release of Information). Click on the icon to determine what information the student has given permission to disclose and to whom s/he has given such permission (see example of PAWS screenshot below). The permitted disclosures are limited to those the student has checked on the form. For example, the student may give permission to discuss grades with a parent but not disciplinary actions.

Unless the student has executed the form and the name of the person who is requesting information appears on the disclosure list, the faculty member must not disclose any personally identifiable information. In such cases, or if the faculty member is unsure of whether the student has given permission to disclose, the requestor should be directed to the Office of the Provost.

**NOTE:** Permission must be renewed annually and is reset each year on June 30.
AUTHORITY FOR RELEASE OF INFORMATION

In accordance with the Federal Education Rights and Privacy Act of 1974 ('FERPA'), I authorize and consent to the release of information from my academic and financial records at Frostburg State University, Frostburg, Maryland, as requested below to the stated individual(s) during academic year 2014 - 2015.

I release Frostburg State University, the University System of Maryland, the State of Maryland and any individual, including records custodians, from all liability for damages that may result to me due to compliance, or any attempts to comply, with this authorization.

This release is binding, now and in the future on my heirs, assigns, associates, and personal representative(s) of any nature.

***EXPIRES AUTOMATICALLY AT THE END OF THE ACADEMIC YEAR***

I authorize release of the information below:

ALL REQUESTED INFORMATION: Y
- OR -
SPECIFIC INFORMATION (CHECKED ITEMS BELOW):

<table>
<thead>
<tr>
<th>Information</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-term warnings</td>
<td>N</td>
</tr>
<tr>
<td>Student Code of Conduct Actions</td>
<td>N</td>
</tr>
<tr>
<td>Billing Information</td>
<td>N</td>
</tr>
<tr>
<td>Final Grades</td>
<td>N</td>
</tr>
<tr>
<td>Financial Aid Information</td>
<td>N</td>
</tr>
<tr>
<td>Academic Probation or Dismissal Status</td>
<td>N</td>
</tr>
</tbody>
</table>

Name of person to release information to:

Recipient's Name: [Redacted]

If information is to be mailed to the above person provide:

Street Address: [Redacted]
City: Cumberland
State: MD
Zip Code: 21502

Name of additional person to release information to:

Recipient's Name: [Redacted]

If information is to be mailed to the above person provide:

Street Address: [Redacted]
City: Cumberland
State: MD
Zip Code: 21502

Name: [Redacted]
student signature: [Redacted]

PAWS ID: [Redacted]
Date: 07/17/2014
Syllabus
PN 2.025

A syllabus is required for every course. A paper or electronic copy of the syllabus must be distributed to each student in the class by the second class period. In addition, two copies (either paper or electronic) must be given to the department’s administrative assistant (one copy to be retained by the department and available for review by prospective students, and one copy for University files).

Syllabi are to include the following:

1. Course title, number, section, semester, and year.

2. The instructor's name, office number, building name, telephone numbers of faculty office/secretary, and office hours (posted and statement indicating available by appointment).

3. Course description as it appears in current catalog.

4. A description of major course objectives, activities, assignments, and examinations or other evaluations.

5. List of learning resources (required/recommended textbooks and other course materials or expenses particular to the course).

6. Statements on:
   a. Attendance and tardiness, including an explicit statement of terms and/or penalties that pertain to student participation in co- and extracurricular activities.
   b. Late, incomplete, or missing assignments; make up exams.
   c. Grading procedures, including relative weightings and methods for determining the final grade. (Included in the discussion of grading should be a statement concerning whether or not the CS, in Core Skills courses, or the NC, for students with fewer than 60 credits earned, is an option in this course; if so, what criteria will be used to determine whether a student is eligible for this grade; and, for the CS, what the students' future obligations are if they receive this grade.)
   d. Class participation.
   e. Academic dishonesty, including plagiarism.

7. A schedule of assignments, readings, and examinations or evaluations: a per-class schedule of activities (as appropriate for the course).

8. A description of activities and the schedule for the final examination period (the 15th week of the semester).
9. Course syllabi for courses listed for both undergraduate and graduate credit should be different. The general expectation is that a student receiving graduate credit should be required to perform at a higher level than an undergraduate student. As such, the graduate syllabi should reflect specific learning outcomes appropriate for graduate-level students. Graduate grading options are also different in that graduate students cannot be awarded a “D” letter grade for below average performance.

New course proposals for 400/500 classes should be submitted with two distinct syllabi, one identifying the undergraduate course requirements and a second that identifies graduate requirements.

10. All syllabi must include a clear statement explaining that instructors are mandatory reporters of child abuse and of gender-based harassment, misconduct, and violence. The following is the suggested statement, though instructors may adjust it as long as it remains consistent with state law and FSU policy:

**CONFIDENTIALITY & MANDATORY REPORTING**
Frostburg State University and its faculty are committed to maintaining a safe learning environment and supporting survivors of violence. To meet this commitment and comply with federal and state law, FSU requires all faculty and staff (other than the confidential employees in CAPS and Brady Health) to report any instances of gender-based harassment, sexual misconduct, relationship violence, or stalking against students. This means if you share your or another FSU student’s experience with gender-based harassment, sexual misconduct, relationship violence, or, stalking, I have a duty to report the information to the University’s Title IX Coordinator. The only exception to my reporting obligation is when such incidents are communicated during class discussion, as part of an assignment for a class, or as part of a University-approved research project.

Faculty and staff are also obligated to report allegations of child abuse and neglect to University Police and to Child Protective Services. This obligation extends to disclosures of past abuse even if the victim is now an adult and the abuser is deceased. My duty to report suspected child abuse and neglect extends to disclosures that are made as part of classroom discussions and in writing assignments.

If you or someone you know has experienced an incident of harassment or violence, please go to [www.frostburg.edu/titleix](http://www.frostburg.edu/titleix) to find information on reporting options and the resources and services available for support.

11. All syllabi for courses in the General Education Program must include, on the first page of the syllabus, the following statement and table which align the course to one or more of the General Education Learning objectives. The table contains the operationalized definitions of six GEP learning objectives. All six must appear on the syllabus. Each instructor should mark an “X” by those objectives that are introduced, emphasized, and/or reinforced in the course.
GENERAL EDUCATION PROGRAM LEARNING OBJECTIVES:

This course is part of the General Education Program at Frostburg State University. The activities and assignments in this course introduce, emphasize, and/or reinforce the learning objectives of the General Education Program marked/checked below.

<table>
<thead>
<tr>
<th>Written Communication</th>
<th>Oral Communication</th>
<th>Mathematical and Quantitative Reasoning</th>
<th>Critical Thinking and Reasoning</th>
<th>Values and Social Responsibility</th>
<th>Appreciation of Cultural Identities</th>
</tr>
</thead>
<tbody>
<tr>
<td>We want our students to demonstrate proficiency in their written communication that would satisfy both academic and applied audiences. (Links to GEP Goal 1: Core Skills)</td>
<td>We want our students to demonstrate proficiency and professionalism in oral communication. (Links to GEP Goal 1: Core Skills)</td>
<td>We want our students to analyze and assess problems through calculation and by employing quantitative tools. (Links to GEP Goal 1: Core Skills)</td>
<td>We want our students to demonstrate skill and knowledge in solving problems using qualitative skills and conceptual rigor. (Links to GEP Goal 2: Liberal knowledge and skills of inquiry, critical thinking, and synthesis)</td>
<td>We want our students to demonstrate civic oriented behaviors and apply principles of social responsibility to solve community challenges. (Links to GEP Goal 3: Values and Social Responsibility)</td>
<td>We want our students to interpret situations through a lens of diversity and globalization. (Links to GEP Goal 4: Appreciation of Cultural Identities)</td>
</tr>
</tbody>
</table>

It is strongly recommended that syllabi include notice of the contingency plan to provide students with a way to continue coursework via the use of online or mailed materials should the University be forced to close as a result of pandemic flu.

Should educational or practical considerations necessitate changes in the syllabus, these are to be announced appropriately in advance and preferably in writing.
Faculty Governance
Faculty Governance

Faculty members have a primary role in the development of academic policy at Frostburg State University. Opportunities to affect policy are available through the Faculty Senate and its committee structure.

Charter of the Frostburg State University Faculty

ARTICLE I. Authority and Membership

Section 1. Basis of Authority

The laws of the State of Maryland and the policies of the Board of Regents of the University System of Maryland vest the governing authority for Frostburg State University in its President. The President holds full responsibility for the conduct of all University functions. Accordingly, all policies, recommendations, and resolutions adopted by the University Faculty will be submitted to the President for appropriate action.

Section 2. Purpose

The University Faculty will meet periodically to receive information and reports on the state of the University. In addition, the University Faculty may meet in special session to serve as the final recall body of the Faculty.

Section 3. Definition of University Faculty

All appointees of academic rank and library faculty, excluding Associate Dean or higher administrative rank, will constitute the Faculty of Frostburg State University.

Section 4. Voting Members

All members of the University Faculty as defined in Article I, Section 3, except non tenure-track faculty, will be voting members of the University Faculty.

ARTICLE II. Meetings

Section 1. Regular Meetings of the University Faculty

The University Faculty will hold three regular meetings during each academic year. The first meeting will be held during the first four weeks of the academic year. The second meeting will be held during the first four weeks of the second semester, at which time a report on the first semester's Faculty Senate activities will be given by the Chair of the Senate, and questions or comments relative to those activities will be entertained.

The third meeting will take place in the last four weeks of the academic year, at which time the Faculty Senate and its Committees will be required to report on their activities for the year.
University administrators will be encouraged to attend the first half of each meeting, and the second half of each meeting will consist of faculty members only.

Section 2. Special Meetings

Special meetings of the University Faculty may be called by the President of the University or by the Faculty Senate. Special meetings must be called by the Secretary of the Faculty Senate on petition of twenty percent of the voting members of the University Faculty.

ARTICLE III. Procedures

Section 1. Officers

The officers of the Faculty Senate will serve as the officers of the University Faculty. The Chair of the Faculty will preside over meetings of the University Faculty. In the absence of the Chair, the Vice Chair of the Faculty Senate will preside.

Section 2. Faculty Councilors

As a constituent institution of the University System of Maryland, Frostburg State University is entitled to at least two representatives on the USM Council of University System Faculty. Representation is based upon criteria contained within the Charter of the Council.

a. The allotted number of representatives of the Council of the University System Faculty and an alternate will be elected at large from among voting members of the University Faculty, including the Chair of the Faculty/Chair of Faculty Senate. Nomination and election will take place in the annual spring elections administered by the Faculty Senate Elections Committee.

b. Election of councilors will be for staggered three-year terms, such that at least one Councilor will be in his/her second year while the other(s) is (are) in the first year. The next highest vote getter in each election shall be designated the alternate councilor. In the event that a Councilor is unable to complete his/her term, the alternate councilor will complete the term of office.

c. Councilors and the alternate will attend and participate in System-wide meetings of the Council and report the actions of the Council at each meeting of the University Faculty and Senate.

Section 3. Quorum

One-third of the voting members of the University Faculty will constitute a quorum.

Section 4. Actions

Actions of the University Faculty will be submitted to the President of the University for review and appropriate action. The President will respond in writing to the Chair of the Faculty/Chair of Faculty Senate within 30 calendar days of the date of the report of University Faculty actions.
Section 5. Recall

Actions of the Faculty Senate are subject to review and recall by the University Faculty. The University Faculty may be called into special session for this purpose by petition under the provisions of Article II, Section 2. Recalls are subject to the following provisions:

a. Petition for University Faculty review or recall of Faculty Senate actions must be submitted to an officer of the Faculty Senate within ten school days following publication of the Faculty Senate minutes reporting the actions.

b. Upon receipt of a valid petition, the Secretary of the Faculty Senate will call a special meeting of the University Faculty. This special meeting must be scheduled within 15 school days of the receipt of a valid petition.

c. "School days" are defined as those on which Faculty are available on campus according to the official University calendar. School days thus include advising, registration, class, reading, and examination days.

d. A motion to revise or rescind an action of the Faculty Senate requires a majority vote of members of the University Faculty present and voting. Failure to achieve a quorum or a majority vote leaves the actions of the Faculty Senate in place.

Section 6. Amendments

Amendments to the Charter of the University Faculty must be approved by a majority of the votes cast. Such a vote may occur at any meeting of the University Faculty at which a quorum is present or by mail ballot conducted by the Secretary of the Faculty Senate. Amendments may be placed before the University Faculty through either of two routes:

a. Amendments to the Charter of the University Faculty must be placed before the University faculty for a vote if they are adopted by a majority vote of the Faculty Senate.

b. Amendments to the Charter of the University Faculty must be placed before the University Faculty for a vote if they are proposed in a petition signed by twenty percent of the voting members of the University Faculty. Upon receipt of a valid petition, the Secretary of the Faculty Senate will, within 15 school days, either call a meeting of the University Faculty or conduct balloting by mail.

Charter of the Frostburg State University Faculty Senate

ARTICLE I. Functions of the Faculty Senate

Section 1. Basis of Authority

The laws of the State of Maryland and the policies of the Board of Regents of the University System of Maryland vest the governing authority for Frostburg State University in its President.
The President holds full responsibility for the conduct of all University functions.

Accordingly, all policies, recommendations, and resolutions adopted by the Faculty Senate will be submitted to the President for appropriate action.

Section 2. Scope of Authority

Subject to the limitations of Article I, Section 1, the Faculty Senate will be the principal decision-making body of the University for all matters relating to academic programs and policies at both the graduate and undergraduate levels.

Section 3. Functions

Faculty Senate functions will include formulating and recommending policies and adopting resolutions concerning:

a. Academic programs and curriculum;
b. Standards for admission and retention of students;
c. Requirements for the granting of academic degrees;
d. University planning and budgets;
e. Faculty appointment, retention, tenure/permanent status, promotion, retrenchment, and dismissal;
f. The facilitation of faculty development and research;
g. Faculty conduct and discipline;
h. Academic freedom;
i. Faculty benefits, including salaries, insurance, and retirement;
j. Academic organization; and
k. Other aspects of institutional activity, which may affect the educational atmosphere of the University.

ARTICLE II. Membership and Officers

Section 1. Membership

There will be twenty-seven Faculty Senators, plus CUSF representatives (excluding the alternate), the Chair of the Graduate Council, and the Chair of the Chairs’ Council. Terms of office will begin June 1.

Section 2. Officers

The Chair of the Faculty will preside over meetings of the Faculty Senate and select from among its members a Vice Chair and a Secretary. The Faculty Senate may create other officer positions, as it deems necessary. Officers other than the Chair of the Faculty serve for one year but may be re-appointed.
Section 3. Faculty Senate Steering Committee

A Steering Committee will consist of the officers of the Faculty Senate along with the Chairs of the following University Committees:

- Academic Affairs Committee
- Faculty Concerns Committee
- Institutional Priorities and Resources
- Graduate Council
- Chairs’ Council

The purpose of the Senate Steering Committee is to:

1. Assist, according to provisions specified in this charter, in the nominations and election process;
2. Review and recommend policies and procedures on matters related to Senate operations;
3. Assist the Chair when the Senate is not in session in the expediting of business in every way compatible with the rights of the members;
4. Serve as the Institutional Nominating Committee for the Regents Faculty Awards;
5. In consultation with the Provost, appoint members and fill vacancies to the Institutional Review Board;
6. Administer and distribute results of the annual faculty morale survey;
7. Review and make recommendations to the President on the acceptability of candidate for the Faculty Athletics Representative;
8. Maintain the currency of the Faculty Senate web site;
9. Ensure that copies of the minutes of all University governance bodies are placed on file in the Library;
10. Foster coordination and communication between Senate committees; and;
11. Be responsible for overseeing the nomination and election process in cases of a Presidential Recall.

The Steering Committee may at its discretion invite Chairs of other committees to join. Jurisdictional disputes will be referred to the Steering Committee and, if necessary, determined by majority vote of the Steering Committee. (In case of a tie, the Chair of the Faculty will assign jurisdiction.) The Steering Committee will meet at least once each month during the academic year, or when called to do so by the Chair of the Faculty or his/her designee.

Section 4. Officers' Duties

a. Based on provisions set forth in the charters of the University Faculty and of the Faculty Senate, the Chair of the Faculty will:

   (1) Act as the principal spokesperson for the University Faculty.

   (2) Prepare agendas for meetings of the Faculty Senate and the University Faculty.
(3) Maintain the minutes of all meetings of the University Faculty and Faculty Senate. Distribute those minutes to the faculty.

(4) Ensure the agendas and minutes are distributed to all interested parties, including student government, in a timely manner.

(5) Convene and preside over meetings of the University Faculty, the Faculty Senate, and the Faculty Senate Steering Committee.

(6) Sit on the Institutional Priorities and Resources Committee.

(7) Serve as an ex officio member of the Faculty Concerns Committee.

(8) Represent the University Faculty as an ex officio member of:
   a. The Assessment and Institutional Effectiveness Council
   b. The University Council on Retention
   c. The FSU Foundation Board of Directors

(9) Receive responses to University Faculty or Faculty Senate actions from the President of the University

(10) Appoint, according to provisions specified in this charter, a Nominations and Elections Committee to oversee Faculty elections.

(11) Assign jurisdiction of an issue to the most appropriate committee in the event that the Faculty Senate Steering Committee is unable to reach a decision.

(12) Vote on matters before the Faculty Senate in the event of a tie.

(13) Call special meetings of the Faculty Senate Steering Committee and of the Faculty Senate.

(14) Rule on parliamentary procedure for use in Faculty Senate meetings and may appoint a Parliamentarian to advise on rules of procedure.

(15) Fill by appointment faculty vacancies on Faculty Senate, Committee, Subcommittee, and Advisory Groups (in accordance with Article III, Section 5, b-7.

(16) Sit on the University Advisory Council, and if unable to attend, send a representative in his/her place.

(17) Receive the same stipend amount as Department Chairs.
b. The Vice Chair of the Faculty Senate will:

(1) Preside over meetings and exercise the prerogatives of the Chair of the Faculty, in the absence of
the Chair of the Faculty.

(2) Assist in carrying out the duties of the Chair of the Faculty.

(3) Maintain currency of the Senate charter.

(4) Serve as a member of the Faculty Senate Nominations and Elections Committee.

(5) Produce and distribute to the faculty a monthly (while the University is in session) Faculty Senate
Newsletter.

c. The Secretary of the Faculty Senate will:

(1) Record the minutes of all meetings of the University Faculty and the Faculty Senate.

(2) Ensure that copies of the minutes of all University governance bodies are placed on file in the Library.

(3) Maintain currency of governance committees, subcommittees, etc. membership lists.

(4) Call special meetings of the University Faculty.
(5) Serve as Chair of the Faculty Senate Nominations and Elections Committee.

(6) Conduct mail balloting of the University Faculty on amendments to the charter of the University Faculty.

(7) Maintain the currency of the Faculty Senate Web site.

ARTICLE III. Elections

Section 1. Eligibility for Election

Only voting members of the University Faculty are eligible for election as Chair, Vice Chair, and Secretary of the Faculty. All appointees of academic rank and library faculty are eligible for election to the Faculty Senate as voting members, with the following exceptions:

a. Any person who holds appointment as a full-time administrator.

b. A part-time administrator who is not working under terms of an initial regular employment contract as a member of the faculty of Frostburg State University.

c. Associate Dean or higher administrative title.
Section 2. Limitation on Length of Service

Neither the Chair of the Faculty nor any elected member of the Faculty Senate may serve more than four full years consecutively.

Section 3. Nominations of Elections Process

The nominations and elections process will be conducted by the Vice Chair and Secretary of the Faculty Senate, with the assistance of another member of the Faculty Senate Steering Committee should either the Vice Chair or Secretary be a candidate for election.

Should the Vice Chair and Secretary both be a candidate for election, two members of the Steering Committee will conduct the nominations and elections process.

Section 4. Apportionment

Full-time tenured and tenure-track members of the Faculty Senate will be elected at large with the provision that the College of Business and the College of Education shall have at least three senators each, and the College of Liberal Arts and Sciences shall have at least six senators. Library faculty are not to be considered members of any College, but will have at least one Senator based upon the same process as for the Colleges. Non tenure-track faculty, including full-time and part-time non tenure-track positions employed solely as faculty are allotted two Senators. Non tenure-track faculty serving on the Senate have the same rights, privileges, and duties as full-time tenure, tenure-track, and Library faculty serving on the Senate. The remaining elected membership of the Senate will then be completed with the remaining 12 candidates in order of votes received. Within the Senate, no distinction will be made on the basis of order of election. In counting votes in any given year, the Nomination and Elections Committee will create a list of candidates in order of votes received along with the college in which each candidate’s department is located. The Committee will first assign seats to the top vote getters from each college in a way that ensures that the new Senate will meet the requirements. If the nomination process for Senators does not provide a sufficient pool of candidates to meet the representation mandate for either the Colleges, the Library, or non tenure-track faculty members, then the Senatorial replacement will be selected at large based upon the largest vote count among the remaining candidates who had been nominated but not elected.

Section 5. Election Procedures

The Nominations and Elections Committee will establish specific procedures within the following guidelines:

   a. General Election Procedures.

      (1) The Nominations and Elections Committee is responsible for maintaining an accurate listing of voting faculty and terms of and eligibility for office.
(2) Nominations and balloting are to be conducted by mail according to procedures established by the Nominations and Elections Committee. Faculty must be given at least one full calendar week to complete and return nominations or ballots.

b. Faculty Senators.

(1) Faculty Senators will be elected at large to staggered two-year terms.

(2) Candidates for the Faculty Senate must nominate themselves in writing by a date to be set by the Nominations and Elections Committee at least one week in advance of the election. Senate elections must be held no later than the last full week of April for terms beginning June 1.

(3) Candidates for the Faculty Senate may submit a statement of positions or philosophy of not more than one page to be circulated with the ballot.

(4) Half way through the nomination period the Elections Committee will announce any reserved seats for which there are no candidates.

(5) In the event of a tie, election is to be determined by lot.

(6) Immediately following an election, any vacant seats on subcommittees, advisory groups, or councils, which would normally be filled by election, will be awarded to the candidate with the next highest amount of votes regardless of college affiliation. These seats would be held for only one year.

(7) A seat, which becomes vacant before the end of a term will be filled for the period of vacancy from the most recent list of Senate nominees on which the University Faculty has balloted. Replacements will be made to retain at least three Senators from the College of Business, at least three Senators from the College of Education, at least six Senators from the College of Liberal Arts and Sciences, two Senators from non tenure-track faculty members, and at least one Senator from the Library. If the replacement process does not provide a sufficient pool of candidates to meet the representation of mandate for either the Colleges, the Library, or non-tenure-track faculty members, then the seat will be offered to the nominee not currently a member of the Faculty Senate who had the largest vote, and so on successively until the seat is filled. The Chair of the Faculty is responsible for retaining results of each year's Faculty Senate elections until the next year's elections have been completed.

(8) A Senator who is on sabbatical/professional leave, a leave of absence, or otherwise away from the University for a semester or more will inform the Chair of the Faculty of his/her intentions prior to the start of that semester. If the Senator is not able to attend regularly scheduled Senate and Committee meetings, the seat will be considered vacant and a replacement selected according to the provisions of 7 above. The replacement will serve out the entirety of the Senator's remaining term.
c. The Chair of the Faculty.

(1) The Chair of the Faculty will be elected at large to a two-year term.

(2) Election of the Chair of the Faculty will take place at least two weeks prior to the election of the Faculty Senate. Unsuccessful candidates for the position of Chair of the Faculty are eligible for election to the Faculty Senate.

(3) At least two weeks before the elections, candidates for Chair of the Faculty must nominate themselves in writing. Nominations may include a written statement of positions and/or philosophy no more than two pages long. These statements are to be circulated with the ballots.

(4) In the event that no candidate for Chair of the Faculty receives a majority of votes cast, a run-off election will be held between the two candidates who received the highest number of votes.

d. Recall of the Chair of the Faculty.

The Chair of the Faculty may be recalled subject to the following provisions:

(1) Any University committee or senator may send a Chair of the Faculty Recall Resolution to the Faculty Senate for action. Such a resolution shall be included under "new business" in the Faculty Senate agenda.

(2) The Vice Chair of the Faculty Senate, or a Faculty Senate designee, will preside over the recall agenda item allowing for debate and motion as deemed appropriate by Senators.

(3) A two-thirds majority of voting Faculty Senators present is required to recall the Chair of the Faculty.

(4) In the event of a recall vote, the Vice Chair of the Faculty Senate or Faculty Senate designee will act as Chair until a new Chair is elected.

(5) When the Chair of Faculty position becomes vacant, the Secretary of the Faculty Senate shall:
   (a) announce the vacancy and solicit nominations for said position within 7 school days,
   (b) receive nominations over a period of 15 school days following the announcement, and
   (c) mail election ballots to faculty members within 25 school days following the recall vote.

(6) The Faculty Senate Steering Committee will be responsible for overseeing the nomination and election process.
Should a Senator be elected to the position of Chair of the Faculty, the senate position vacated shall be filled according to the provision in Article III, Section 5, b. (7).

ARTICLE IV. Procedures

Section 1. Meetings

Regular meetings of the Faculty Senate will occur once each month during the academic year. All regular meetings of the Faculty Senate are open to any member of the University Community. Individuals who wish to make a statement concerning issues on the agenda must notify the Chair at least 24 hours in advance of the meeting. This advanced notice provision may be waived at the discretion of the Chair or by majority vote of the Faculty Senate.

The Chair of the Faculty may call additional meetings as needed.

Section 2. Quorum

Two-thirds of the voting membership of the Faculty Senate will constitute a quorum.

Section 3. Agendas and Minutes

The Secretary is responsible for circulating agendas in advance of each meeting of the Senate. The agenda is to be compiled in consultation with members of the Steering Committee. Minutes of the Faculty Senate will be compiled by the Secretary and circulated to all interested parties after each meeting. Copies of the minutes of regular Faculty Senate meetings are open and will be kept on permanent file in the Library.

Section 4. Rules of Procedure

Except in cases of conflict with specific provisions contained in this charter, the Faculty Senate will operate according to parliamentary procedure (using the edition of Robert’s Rules of Order currently used by the Board of Regents) as interpreted by the Chair of the Faculty. The Chair of the Faculty may appoint a member of the Faculty Senate to serve as Parliamentarian, this position not being considered an office of the Faculty Senate.

The following specific rules of procedure apply:

a. The presiding officer of the Faculty Senate will vote only in the event of a tie.

b. The normal route for substantive action is for an item to be considered by a Committee of the Faculty Senate prior to action being taken in the Faculty Senate. Direct Senate consideration of an item not reported by Committee requires two-thirds of those present and voting to set aside normal procedure.

c. The Faculty Senate will accept input from any member of the University community on matters under its consideration. Input may be in writing and/or in open meetings consistent with the provisions in Article IV, Section 1.
d. Motions coming from Faculty Senate Committees require no second.

e. A substantive motion before the Faculty Senate is passed when approved by a majority of those present and voting.

f. Actions of the Faculty Senate are subject to review and recall by the University Faculty under the provisions of the University Faculty Charter.

g. Actions of the Faculty Senate will be submitted to the President of the University for review and appropriate action. The President will respond in writing to the Chair of the Faculty within thirty calendar days of the date of the report of Faculty Senate actions.

h. The Faculty Senate may call upon the President of the University or other appropriate administrative officers to report to the Senate on the status of implementation of Senate recommendations.

Section 5. Amendments

Amendments to the Charter of the Faculty Senate may be proposed at any meeting of the Faculty Senate and will be valid if ratified by two-thirds vote of the Faculty Senate membership at the next meeting.

**Committee Structure and Procedures**

**OVERVIEW OF THE COMMITTEE SYSTEM**

**Types of Committees**

Any committee or working group which contains faculty membership and which engages in activities of broad interest to the University community will be governed by the procedures set forth in this document. Such groups will be divided into the following classifications:

1. **University Committees**
   These are the major governance committees of the University. University committees report to the Faculty Senate. Charter changes or the creation of new University committees require a majority vote of the Senate membership. Institutional Priorities and Resources Committee, Faculty Concerns Committee (and its Subcommittees: Faculty Promotion and Tenure/Permanent Status Subcommittee and Faculty Development and Sabbatical Subcommittee) will consist of faculty members only; all other University committees (and subcommittees) will composed of faculty, administrators, and students.

2. **University Subcommittees**
   These are jurisdictional subordinates to a major governance committee of the University and report to that committee. The Chair of each Subcommittee will serve as a member of the parent committee. Standing subcommittees have separate charters, regular duties that persist over a long period of time, and faculty elected directly to the subcommittee.
3. Senate Ad Hoc Committees
The purpose of Senate Ad Hoc Committees is to consider a particular problem or issue and/or to assist
with a specific task, in either case being of limited duration. The Faculty Senate may form Senate Ad
Hoc Committees. Senate Ad Hoc Committees must, at the time of their creation, be given a written
charge. They will automatically disband at the end of each academic year unless the Faculty Senate has
explicitly approved a longer life span with a specified end date. The Chair of the Faculty will appoint
members of Senate Ad Hoc Committees, with the provision that the creation of ad hoc Committees be
announced to the University community and an effort made to recruit volunteers from the community
for service on the committees.

4. Adjudicative/Mandated Committees
Several standing committees perform adjudicative functions. Others are mandated by the policies of
the Board of Regents of the University System of Maryland or by external groups or agencies. Groups
identified in this proposal as adjudicative/mandated committees have limited or uneven workloads and
have no set meeting time in the University schedule. Membership is by election or appointment
according to the provisions set forth in each committee's charter.

5. Administrative Advisory Groups
Administrative Advisory Groups are formed for the purpose of assisting an administrative officer of the
University in carrying out routine duties. They are created under the authority of the President or a Vice
President, with the advice of the Chair of the Faculty. The authorizing officer will provide a written
charge and designate an administrator under whose direction the group will work. Membership is by
administrative appointment and/or by election of faculty members.

6. Administrative Ad Hoc Task Groups
Administrative Ad Hoc task groups are formed for the purpose of assisting an administrative officer of
the University in carrying out specific tasks. They are created under the authority of the President, a
Vice President, or the Executive Director of University Advancement, and with the advice of the Chair of
the Faculty. The authorizing officer will provide a written charge and designate an administrator under
whose direction the group will work. Ordinarily, membership is by administrative appointment except
Ad Hoc task groups specifically formed to address issues of significance to faculty members, as
determined in consultation with the Chair of the Faculty.
The charge of such a group will be announced to the University community, and the Secretary of the
Faculty Senate will conduct University-wide elections to identify at least four full-time at-large faculty
members to serve as voting members on the group: two from the College of Liberal Arts and Sciences
and one each from the Colleges of Business and Education. Length of service is at the pleasure of the
appointing officer. All administrative Ad Hoc task groups contain administrators and faculty members;
they may also contain student members at the discretion of the appointing officer. The creation of an
Administrative Ad Hoc task groups, a copy of its charge, and an updated list of members must be filed
with the Secretary of the Faculty Senate no later than two weeks before the group meets.
The Committee System

Established University Committees and Subcommittees

1. Graduate Council

2. Academic Affairs Committee
   a. Academic Standards Subcommittee
   b. University Undergraduate Curriculum Requirements Subcommittee

3. Faculty Concerns Committee
   a. Faculty Promotion and Tenure/Permanent Status Subcommittee
   b. Faculty Development and Sabbatical/Professional Leave Subcommittee
   c. Faculty Handbook Subcommittee

4. Institutional Priorities and Resources Committee
   a. Faculty Workload and Compensation Subcommittee

Senate Ad Hoc Committees

The Chair of the Faculty will distribute a comprehensive list of ad hoc committees at the beginning of the fall semester.

Adjudicative/Mandated Committees

5. Faculty Grievance Committee

6. Faculty Ombudsperson Committee

7. Faculty Appeals Committee

8. Parking Appeals Committee

9. Institutional Review Board/Institutional Animal Care and Use Committee

Standing Administrative Advisory Groups

10. Student Conduct Hearing Panels

11. Academic Advising Council

12. Americans with Disabilities Acts (ADA) and Equal Employment Opportunity (EEO) Advisory Group

13. Athletics Program Advisory Group
14. Distance Education Advisory Group
15. Graduate Learning Assessment Advisory Group
16. Health Professions Advisory Committee
17. Honors Program Advisory Group
18. International Education Council
19. Intersession and Summer School Advisory Group
20. Library Advisory Group
21. Student Learning Assessment Advisory Group
22. Technology Advisory Group
23. University Marketing Advisory Group
24. University Council on Retention
25. President's Advisory Council on Substance Abuse Prevention
26. President's Advisory Council on Diversity
27. Center for Teaching Excellence Advisory Group
28. General Education Review Committee

Administrative Ad Hoc Task Groups
The President of the University will distribute a comprehensive list of ad hoc task groups at the beginning of the fall Semester.

Meeting Schedule
Within the University schedule, meetings will normally be scheduled during the hours of 4:00 to 6:00 p.m., although meetings may run over. Meetings of particular groups will be held according to a regular schedule. Individuals holding or seeking a post on a particular group should avoid scheduling classes or other obligations during the time periods designated for its regular meetings.
SERVICE ON COMMITTEES

Eligibility of Faculty Members for Service on Committees

1. Faculty members are eligible for service on University committees and subcommittees or on mandated committees if they qualify for election as voting members of the Faculty Senate. (See Charter of the Frostburg State Faculty Senate, Article III, Section 1.)

2. All members of the University faculty — full-time tenured and tenure-track; full-time non-tenure-track; salaried part-time non-tenure-track; and adjunct faculty — are eligible for service on standing administrative advisory groups and administrative ad-hoc task groups.

Limitations on Eligibility

1. University Committees and Subcommittees
   At any given time, no individual in the University community may be elected or appointed to serve on more than two of any combination of University committees and/or subcommittees. Ex-officio membership on University committees and subcommittees will not count toward this limit.

2. Administrative Advisory Groups and Ad-Hoc Task Groups
   At any given time, no individual in the University community may be elected or appointed serve on more than two administrative advisory groups or ad-hoc task groups. Ex-officio membership on administrative advisory groups and ad-hoc task groups will not count toward this limit.

3. Adjudicative/Mandated Committees
   If you serve on the Faculty Appeals Committee you may not serve on the Faculty Grievance Committee or the Faculty Promotion and Tenure/Permanent Status Subcommittee or the Faculty Development and Sabbatical/Professional Leave Subcommittee or the Faculty Concerns Committee at the same time. (The Provost’s decisions on these issues are subject to appeal.) Additionally, if you serve on the Faculty Ombudsperson Committee you may not serve on the Faculty Grievance Committee or the Faculty Appeals Committee at the same time.

Terms of Office

Unless otherwise specified in a particular committee's charter, faculty members on University committees, subcommittees, adjudicative/mandated committees, and administrative advisory groups are to be elected at large to staggered two-year terms of office.

Election Procedures

The Nominations and Elections Committee of the Faculty Senate is responsible for conducting elections of committee members. The Nominations and Elections Committee will establish specific procedures within the following guidelines:

1. Candidates for committee slots must nominate themselves in writing by a date to be set by the Nominations and Elections Committee at least one week in advance of the elections. Nominees must be able to meet at the regularly scheduled meeting time of the committee and must reasonably expect to serve a complete term of office.
2. In any given year, candidates may nominate themselves for election to no more than two University subcommittees.

3. In the event of a tie, election is to be determined by lot.

4. In the event that a faculty member is elected to more committees than permitted by the Limitations of Eligibility, the Nominations and Elections Committee will ask the individual to choose which one(s) they wish to serve on. They will then award the other seat(s) to the next highest vote getter(s).

5. All elections are to be conducted by electronic ballot according to procedures established by the Nominations and Elections Committee.

6. Immediately following an election, any vacant seats on University committees, University subcommittees, adjudicative/mandated committees or standing administrative advisory groups, which would normally be filled by election, will be awarded to the candidate with the next highest amount of votes regardless of college affiliation. These seats would be held for only one year.

7. A seat that becomes vacant before the end of a term will be filled for the period of vacancy from the most recent list of committee nominees on which the University Faculty has balloted, the seat being offered to an eligible nominee who had the largest vote, and so on successively until the seat is filled. The Chair of the Faculty is responsible for retaining results of each year's committee elections until the next year's elections have been completed.

8. A committee member who is on sabbatical/professional leave, a leave of absence, or otherwise away from the University for a semester or more will inform the Chair of the Faculty of his/her intention prior to the start of that semester. If the committee member is unable to attend regularly scheduled meetings, or if the member fails to notify the Chair and does not attend the first meeting of the semester, the seat will be considered vacant, and a replacement selected according to the provisions of 7 above. The replacement will serve out the entirety of the committee member's remaining term.

Selection of Faculty Senate Members of University Committees
The Faculty Senate will establish its own procedures for assigning members of the Faculty Senate to University committees. Assignments will be for a period of one year; returning senators are eligible for reassignment to the same committee. The Vice Chair and Secretary of the Senate will not be assigned to serve on any University Committee. They are free to run for election to any subcommittee, adjudicative/mandated committee, or administrative advisory group for which they are eligible.

Committee Procedures

Reporting Procedures for University Committees
1. The following major University committees report to the Faculty Senate: Academic Affairs Committee, Graduate Council, and Institutional Priorities and Resources Committee.
2. The Faculty Concerns Committee reports to the Faculty Senate except on matters involving individual members of the faculty.

_Selection of Committee Officers_
University Committees and Subcommittees. Each University committee and subcommittee will, at its first meeting following elections, select a Chair, a Recording Secretary, and such other officers, as it deems necessary from among its voting members. No individual may serve as Chair of a particular University committee or subcommittee for more than four full years consecutively.

Administrative Task Groups. The administrative officer who creates each administrative task group will designate its Chair. The Chair will appoint a Recording Secretary and any other officers needed.

_Internal Operating Procedures_
1. University committees will establish their own written operating procedures, subject to review by the Faculty Senate, and;

2. University subcommittees will establish their own written operating procedures, subject to review by their parent committee, and;

3. Administrative task groups will establish their own written operating procedures, subject to review by the administrative officer who organizes the group, and;

4. Members may participate in committee and Ad Hoc Groups by telephone or video-conferencing, provided all participating members deliberate collectively, each in the hearing of every other member and others in attendance at the meeting. Such members will be counted for quorum purposes and their votes shall be counted when determining the actions of the committee.

_Communication with the University Community_
1. Each year the Faculty Senate will publish and distribute to all members of the University community a comprehensive list of University committees, subcommittees, and Senate ad hoc committees, along with their membership and terms.

2. Each year the President of the University will publish and distribute to all members of the University Community a comprehensive list of Standing Administrative Advisory Groups and Administrative Ad Hoc Task Groups.

3. Each fall, at a meeting of the University Faculty, every University committee will report on its plans for the coming year.

4. Each spring, at a meeting of the University Faculty, every University committee will report on its activities and those of its subcommittees during that year.

5. With the exception of proceedings involving named individuals, the minutes of all meetings of University committees and subcommittees will be kept on file in the Library.
Amendments
Amendments to "Committee Structure and Procedures" may be proposed at any meeting of the Faculty Senate and will be adopted if passed by a majority vote of the Senate membership. Proposed amendments must be made available to all members of the University community and an opportunity given to affected parties to provide input to the Faculty Senate in advance of a vote.

Standing University Committees and Subcommittees

Graduate Council

Purpose
As a University Committee, the Graduate Council is responsible for initiating, reviewing, and making recommendations on graduate education.

Membership
1. Faculty (12, voting)
   a. One representative from each of the following masters programs: Counseling Psychology, Recreation and Parks Management, Wildlife-Fisheries Biology/Applied Ecology/Conservation Biology, Applied Computer Science, and Master of Arts in Teaching, and Nursing.
   b. Two representatives from each of the following masters programs: the Master of Business Administration and the Master of Education programs (Administration and Supervision, Curriculum and Instruction, School Counseling, Special Education, Reading, and Interdisciplinary).
   c. One representative from the Ed.D. program in Education Leadership.
   d. One Faculty in Library Services.

2. Faculty Senate (2, voting)
   Two members of the Faculty Senate appointed by the Faculty Senate.

3. Student Representatives (1, voting)

4. Administrators (3, nonvoting)
   a. The Director of Graduate Services.
   b. The Provost or designee.
   c. The Registrar or designee.

Selection and Election Procedures
1. Graduate Faculty. There are two FSU Graduate Faculty designations, Regular and Associate. In any academic year, Regular Graduate Faculty designation will consist of those full-time faculty who have, within the preceding three academic years, taught any FSU course numbered 500 or higher or who have served on an FSU graduate student's committee. For the purposes of University System of
Maryland Inter-Institutional Graduate Faculty designation, Associate Graduate Faculty designation is reserved for FSU full-time faculty who do not qualify for Regular Graduate Faculty designation but who hold the terminal degree.

2. a. Faculty - Program Representatives. The program representative shall be the Program Coordinator, a designee, or a graduate faculty member selected by the graduate faculty who teach in that program. The graduate faculty of each program shall decide who will represent the program.

b. Student Representative. The Program Coordinator or the program graduate faculty will, on a rotating basis (College of Education, College of Business, and College of Liberal Arts and Sciences), identify one student to serve for a term of one academic year.

Responsibilities

The Graduate Council responsibilities shall include:

1. recommending the establishment, deletion, and change of all major and minor programs for graduate education;

2. recommending the establishment, deletion, and change of all courses at the 500 level or greater;

3. recommending the establishment, deletion, and change of academic policies and procedures that affect graduate education;

4. recommending the establishment, deletion, and change of administrative policies and procedures that affect graduate education;

5. carrying out other appropriate responsibilities as may be referred to it by Departments/Library, or Administrative Staff; and

6. consulting on any proposed institutional matters, including budgetary, that affect graduate education.

The Graduate Council may initiate any action that affects graduate education.

Procedures

1. The Graduate Council will establish procedures for its meetings and other operations.

2. The Chair of the Graduate Council, or designee, will represent the Graduate Council on the Faculty Senate Steering Committee. The Council Chair, or designee, will attend all Faculty Senate meetings as a voting member.

3. Graduate Council will send to the Faculty Senate for its approval all actions under items 1 through 4 in the Responsibilities section above.
4. The Graduate Council shall inform the Faculty Senate through periodic reports of all actions under items 5 and 6 in the Responsibilities section above.

The Faculty Senate may review any Graduate Council action that affects graduate education.

**Officers and Terms of Office**

1. The Council will, at the last meeting of each academic year, elect a Chair and a Secretary to serve terms of one year, respectively, except that whenever a vacancy occurs in either or both offices, the Council will, at its next meeting, elect a person or persons to fill the unexpired term or terms of the officer or officers.

2. The Chair will preside at all meetings or appoint another member to preside, may call special meetings of the Council, and exercise other powers and duties normally exercised by a committee chair. The chair will sit on the President’s Cabinet. If unable to attend the President’s Cabinet, the Chair will send his/her representative.

3. The Secretary will prepare and keep the minutes of each meeting, subject to the approval of the Council at the first convenient meeting, and exercise other powers and duties normally exercised by secretaries. All records of the meetings of the Graduate Council will be kept on file in the Library and distributed to the Faculty Senate and the Deans/Library Director.

4. The Council may establish other officers or subcommittees.

5. A quorum will consist of a majority of voting Council members, or one more than one-half of the members should the Council have an even number of members.

**Amendments**

Amendments to the structure and procedures of the Committee may be proposed at any meeting of the Faculty Senate and will be adopted if passed by a majority vote of the Senate membership.

**Graduate Program Coordinator**

**Job Description**

**Duties**

**Academic and Curricular:**

A. Manage and Coordinate accreditation processes.

B. Represent academic departments in new course development, program tracking, and course scheduling and staffing.
C. Represent faculty and student needs to college departments/Library, chairs, and dean/Library Director.

D. Represent faculty and student issues and concerns to Graduate Council.

Academic Administration:

A. Recruit students and seek to expand enrollment relative to available resources.

B. Selects, trains, and evaluates graduate assistants.

C. Monitor institutional and catalog policy for proper implementation.

D. Develop study plans, approve extensions for the completion of degrees, and approve all transfer credit requests.

E. Interview and evaluate students for admission.

F. Advise and/or direct student advising that include the monitoring of student academic progression.

G. Evaluate students’ degree programs to determine eligibility for graduation and appropriateness for honors recognition.

H. Produce and defend the program review documentation.

I. Management of capstone experience and/or thesis projects. This description is a general statement. Each Graduate Program Coordinator is encouraged to develop a specific description relative to their role.

**Academic Affairs Committee**

Membership

1. Provost or designee (nonvoting)
2. One Academic Dean appointed by the Provost
3. Library Director (nonvoting resource person)
4. Registrar or designee (nonvoting resource person)
5. Seven members of the Faculty Senate (2 per College of Liberal Arts and Sciences, 1 per College of Education, 1 per College of Business, 3 at large)
6. Chair, Academic Standards Subcommittee
7. Chair, University Undergraduate Curriculum Requirements Subcommittee
8. One Student to be selected by procedures established by student government
Purpose

The jurisdiction of the Academic Affairs Committee coincides with the area of responsibilities of the Provost. The Committee will review and recommend policies and procedures for the Academic Affairs division of the University. Specifically, its functions include:

1. Responsibility for reviewing, and acting upon curriculum proposals on an institution-wide level. This includes undergraduate curriculum proposals and those graduate proposals with impact on undergraduate curriculum, including courses dual listed at the undergraduate and graduate levels. The Committee will:
   a. Consider all proposals for the additions or deletion of degree programs and changes in requirements for degrees, majors, minors, and areas of focus or concentration.
   b. Consider all proposals for changes in general education program courses, requirements, and objectives.
   c. Receive written reports from the Deans of the academic components of the University on program review and minor or routine changes in course offerings, titles, numbers, prerequisites, etc.

2. Responsibility for reviewing and acting upon recommendations concerning academic standards and grading.

3. Responsible for reviewing and acting upon recommendations concerning procedures and standards for GEP evaluation.

4. Such other responsibilities as may be delegated to it by the Provost, or the Faculty Senate.

Officers

The Chair and Secretary are elected at the first meeting following elections.

Officers' Duties

The Chair has the responsibility to:

1. Set the agenda for each meeting.

2. Notify appropriate Subcommittees and/or individuals regarding reports that are due.

3. Represent the Academic Affairs Committee at the Faculty Senate Steering Committee.

4. Present to the University Faculty at the Spring meeting a report of major decisions that the Committee has made.

5. Report to the Faculty Senate, if necessary.
6. Vote only in the case of a tie.

7. Notify departments/Library, individuals, or subcommittees who have submitted requests, proposals, or reports of the decision rendered by the Committee.

8. To sit on the President’s Cabinet, and if unable to attend, send a representative in his/her place.

The Secretary has the responsibility to:

1. Record the minutes of each meeting and insure that they are circulated with the agenda in a timely manner.

2. Prepare a report of Committee activities for the University Senate.

Other Business Procedures

Quorum
A quorum will consist of six (6) of the eleven (11) voting members.

Terms of Office
The officers’ terms will be one year in duration beginning with the Committee’s first meeting.

Amendments
Amendments to the structure and procedures of the Committee may be proposed at any meeting of the Faculty Senate and will be adopted if passed by a majority vote of the Senate membership.

PROCEDURES RELATED TO THE ACADEMIC AFFAIRS COMMITTEE/ SUBCOMMITTEES PROPOSALS AND REPORTS

Academic Standards Subcommittee
Items requiring a vote by the Academic Affairs Committee prior to a Senate review:

1. Proposed changes in policies related to Academic Standards (e.g., grading system, calculation of GPA, pass/fail option, grounds for probation, etc).
2. Proposed changes in policies related to graduation (e.g., non-curricular requirements, where courses are taken, etc).

3. Proposed changes in policies related to GEP (e.g., when courses can be dropped or substituted).

Items reported to the Academic Affairs Committee:

1. Minor changes in policies related to academic standards (e.g. changes in catalog wording) to clarify meaning.

2. Student appeals regarding graduation requirements. The report will include a brief description and rationale for any waiver or substitution that is granted.

3. List of students dismissed as well as statistics on the number of student appeals for reinstatement that are granted and that are denied.

*University Undergraduate Curriculum Requirements Subcommittee*

Items requiring a vote by the Academic Affairs Committee prior to a Senate review:

1. Proposed modifications in the requirements and objectives of the General Education Program.

2. Proposed University-wide curricular requirements for all baccalaureate degrees.

3. Proposed new courses approved as meeting the criteria for General Education and baccalaureate degree requirements.

Items reported to the Academic Affairs Committee:

1. Results and analyses of curricular evaluations.

2. Results of periodic review of syllabi of existing courses approved to meet GEP and other University-wide curricular requirements.

3. Proposed faculty development activities related to GEP courses and other University baccalaureate curricular requirements.

4. Non-substantive editorial modifications to catalog descriptions of the GEP and other University-wide curricular requirements.

5. Recommendations to the Provost regarding funding levels and other resources necessary to implement the General Education program and other University-wide curricular requirements.

6. Existing courses approved as meeting the required criteria for General Education and baccalaureate degree requirements.
Procedures Related to Curriculum Changes
(All department requests will come to the Academic Affairs Committee after the review and approval of the appropriate dean and with all necessary signatures.)

Activities related to the following responsibilities must be presented to the Academic Affairs Committee for full review before submission to the Faculty Senate for its review.

The following activities require neither the vote of the Committee nor the Senate:

1. The establishment or deletion of courses at the undergraduate level.
2. The modification of existing undergraduate courses including changes in numbering, titles descriptions, and prerequisites.
3. The editorial modification of catalog descriptions of programs.

Activities related to the following responsibilities must be presented to the Academic Affairs Committee for full review, and must be passed by vote, before submission to the Faculty Senate for its review and vote.

The following actions require a vote by the Committee, and will be voted upon by the Senate:

1. The establishment of all new majors, minors, concentrations, programs, options, tracks, focuses, and any other systematic grouping of courses.
2. Changes in existing majors, minors, concentrations, programs, options, tracks, focuses, and any other systematic grouping of courses.
3. Changes in the curriculum that have an impact on more than one department or program or that have staffing or fiscal implications.
4. Changes in the requirements and objectives of the General Education Program.
5. Changes in the requirements for the granting of degrees.
6. Policy changes in standards for admission to the University and individual programs.
7. Articulation policies and new or proposed collaborative degree programs.
8. The elimination of existing majors, minors, concentrations, and programs.

Academic Affairs Committee reserves the right to vote on any action submitted to it.
Academic Standards Subcommittee

Membership

Administrator
   Associate Provost or designee (nonvoting)

Faculty
   Six total; Two per College of Liberal Arts & Sciences, one per College of Education, one per College of Business, plus two elected at large

Student
   One student to be selected by procedures established by student government

Purpose

The Academic Standards Subcommittee is a subgroup of the Academic Affairs Committee. Its responsibilities include:

1. Reviewing and recommending policies on academic honors, awards, grading, and standards.
2. Implementing regulations involving academic probation and dismissal.
3. Establishing procedures for the reinstatement of former students.
4. Considering all requests for exceptions to the established academic standards.

The Academic Standards Subcommittee will also carry out such other duties as may be assigned to it by the Provost, the Associate Provost, the Academic Affairs Committee, or the Faculty Senate.

Procedures

1. The Associate Provost or designee will serve as Chair of this subcommittee. The Chair will not vote except to break a tie vote among other subcommittee members. The Chair will also serve on the Academic Affairs (parent) committee.

2. The student member will participate fully in all meetings other than those, which pertain to the review and evaluation of individual student records.

3. The Academic Standards Subcommittee may, at its discretion, invite other administrators to participate as nonvoting members for informational purposes.
University Undergraduate Curriculum Requirements Subcommittee

Membership

Administrator
Assistant Provost

Faculty
Two from each College, elected at large

Student
One student selected by the Student Government Association

Purpose

The University Undergraduate Curriculum Requirements Subcommittee is a subgroup of the Academic Affairs Committee. Its responsibilities include:

1. Review and recommend proposals for the modification of the General Education Program (GEP), including reviewing new course proposals for inclusion in the GEP, conducting periodic review of syllabi of GEP courses to assure adherence to program objectives and criteria, and identifying faculty development needs and opportunities within the GEP.

2. Review, recommend, and implement:

   a. Benchmarks for basic skills proficiencies and upper-level skills.
   b. Criteria for writing-intensive and speaking-intensive courses within both the General Education Program and the majors.
   c. Criteria for courses proposed to fulfill Identity and Difference requirements.
   d. Criteria for department/program capstone experiences.

3. Review and recommend changes in the University-wide baccalaureate degree curricular requirements.

4. Initiates assignments and/or completes duties assigned by the Provost, Academic Affairs Committee, or Faculty Senate.

Procedures

1. The University Undergraduate Curriculum Requirements Subcommittee may, at its discretion, invite additional individuals with particular expertise to help the Subcommittee carry out its responsibilities.

2. The University Undergraduate Curriculum Requirements Subcommittee shall create a timetable for enactment of its duties.
Faculty Concerns Committee

Membership

1. Nine Senators
   a. Four College representatives (2 per College of Liberal Arts & Sciences, 1 per College of Education, 1 per College of Business)
   b. One faculty member engaged in Library Services
   c. One non-tenure track faculty member (NTTF)
   d. Three At-Large

2. Chair of Faculty Development and Sabbatical/Research Leave Subcommittee (or designee)

3. Chair of the Faculty Promotion and Tenure/Permanent Status Subcommittee (or designee)

4. Chair of the Faculty Handbook Subcommittee (or designee)

5. Chair of Academic Department Chairs' Council (or designee)

6. Three CUSF Representatives as ex-officio members

7. Chair of the Faculty

Purpose

The Faculty Concerns Committee will review and recommend policies and procedures on matters relating to:

1. Faculty personnel decisions, including appointment, reappointment, promotion, tenure, permanent status, suspension, dismissal for cause, and retrenchment

2. Salary and economic benefits

3. Sabbaticals, professional leaves, and leaves of absence

4. Professional growth and development

5. Evaluation, merit, and comprehensive review

6. Academic freedom
7. Faculty ethics and conduct

8. Academic standards for admissions and retention of students

9. Faculty Handbook

10. Other matters pertaining to faculty morale

The Faculty Concerns Committee will, through its subcommittees, carry out procedures for reviewing and making recommendations to the Provost on individual faculty member's requests for:

1. Promotion
2. Tenure or permanent status
3. Sabbatical leave or professional leave

The Faculty Concerns Committee will, through its subcommittees, carry out procedures for coordinating, reviewing, and recommending policies and procedures relating to professional growth and development of the University faculty.

Procedures

Recommendations on policies and procedures made by the Faculty Concerns Committee or its subcommittees will be reported to the Faculty Senate for consideration using Form FCC-01.

Recommendations on individuals' personnel decisions will be treated as strictly confidential and will be reported to the Provost.

Officers

Officers shall include a Chair, Vice-Chair and Secretary. Officers shall be selected by the Committee. The Chair shall be selected at the last meeting of the academic year to serve for the next year. And other officers shall be selected at the first meeting of the academic year to serve for the remainder of that year.

1. The Chair shall schedule, set agendas for, and preside over meetings. The Chair shall sit on the Faculty Senate Steering Committee. The Chair will sit on the President’s Cabinet. If unable to attend the President’s Cabinet, the Chair will send his/her representative.

2. The Vice-Chair shall assume the Chair's responsibilities in the Chair's absence.

3. The Secretary shall keep appropriate minutes of all proceedings at meetings. Copies of these minutes shall be distributed to all members of the Committee.
Amendments

Amendments to the structure and procedures of the Committee may be proposed at any meeting of the Faculty Senate and will be adopted if passed by a majority vote of the Senate membership.

Faculty Promotion and Tenure/ Permanent Status Subcommittee

Membership

1. Two faculty representatives from the College of Liberal Arts & Sciences, one member from College of Education, and one from College of Business.

2. One library faculty member at the rank of II, III, or IV.

3. Two additional members elected at large.

A simple majority of the membership must be tenured/permanent status faculty members.

If a Subcommittee member has participated in a personnel decision at the departmental/Library level, (s)he shall withdraw from participation in that particular decision. Members of this Subcommittee may not serve concurrently on the Faculty Appeals Committee. Those intending to apply for tenure/permanent status or promotion within the upcoming two years shall not self-nominate for election to the Faculty Promotion and Tenure/Permanent Status Subcommittee.

Purpose

The Faculty Promotion and Tenure/Permanent Status Subcommittee reports to the Faculty Concerns Committee. Within the limits of guidelines set forth by the Board of Regents of the University System of Maryland, it will:

1. Review and recommend policies, standards, and procedures regarding faculty appointment, reappointment, tenure/permanent status, dismissal, and promotion at Frostburg State University.

2. Provide an independent recommendation to the Provost on all tenure/permanent status and promotion applications at Frostburg State University.

The Faculty Promotion and Tenure/Permanent Status Subcommittee will also carry out such other duties as may be assigned to it by the Faculty Concerns Committee, or the Faculty Senate.

Procedures

Recommendations on policies, standards, and procedures for terminal leave, appointment, reappointment, retention, tenure, permanent status, dismissal for cause, , and promotion will be directed to the Faculty Concerns Committee and, through it, to the Faculty Senate.
The Subcommittee will develop procedures for receiving and reviewing applications for promotion and tenure/permanent status and for providing an independent recommendation to the Provost on said matters.

The Subcommittee will review all applications received during the application period stated in the Action Calendar for tenure/permanent status and during the application period stated in the Action Calendar for promotion. Based on the procedures outlined under Academic Appointments and Tenure/Permanent Status, and following criteria detailed under Tenure/Permanent Status Application Procedures and Timelines, and judged "Meets Expectations" as detailed under Criteria for "Meets Expectations," a recommendation either for or against promotion will be made to the Provost. Based on the procedures outlined under FSU Promotion Standards and Procedures and judged "Outstanding" as detailed under Criteria for "Outstanding," a recommendation either for or against promotion will be made to the Provost. Recommendations on individual applications for tenure/permanent status or promotion will be considered strictly confidential and will not be reported to the Faculty Concerns Committee or to the Faculty Senate. These provisions do not negate the right of individual departments/Library and/or colleges to establish internal policies, standards, and procedures for making recommendations on applications for tenure/permanent status, reappointment, and promotion. The Provost will resolve differences between recommendations received from colleges/departments, and Library and those received from the Faculty Promotion and Tenure/Permanent Status Subcommittee.

In order to coordinate the activities of the Provost and the faculty subcommittees concerned with personnel decisions and to facilitate consistent, application of personnel policies over time, the Provost will inform the relevant faculty subcommittee of his/her recommendations, including rationales for recommendations contrary to those of the faculty subcommittee.

Bylaws

1. This Subcommittee may establish such bylaws, as it deems necessary to conduct its business in an orderly manner. Bylaws must be approved by a majority vote of the Faculty Senate.

2. Officers

   a. The Subcommittee shall have a Chair, Vice-Chair, and Secretary. The Chair must be tenured or have permanent status.

   b. The Chair or designee shall sit as a member of the Faculty Concerns Committee and represent the Subcommittee.

   c. The Vice Chair shall assume the Chair's responsibilities in the Chair's absence.

   d. The secretary shall keep appropriate records of all proceedings of regular meetings.

   e. All officers serve one-year terms and are elected from within the Subcommittee membership. Any Subcommittee member may send a recall resolution to all the Subcommittee membership for action under "new business." A two-thirds majority of the Subcommittee membership is required to recall membership on the Subcommittee or to recall an officer. In the event of a successful recall.
resolution of membership, the Chair of the Faculty Senate will be notified, and the faculty member receiving the next highest number of votes will be on the Subcommittee. In the event of a successful recall resolution of an officer, an election of replacement officer(s) will occur immediately.

**Faculty Development and Sabbatical/ Professional Research Leave Subcommittee**

**Membership**

1. One faculty representative from each college, elected at large.

2. Two additional members, elected at large.

3. One faculty in library services.

4. Director of Office of Research and Sponsored Programs (non-voting member).

Membership is open to non-tenured/non-permanent status and tenured/permanent status faculty. The Chair of the Subcommittee sits as a member of the Faculty Concerns Committee of the Faculty Senate.

If a Subcommittee member has participated in a sabbatical/professional leave decision at the department/library level, s/he shall withdraw from participation in that particular decision. Likewise, if a member has submitted an application for an award or grant conferred by this committee, that member shall not participate in the selection process associated with the specific award or grant category in which s/he is an applicant.

Members of this Subcommittee shall not serve concurrently on the Faculty Appeals Committee, nor shall they apply for a sabbatical/professional leave during their terms of office.

**Purpose**

The Faculty Development and Sabbatical/Professional Research Leave Subcommittee reports to the Faculty Concerns Committee. Within the limits of guidelines set forth by the Board of Regents of the University System of Maryland, it will:

1. Develop and sponsor appropriate programs and methods designed to promote excellence in teaching.

2. Explore ways and propose specific means to encourage faculty research and other professional development activities ancillary to the teaching function.

3. Encourage and propose ways to foster development of creative linkages and interaction among faculty, and between faculty and other constituencies of the University.

4. Review and recommend policies, standards, and procedures governing the awarding of faculty development grants at Frostburg State University.
5. In accordance with the approved policies, standards and procedures, select the recipients of faculty development funds entrusted to the Subcommittee, effect the distribution of those funds, and monitor their application.

6. Review and recommend policies, standards, and procedures governing the award of sabbatical/professional leaves at Frostburg State University.

7. Provide an independent recommendation to the Provost on all sabbatical/professional leave applications at Frostburg State University.

The Faculty Development and Sabbatical/Professional Research Leave Subcommittee will also carry out such other duties as may be assigned to it by the Faculty Concerns Committee or the Faculty Senate.

**Procedures**

Recommendations on policies, standards, and procedures related to the award of faculty development funds and sabbatical/professional leaves will be directed to the Faculty Concerns Committee and, through it, to the Faculty Senate.

The Subcommittee will develop procedures for: soliciting, receiving and reviewing applications for faculty development grants and sabbatical/professional leaves; the selection of recipients for the faculty development awards; and the provision of independent recommendations to the Provost regarding applications for sabbatical/professional leaves.

The Subcommittee will review all applications received during the period set forth in the Action Calendar for sabbatical/professional leave applications. Sabbatical/professional leave applications will be rank ordered by merit following procedures stated in FSU Sabbatical/Professional Research Leave Procedures. Recommendations, including a justification of the ranking, will be provided to the Provost. Recommendations may be negative. All individual recommendations will be considered strictly confidential and as such will not be reported to the Faculty Concerns Committee or to the Faculty Senate.

The Subcommittee will initiate calls for grant/award applications and review subsequent submissions in accordance with the calendar set forth in the Faculty Development Handbook. Funds will be allocated in a manner that will ensure award availability for each "call."

The Provost, as well as additional funding sources, where applicable, will be notified of positive funding decisions.

These provisions do not negate the right of individual departments/Library and/or colleges to establish internal policies, standards, and procedures for making recommendations on applications for faculty development funds available to the department/Library or the college, or sabbatical/professional leaves awarded by the Academic Affairs division. Differences between sabbatical/professional leave recommendations received from colleges and departments/Library, and those received from the Faculty Development and Sabbatical/Professional Research Leave Subcommittee, will be resolved by the Provost.
If an application for a sabbatical leave/PRL receives a negative recommendation at any level of the process, the faculty member may submit a written rebuttal to the next level. In addition, a negative recommendation by the Provost may be appealed to the Faculty Appeals Committee. If a faculty member chooses to appeal the recommendation of the Faculty Appeals Committee, he/she must file a written rebuttal with the President of the University within five working days after being notified of the committee’s recommendation. Recommendations made by the Subcommittee that have been overturned by the Provost may be addressed by the Faculty Senate. Ultimately, however, the decision to award sabbatical leave/PRL rests with the President of the University.

Bylaws

1. This Subcommittee may establish such bylaws, as it deems necessary to conduct its business in an orderly manner. Bylaws must be approved by a majority vote of the Faculty Senate.

2. Officers:
   a. The Subcommittee shall have a Chair, Vice-Chair, and a Secretary/Treasurer.
   b. The Chair or designee shall sit as a member of the Faculty Concerns Committee and, as such, represent the Subcommittee.
   c. The Vice-Chair shall assume the Chair’s responsibilities in the Chair’s absence.
   d. The Secretary/Treasurer shall keep appropriate records of all Subcommittee proceedings, and shall record and execute the transfer of all funds awarded by the Subcommittee.
   e. All officers shall be elected from the Subcommittee membership to serve one-year terms. Any Subcommittee member may send a recall resolution to all the Subcommittee membership for action under "new business." A two-thirds majority of the Subcommittee membership is required to recall membership on the Subcommittee or to recall an officer. In the event of a successful recall resolution of Subcommittee membership, the Chair of the Faculty Senate will be notified, and the faculty member receiving the next highest number of votes will be on the Subcommittee. In the event of a successful recall resolution of an officer, an election of a replacement office will occur immediately.

   **Faculty Handbook Subcommittee**

   **Membership**

   Seven members
   a. 4 faculty members elected at large
   b. One faculty member engaged in Library Services
   c. One voting designee from the Provost’s Office
**Purpose**

The Faculty Handbook Subcommittee reports to the Faculty Concerns Committee. Within the limits of guidelines set forth by the University System of Maryland Board of Regents, it will:

1. Review policies, standards, and procedures within the *Frostburg State University Faculty Handbook* and Non Tenure-Track Faculty publications for inconsistencies and necessary editorial changes.

2. Provide recommendations on Handbook matters to the Faculty Concerns Committee.

3. Work with the Provost’s Office to ensure timely publication of the Handbook and Non Tenure-Track Faculty publications.

4. Maintain, with the assistance of the Secretary of the Faculty Senate and the Provost’s Office, a record of changes to the Handbook and Non Tenure-Track Faculty publications.

The Faculty Handbook Subcommittee will also carry out such other duties as may be assigned by the Faculty Concerns Committee or the Faculty Senate.

**Procedures**

Using guidelines established by the USM Board, the Faculty Handbook Subcommittee will methodically and continually review the contents of the Faculty Handbook and Non Tenure-Track Faculty publications and make necessary recommendations to the Faculty Concerns Committee.

At the last meeting of the academic year, the subcommittee will elect a Chair and other officers as determined by the members of the committee.

The Subcommittee will establish procedures and guidelines that will be approved by the Faculty Concerns Committee, which will be subject to review by the Faculty Senate.

Beginning each academic year, the Faculty Handbook Subcommittee will report to the Faculty Concerns Committee on its plans for the coming year and provide a final report on handbook recommendations each spring.

Regular meetings will be held the third Monday of each month and special meetings will be held at the discretion of the Chair.

Minutes from the Faculty Handbook Subcommittee meetings and changes (approved by the Faculty Senate) to the Faculty Handbook will be kept on file in the Special Collections Room of the Ort Library.
Bylaws

1. This Subcommittee may establish such bylaws, as it deems necessary to conduct business in an orderly manner. Bylaws must be approved by a majority vote of the Faculty Senate.

2. Officers

   a. The Subcommittee shall have a Chair, Vice-Chair, and Secretary.

   b. The Chair or designee shall sit as a member of the Faculty Concerns Committee to represent the Subcommittee’s recommendations.

   c. The Vice-Chair shall assume the Chair’s responsibilities in his/her absence.

   d. The Secretary shall keep appropriate records of all Faculty Handbook Subcommittee meetings and correspondence to the Faculty Concerns Committee.

   e. All officers shall be elected from the Subcommittee membership to serve one-year terms.

   f. Any Subcommittee member may send a recall resolution to all the Subcommittee members for action under “new business.” A two-thirds majority of the Subcommittee membership is required to recall membership on the Subcommittee or to recall an officer. In the event of a successful recall resolution of Subcommittee membership, the Chair of the Faculty Senate will be notified, and the faculty member receiving the next highest number of votes will be on the Subcommittee. In the event of a successful recall resolution of an officer, an election of a replacement officer will occur immediately.

Institutional Priorities and Resources Committee

Membership

Administrators
   a. Vice President for Administration and Finance or designee (nonvoting)
   b. Provost or designee (nonvoting)

Faculty (9 voting)
   a. Chair of the Faculty
   b. Seven members of the Faculty Senate (at least one per college) appointed by the Chair of the Faculty
   c. Chair of the Faculty Workload and Compensation Subcommittee or designee

Purpose

The purpose of the IPR Committee is to provide for faculty input into institution wide planning and budgeting. This committee will report to the Faculty Senate.
Procedures

The Committee will elect a Chair and a Vice-Chair, normally at the last meeting of the academic year with the participation of the newly appointed Committee members. The Committee may establish bylaws or operating procedures as needed by majority vote of the Committee.

Functions

1. Through its representative on the President’s Advisory Council on Institutional Effectiveness and other forums, IPR contributes to institutional discussions on the mission of the University, the University Strategic Plan, and marketing and branding programs.

2. Annually review budget and planning information prepared by the Vice President for Administration and Finance and other administrators. In addition, review the previous year’s actual spending, and discuss any major modification to that year’s budgets.

3. Review the proposed budget and of the University for compliance with the mission statement and the Strategic Plan’s goals, and priorities, and offer recommendations as appropriate.

4. Communicate the position of the faculty in budget related matters to the President.

5. Communicate to the faculty the information acquired from the administration.

6. Review initial academic program and other policy proposals with significant resource needs. Proposal review will consider 1) compatibility with the institution's mission, goals, and action priorities, 2) the need for the program and expected enrollment, 3) the basis of the enrollment and/or revenue forecasts, and 4) if the program is in the financial best interest of the University given the resource needs of the program.

7. Three years following the approval of the new academic programs, IPR will review the enrollment, revenues, and costs of the new academic program, and provide recommendations to the Provost if needed.

8. Review, in conjunction with the Academic Department Chairs Council (at least once every five years) department chairs’ compensation, including stipends and reassigned time, to determine if change is warranted.

9. Perform such other responsibilities as may be delegated by the Faculty Senate.

10. The Committee Chair sits on the President’s Advisory Council for Institutional Effectiveness, and if unable to attend, sends a representative in his/her place.

11. Through the Faculty Workload and Compensation Subcommittee, review and make recommendations regarding the Faculty Scheduled Workload Compensation Policy and other faculty workload and compensation issues.
Amendments

Amendments to the structure and procedures of the Committee may be proposed at any meeting of the Faculty Senate and will be adopted if passed by a majority vote of the Senate membership.

Faculty Workload and Compensation Subcommittee

Membership

1. Four faculty members elected as follows: two from the College of Liberal Arts & Sciences, one from the College of Business, and one from the College of Education.

2. The following individuals or their designees as ex-officio members:
   a. The Chair of the Faculty
   b. The Chair of the Faculty Concerns Committee
   c. The Chair of the Institutional Priorities and Resources Committee
   d. The Chair of the Academic Department Chairs Council

Purpose

The Faculty Workload and Compensation Subcommittee reports to the Institutional Priorities and Resources Committee. Its responsibilities include:

1. Reviewing the Faculty Scheduled Workload Compensation Policy for fairness and equity;

2. Working with the Department Chairs, Deans, and the Office of Assessment and Institutional Research to develop and review a common workload reporting mechanism for use across all departments in all colleges;

3. Reviewing and making recommendations regarding the workload credit that should be assigned for a range of teaching activities that currently are not given the same credit as a standard lecture course: including but not limited to labs, studios, internships, practicums, field placements, and independent studies;

4. Reviewing and making recommendations regarding the workload credit that should be assigned for those instructional activities listed in the Guidelines section of the Faculty Scheduled Workload Compensation Policy: including but not limited to academic advising, distance education, off-site instructional travel, curriculum development, non-credit generating instruction, and thesis/dissertation committee membership;

5. Monitoring changes in workload policy throughout USM and, when changes occur, reviewing appropriateness for FSU and making any appropriate recommendations;
6. Reviewing workload, reassigned time, and compensation for department chairs, graduate program coordinators, minor coordinators, program coordinators, preparatory program coordinators, and directors;

7. Advising the Provost on matters relating to faculty workload and compensation, for example reporting of instructional and faculty workload to USM and reviewing of reassigned time;

8. Receiving complaints from faculty who believe their workload has been incorrectly calculated and provide feedback to the college Dean and the Provost for appropriate actions; and

9. Other such duties as may be delegated to the Subcommittee by the Faculty Senate or the Institutional Priorities and Resources Committee.

Procedures:

1. Elected faculty members shall serve staggered two-year terms. Initially, some members will be elected to one year terms to establish the pattern.

2. The Subcommittee shall have a chair and a secretary selected from the elected faculty members for one year terms.

3. The Chair shall schedule, set agendas for, and preside over meetings. The Chair shall serve as an ex-officio member of the Institutional Priorities and Resources Committee.

4. The Secretary shall keep appropriate minutes of all proceedings at meetings. Copies of these minutes shall be distributed to all members of the Subcommittee.

5. The Subcommittee should invite additional individuals with particular expertise to participate in discussions. The Subcommittee shall be responsible for demonstrating due diligence on its recommendations. When recommendations impact a group of faculty members not represented in the membership of the Subcommittee, the Subcommittee shall be responsible for inviting one or more members of that group of faculty members to their meetings. These individuals shall not be voting members of the Subcommittee.

6. The Subcommittee may establish such additional procedures as it deems necessary to conduct its business in an orderly manner.

Adjudicative/ Mandated Committees

Faculty Grievance Committee

Membership

1. One faculty member from each College.

2. One faculty in library services.
3. Three faculty members elected at large.

4. Alternates: If a member of the committee is directly involved in the grievance or cannot attend all hearings concerning a particular grievance, that person shall be replaced in the following manner:
   a. College representative - The person from the same college with the next highest number of votes shall be the alternate.
   b. At-large - The person with the next highest number of votes shall be the alternate.

5. No member of the Faculty Grievance Committee may simultaneously be a member of the Faculty Appeals Committee or a member of the Faculty Ombudsperson Committee.

Officers

The Committee shall elect a Chair, a Vice Chair, and a recording Secretary from among its membership.

Purpose

The Grievance Committee shall review conflicts of interest in PHS (Public Health Service)/NSF (National Science Foundation) sponsored activities which cannot be resolved to the satisfaction of the Director of Research and Sponsored Programs. The Committee will also hear grievances in any matter not covered specifically by another grievance procedures. Specifically excluded from the jurisdiction of the committee are the following:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by any other System or institutional policy;
2. The complaint pertains to an official policy, regulation, or procedure of the System or the institution; a decision or action by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with any such official policy, regulation, procedure, decision, or action;
3. The complaint pertains to broad areas of the fiscal management, staffing, or structure of the University System of Maryland or constituent institutions; or
4. The resolution of the complaint is not under the control of the institution and/or of the University System.
5. The grievance originally falls under the jurisdiction of the Faculty Appeals Committee.

The Faculty Grievance Committee shall not have original jurisdiction over grievances between faculty members when such grievances pertain to workplace bullying or other uncivil behavior. Such grievances
shall be initially reported to a Faculty Ombudsperson for mediation. If mediation fails, or the faculty member requesting mediation is unsatisfied by the process, then grievances between faculty members become the jurisdiction of the Faculty Grievance Committee.

Procedures

For the purpose of this grievance procedure document, the "parties" will be defined as the grievant and the respondent.

1. The Faculty Grievance Committee shall be responsible for hearing grievances under the Faculty Grievance Procedures described in this Handbook (page A-47ff).

2. No business of the Committee may be conducted unless a quorum of 5 members is present.

3. Decisions of the Committee shall be by a majority vote.

4. Conflict of Interest of a Committee Member: Should a Committee member have a conflict of interest or be a party to any grievance referred to this Committee, s/he is recused from serving on the hearing panel or taking part in discussion. S/he may voluntarily withdraw or be declared ineligible to hear a particular case if three of the remaining Committee members vote to recuse her/him or the grievant/respondent requests the withdrawal of the Committee member. However, a request for withdrawal will not be honored if the request is based upon the race/gender/religion/national origin/age or disability of the Committee member.

   A conflict of interest involving a Committee member, known by the grievant/respondent to exist prior to the hearing, should be asserted by the party prior to the commencement of the hearing.

5. All members of the Faculty Grievance Committee shall complete training on how to conduct a grievance hearing before meeting with any faculty regarding a complaint.

6. All members of the Faculty Grievance Committee must complete training on definitions of, FSU and USM policies on, and state and federal law regarding workplace bullying, workplace violence, and sexual misconduct before participating in a grievance hearing relating to one of these issues.

7. The Faculty Grievance Committee shall report annually at a Faculty Assembly or Faculty Senate meeting the number of hearings held and the number of grievances that were substantiated. This presentation must be anonymous to protect the rights of any grievants and respondents.

Faculty Ombudspersons Committee

Membership

1. One faculty member elected from each College.

2. One faculty member elected from the Library.
3. Two faculty members elected at large.

4. No Faculty Ombudsperson may simultaneously be a member of the Faculty Appeals Committee or the Faculty Grievance Committee.

Officers

The Committee shall elect a Chair, a Vice Chair, and a recording Secretary from among its membership. The Chair must be a faculty member who is tenured or has achieved permanent status.

Purpose

Faculty Ombudspersons are trained mediators nominated and elected by their peers to provide mediations in the event of grievances between faculty members as an informal resolution mechanism before a formal petition is made to the Faculty Grievance Committee. This committee shall serve as a governance body for Faculty Ombudspersons in which to review their procedures and make recommendations to improve the mediation process.

Procedures

1. This Committee shall develop a procedure for confidential submission of grievances from faculty members and for allocation of those complaints to Faculty Ombudspersons for review and mediation.

2. Faculty Ombudspersons must receive each of the following trainings before being able to participate in a mediation:
   a. Mediation training from Mountainside Community Mediation Center, or similar off-campus organization;
   b. National Coalition Building Institute (NCBI) diversity and inclusion training; and
   c. Training on FSU and USM policy and state and federal law relating to workplace bullying, workplace violence, and sexual misconduct.

3. Mediation Process - For the purposes of this grievance procedure document, the "parties" will be defined as the grievant and the respondent.
   a. If any faculty member alleges cause for grievance with another faculty member in any matter not covered by one or more of the exceptions listed above, he/she may seek resolution through mediation by a Faculty Ombudsperson. The grievant must pursue this resolution pathway before petitioning the Faculty Grievance Committee for redress.

   The grievant must select a Faculty Ombudsperson from the publicized list of available Ombudspersons. The grievant reserves the right to select an Ombudsperson from a different College (or Library) than the grievant and the respondent.
b. The grievant confidentially reports the issue(s) to the Ombudsperson, who then seeks to informally mediate between the parties. No records are kept of this mediation process, and participation is kept confidential to just the grievant, the respondent, and the Faculty Ombudsperson. If at any point during the mediation process, the grievant is satisfied, the process stops.

c. Upon completion of the mediation process, the Ombudsperson follows up with the grievant to ensure that the situation has been resolved. If the grievant is satisfied, the process stops.

d. If the grievant is unsatisfied with the outcome of mediation, or if the situation is not resolved as a consequence of the mediation, the grievant may petition to the Faculty Grievance Committee for redress.

4. This committee shall develop, periodically review, and make recommendations to improve procedures for:

   a. Training for Faculty Ombudspersons;

   b. Submission of grievances to Faculty Ombudspersons and selection or assignment of ombudspersons to mediate grievances;

   c. Mediation of faculty grievances; and

   d. Securely and confidentially storing all records and evidence (written and recorded) generated by the Faculty Grievance Committee during hearings related to workplace bullying and uncivil conduct between faculty members.

5. This Committee shall establish such additional procedures as deemed necessary to conduct its business in an orderly fashion.

   Faculty Appeals Committee

Membership

a. Seven (7) faculty elected at large (at least one per college)

b. One alternate elected at large

Purpose

The provisions of the University System of Maryland Policies on Appointment, Rank, and Tenure (USM A.R.T.-- see USM Policies and Statements section) mandate the function of the Faculty Appeals Committee. As such, it will hear appeals brought by individual faculty members of the recommendations of the Provost
on sabbaticals, professional/research leaves, promotions, tenure, permanent status, academic freedom, and other personnel matters. The Faculty Appeals Committee's functions include:

1. hearing cases involving formal proceedings concerning actions leading toward dismissal of a tenured/permanent status faculty member or a probationary appointment faculty member whose term of appointment has not expired;

2. hearing individual appeals by faculty members regarding promotion;

3. hearing individual appeals by faculty members regarding Evaluation/Merit Recommendation (only applicable to faculty members who score less than 3.0 overall);

4. hearing individual appeals by faculty members regarding sabbatical, professional/research leave;

5. hearing individual appeals by faculty members regarding tenure/permanent status;

6. hearing individual appeals by faculty members terminated under a retrenchment plan;

7. hearing cases involving formal proceedings concerning actions leading to sanction against a faculty member;

8. hearing individual appeals by faculty members who allege an infringement of academic freedom;

9. and carrying out such other responsibilities as are indicated in the USM A.R.T. document.

Election Procedures

1. No member of the Faculty Appeals Committee may be simultaneously a member of the Faculty Promotion and, Tenure/Permanent Status Subcommittee, Faculty Development/and Sabbatical and Professional Leave Subcommittee, Faculty Grievance Committee, Faculty Concerns Committee, Faculty Ombudsperson Committee, or Retrenchment Plan Committee.

2. The eight members of this Committee will be nominated from and elected by the faculty. One faculty member is to be elected from each college, the remainder at large.

3. The faculty member finishing fifth in the at-large balloting will serve as the alternate.

4. Faculty members are elected to this Committee for two-year terms.

5. No faculty member may serve on this Committee for more than two consecutive two-year terms.

6. No faculty member may serve on this committee in the academic year in which he/she is applying for tenure/permanent status, promotion or sabbatical/professional leave.
Operating Procedures

1. A Quorum: A quorum will consist of no fewer than five members. Official Committee business cannot be conducted without a quorum.

2. Conflicts of Interest among Committee Members: Should a Committee member have a conflict of interest or be a party to any dispute referred to this Committee, he/she may not serve on the hearing panel or take part in discussion. He/she may voluntarily withdraw or be declared ineligible to hear a particular case if three of the remaining Committee members vote to disqualify him/her and/or the appellant requests that Committee member to withdraw. If a Committee member is disqualified from hearing a case, the alternate will then become a member of the panel. Conflict of Interest issues are to be resolved before the hearing commences.

3. The Hearing Panel: In order to hear an appeal, at least five Committee members must be present throughout the entire appeal. A hearing panel may consist of no more than seven members.

   If a Committee member misses any part of the hearing or the deliberations, he/she may not participate in the Committee's final recommendations.

4. The Appellate Process: A faculty member may appeal to this Committee and then to the President of the University.

   a. If a faculty member wishes to appeal the recommendation of the Provost, he/she must file this appeal with the Chair of the Faculty Appeals Committee within five working days after being informed of the Provost's recommendation. At the time of appeal, the appellant must provide this Committee eight copies of any relevant application and correspondence to and from the Appellant, and one copy of any supporting materials initially presented to the Provost.

   b. If a faculty member wishes to appeal the recommendation of the Faculty Appeals Committee, he/she must file this appeal with the President of the University within five working days after being notified of the Faculty Appeals Committee's recommendation.

5. The Hearing:

   a. The Faculty Appeals Committee will receive oral and written information from the appellant, the Provost, the Faculty Promotion and Tenure/Permanent Status Subcommittee, Faculty Development and Sabbatical/Professional Leave Subcommittee, Grievance Committee, College Deans, Library Director, Department Chairs, Associate Library Directors, Department/Library Review Committee members, or other members of the University community as appropriate.

   b. The standard of proof that the Appellant must meet before the Faculty Appeals Committee can recommend that the decision of the Provost be overturned is "a preponderance of the evidence."

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c. The recommendation of the Faculty Appeals Committee to uphold or overturn the decision of the Provost is to be based on a consideration of the process involved in making the original decision and requires a majority vote of the hearing panel.

d. The Faculty Appeals Committee must provide a written statement of its recommendation to the Appellant, the President of the University, the Provost and, as appropriate, the Faculty Promotion and Tenure/Permanent Status Subcommittee, Faculty Development and Sabbatical/Professional Leave Subcommittee or Faculty Grievance Committee within five working days after this committee has reached its decision.

e. An Appeal of a proposed sanction will follow defined policy procedures outlined under FSU Policies Governing Sanctions, Dismissal for Cause, and Termination of Appointment (A.1-4 and B.2.c.)

f. An appeal of a recommendation of contract termination for cause will follow defined policy procedures outlined under FSU Policies Governing Sanctions, Dismissal for Cause, and Termination of Appointment (B. 1-2)

g. An appeal of a termination because of a retrenchment plan will follow policy procedures outlined under FSU Policies Governing Retrenchment (6. a.-d.)

**Bylaws**

1. This committee may establish such bylaws, as it deems necessary to conduct its business in an orderly manner.

   These bylaws must be consistent with the provisions of the *University System of Maryland Policies on Appointment Rank and Tenure* and *FSU Policies Governing Sanctions, Dismissal for Cause, and Termination of Appointment*.

2. Officers: This committee shall have a Chair, a Vice Chair, and a Secretary.

3. Selecting the Officers: The Chair, Vice Chair and Secretary will be chosen to serve a one-year term at a meeting held on or before September 15 of every academic year. To be chosen as an officer, a candidate must receive at least a majority of the votes of the full committee membership.

4. Duties of the Officers:

   a. The Chair shall schedule and preside over meetings.

   b. The Vice Chair shall assume the Chair’s responsibilities in the absence of the Chair.

   c. The Secretary shall keep appropriate records of all the meetings of this Committee.

5. Recalling Officers: Any Committee member may send a recall resolution to all the members of this committee. A meeting of the entire Faculty Appeals Committee (chaired by the Chair of the Faculty Senate) must then be called within ten working days after the resolution has been distributed to
vote on this recall resolution. A two-thirds majority of the membership is required to remove an officer. If a recall resolution is successful, the election under the direction of the Chair of the Faculty Senate will occur immediately.

Parking Appeals Committee

Purpose

The Parking Appeals Committee has as its purpose the adjudication of appeals received from the recipient of University parking ticket(s). Additionally, based upon the perceptions gained from reviewing said appeals, the Committee may recommend to the University Police, modification of procedures and/or provisions associated with parking, parking regulations, and the enforcement thereof.

Membership

1. One administrator to be appointed by the President.
2. One faculty member elected by the Faculty Senate.
3. One student to be selected by procedures established by Student Government.
4. One bargaining unit employee appointed by the Vice President of Administration and Finance.
5. Chief of Police, a non-voting member except in the case of a split decision.

Officers

The Chief of Police will convene the meetings of the Committee. The Chair will be responsible for seeing that the Committee conducts its business.

Jurisdiction

The Committee has the authority to determine disposition of parking appeals at the University level. Regarding any other matter associated with parking tickets, the Committee is advisory to the Faculty Senate.

Procedures

Parking ticket recipients may file a written appeal with the University Police. The Committee receives written appeals. Following review of the individual appeal statement by the Committee, each member casts a vote whether to grant, reject, or table the appeal. The Committee returns its decisions to the Chief of Police for follow-through, which includes a response to the appealing individual. A decision may be tabled in order to collect additional information.
Meetings

The Committee will meet as agreed by the members but no fewer than once each month during the academic year. Two members in attendance constitute a quorum. Two votes in the same sign are required to decide an appeal.

Institutional Animal Care and Use Committee (IACUC)
(MANDATED COMMITTEE)

Membership

1. Institutional Official – President of the University
2. Administrator – Director of Research & Sponsored Programs (non-voting)
3. Consulting Veterinarian
4. IACUC Members – 4 or more members appointed by the President of the University including:
   a. At least one practicing scientist experienced in research involving animals
   b. At least one member from a nonscientific background, drawn from inside or outside the institution
   c. At least one public member to represent general community interests in the proper care and use of animals.

Purpose

The Institutional Animal Care and Use Committee exists to minimize potential harm to vertebrate animal subjects of research and teaching projects. Its responsibilities include:

1. Semiannual inspections of all live vertebrate animal care facilities on campus, including making recommendations to ensure quality humane care.
2. Reviewing and approving animal use protocols (AUP’s) involving the use of live vertebrate animals in research or teaching to ensure compliance with all regulations and standards in the current *Guide for the Care and Use of Laboratory Animals*, The National Academies Press, Washington, D.C.
3. Review of proposed significant changes to animal use of previously approved AUP’s.
4. Preparing such annual or special reports on vertebrate animal research or teaching risks as may be required by federal or state agencies.
5. Preparing guidelines and application materials as may be helpful to researchers or instructors on campus.

6. Assisting in informing the campus of other regulations and requirements, which govern research exempt from Committee review by the federal rule.

The IACUC will also complete such other duties as changes in federal or state regulations may require or are directed by the President.

Procedures

1. The Committee may, at its discretion, invite additional individuals with particular expertise to participate in reviewing research plans. However, such individuals are nonvoting members of the Committee.

2. No individual conducting a research or teaching activity will participate in its review, except to provide information to the Committee.

3. Decisions of the Committee to disapprove research or teaching projects are not subject to review by any other individual or committee on campus. Decisions to approve research are reported to the President through the Office of Research and Sponsored Programs. The President may disapprove research or teaching projects approved by the Committee.

4. Federal regulations requiring written documentation of IACUC actions will be followed.

5. While researchers or instructors may present their research or teaching design in person, this is not necessary or required, and in no way releases the researcher or instructor from the obligation to provide a complete application/documentation package prior to the Committee meeting.

Institutional Review Board
(MANDATED COMMITTEE)

Purpose

The full name of the IRB is the Institutional Review Board for the Protection of Humans as Participants in Research. Its review of protocols focuses on protecting research participants and making sure that any risks are balanced appropriately by expected benefits under Title 45 Code of Federal Regulations 46 Protection of Human Subjects. That is its sole function.

Membership

1. IRB membership is based on Title 45 Code of Federal Regulations §46.107.

2. The IRB shall consist of at least 5 members with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. Qualifications are
Based on expertise, experience, and diversity of background (including, for example, race, gender, cultural background, community attitudes).

3. Members will be appointed by the Faculty Senate Steering Committee in consultation with the Provost to staggered three-year terms.

4. The membership shall be selected with every nondiscriminatory effort to comply with 45 CFR §46.107, the USM Policy on Human Subjects of Research (BOR IV-2.10), and other applicable federal, state and local regulations.

5. In particular, the membership of the IRB must include:

   a. at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas.

   b. at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.

6. Every nondiscriminatory effort will be made to ensure that the IRB does not consist only of members of the same gender.

7. No IRB may consist entirely of members of one profession.

8. When the IRB regularly reviews research involving children, prisoners, pregnant women or disabled persons, then the IRB should attempt to include a member, or members, knowledgeable and experienced working with these groups.

9. In accordance with 45 CFR §46.107, IRB members must have “expertise in ascertaining the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice.” In addition to expertise in their own areas (scientific or non-scientific), committee members should develop a general familiarity with research issues in the other arena.

**Procedures**

1. The IRB shall have a Chair, Vice-Chair, and Secretary elected from among the members.

2. The Chair is expected to become knowledgeable above the expertise of the members in all applicable laws and regulations and to develop a true familiarity, if not expertise, in both scientific and non-scientific research.

3. The Provost shall designate an administrator to provide administrative support for the IRB. This individual may attend meetings of the IRB, but is not a member of the IRB.

4. The IRB shall keep such records as required to comply with 45 CFR 46, FSU and USM policies, and applicable federal, state and local regulations.
5. IRB minutes are not public records, under the Maryland Public Information Act § 13 – 1603 (c) (page 5, lines 8-10). Following state law, when the FSU IRB receives a request for minutes these will be provided (with confidential or privileged information redacted). Further, Maryland law states that exemptions and various procedural requirements under the Public Information Act are inapplicable.

6. The IRB shall meet monthly during the academic year (August – June), and the meeting schedule shall be published.

7. The IRB shall review all research involving human subjects conducted at or by FSU; or conducted by FSU employees, students, or agents acting in connection with institutional responsibilities; or using FSU’s non-public information to identify or contact human research subjects.

8. Decisions of the IRB to disapprove research are not subject to review by any other individual or committee on campus. Decisions to approve research are reported to the Provost. The Provost may disapprove research approved by the IRB.

9. A quorum for full board reviews shall consist of a simple majority.

10. IRB members must recuse themselves from review of projects in which:

   a. They are an investigator

   b. They have a conflict of interest

11. Recused members may not participate in deliberations except to provide information when requested.

12. The IRB may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the IRB. These individuals may not vote with the IRB.

13. The IRB shall develop and publish such additional procedures it deems necessary to conduct timely review of research involving human subjects in compliance with 45 CFR 46, BOR IV-2.10, and other applicable federal, state, and local regulations.

Academic Department Chairs Council

Membership

All chairs of academic departments.
Purpose

The Academic Department Chairs Council provides:

- A forum for chairs to discuss and address issues of particular interest to academic departments and department chairs,
- A channel of communication between department chairs and various administrative offices of the university and faculty governance, and
- A vehicle for initiating proposals related to academic departments and department chairs in faculty governance.
- An opportunity, in conjunction with the Institutional Priorities and Resources Committee, to review (at least once every five years) department chairs’ compensation, including stipends and reassigned time, to determine if change is warranted.

Procedures

Chair
A chair will be elected at the last meeting of the spring semester. The chair will:

- Set the agenda for and preside at meetings
- Represent the Council to the Provost
- Report to the Faculty Senate
- Sit on the President’s Cabinet, and if unable to attend, send a representative in his/her place

Executive Committee
Four members (two from the College of Liberal Arts and Sciences, one from the College of Business, and one from the College of Education) will constitute an executive committee. One of these four will be the Council’s chair. The Executive Committee will:

- Consult with the chair regarding items and issues for meeting agendas and for Council consideration
- Share, along with the chair, in the representation of the Council as noted below

Representation in Faculty Governance
The chair or a designated representative from the Executive Committee will represent the Council as:

- A member of the Faculty Senate
- A member of the Faculty Senate Steering Committee
- A member of the Faculty Concerns Committee

Quorum
A quorum will consist of one more than half of the members.

Amendments
Amendments to the procedures of the Council may be proposed at any meeting of the Council and will be adapted if passed by a two-thirds vote of the membership present at the next meeting.
Student Conduct Hearing Panels

Purpose

Hearing panels have as their primary purpose the adjudication of possible violations of the Code of Student Conduct. The Student Conduct system is designed to be educational in nature rather than punitive in nature even though serious violations will involve considerations of a recommendation of suspension or dismissal from the institution. Procedures are designed to focus on student behavioral choices and civic responsibility within a context of student learning.

Membership

1. A Hearing Officer chairs each panel.

2. Including the Hearing Officers, panels are composed of 3 to 5 members selected from a pool of faculty, staff members, and students who have been through a training program.

3. The faculty pool is elected by the faculty. There are eight at large positions in the faculty pool. Faculty members are elected to a two-year term of service and agree to complete a training program on the Code of Student Conduct. Faculty members whose terms have expired may continue at their initiative in the faculty pool. Other faculty members who have completed the training program may volunteer.

4. Student panel members: complete an application and interview process.

5. Staff panel members: volunteer.

Officers

A University Conduct Administrator will oversee the hearing but not participate in the decision-making. Prior to the hearing, the Administrator will advise witnesses, victims, and referred parties. The Administrators also provide oversight of the Conduct System and conduct any necessary follow-up after the hearing.

Jurisdiction

Panels can hear cases regarding student behavior on or off campus. Panels may also be convened to evaluate issues and hear appeals. Panels may impose any sanction, but recommend suspensions or dismissals to the Vice President for Student and Educational Services or, in the case of Academic Dishonesty, to the Provost.

Procedures

Procedures are published in the Policy Statements Booklet and online.
Standing Administrative Advisory Groups

Academic Advising Council

Membership

Faculty
Two faculty representatives from the College of Liberal Arts and Sciences, one faculty representative from the College of Business, one faculty representative from the College of Education, and one faculty member elected at large. Faculty representatives will serve for two-year staggered terms.

Administrators
• Two Academic Affairs administrators appointed by the Provost
• One Student Affairs representative appointed by the Vice President
• One Enrollment Management representative appointed by the Associate Vice President for Enrollment Management, e.g. Director of Admissions or Transfer Advisor
• One representative each from the decentralized advising areas on College of Education and College of Business

Students
• Two student representatives appointed by the President of the Student Government Association (SGA).
• One student appointed by the Chair, e.g. graduate or undergraduate intern

Purpose

The Academic Advising Council will perform the following duties:

1. Monitor and assist in implementing the five-year action plan to enhance academic advising including:
   a. Insuring communication of institutional policies and goals for academic advising;
   b. Monitoring and recommending revisions to the academic advising delivery system;
   c. Reviewing academic advising training programs;
   d. Implementing institutional and individual evaluation of the quality of academic advising;
   e. Assisting in the development of mechanisms to insure that high quality academic advising is rewarded; and
   f. Supporting the development and use of information systems to enhance advising.

2. Discuss and recommend solutions to advising system problems as they arise.

3. Complete the five-year review of the Academic Advising Enhancement Plan required by the Board of Regents and recommend continuing and new strategies to improve advising. The Academic Advising Council will also carry out other duties as assigned by the Provost.
Procedures

1. The Academic Advising Council may invite additional individuals with particular expertise to participate in discussions or projects related to advising.

2. The Academic Advising Council will have two officers: a Chair and a Secretary. The Provost will appoint the Chair. The members of the Council will elect the Secretary.

3. The Academic Advising Council will report to the Provost.

4. The Academic Advising Council will meet once each month during the academic year. The Chair may call additional meetings.

Americans With Disabilities Act (ADA) and Equal Employment Opportunity (EEO) Advisory Group

Membership

1. Standing Members:
   - Director, ADA/EEO Compliance (nonvoting).
   - Director, Disability Support Services or the Americans with Disabilities Act/504 Compliance Officer
   - Director, Student Diversity Center

2. Additional Members:
   Additional membership shall include but not be limited to the following categories:
   - Women
   - Racial minorities
   - Persons with disabilities

NOTE: Guidelines for membership of this Committee have been established in accordance with a directive dated September 18, 1984, from the State Coordinator, Equal Employment Opportunity.

Membership shall be selected as follows, each member serving a two-year term on a rotating basis.
   a) Three faculty or staff members appointed by the President.
   b) Three faculty members elected at large.
   c) Two students, preferably one undergraduate and one graduate, to be appointed by the President. The recommendation is that at least one student be a member of one of the affected groups as identified above.
   d) One non-exempt employee to be appointed by the President.
Officers

There are two officers, Chair and Secretary, elected by majority vote at the first meeting of the academic year. The Chair sets the agenda, oversees meetings and speaks for the Committee. The Secretary presides over meetings when the Chair is absent and appoints a Committee member to be responsible for the minutes of that meeting. The Secretary is responsible for the minutes, one copy of which must be sent to the Library.

The committee shall be advisory to the Director of ADA/EEO Compliance, except in those cases in which it functions as an appeals committee. In those cases, it is advisory to the President.

Purpose

The purpose of the ADA/EEO Advisory Group is to: 1) advise the Director of ADA/EEO Compliance regarding equal employment opportunity concerns; 2) help eliminate and prevent discrimination based upon race, color, sex, disability, age, national origin, ethnic background, sexual orientation, creed, political or religious opinion or affiliation, veteran’s status, or marital status; and 3) help eliminate and prevent sexual harassment. The Committee’s functions include:

1. Identifying ADA/EEO concerns.

2. Reviewing relevant existing programs, practices, and policies for their compatibility with equal employment opportunity goals.

3. Suggesting mechanisms to enhance ADA/EEO efforts at the University.

4. Reviewing existing policies and procedures for handling discrimination/harassment complaints, and suggesting modifications to these policies/procedures whenever appropriate.

5. Reviewing existing policies and procedures for handling complaints of sexual harassment and suggesting modifications to these policies/procedures whenever appropriate.

6. Advising on the coordination and implementation of the ADA/EEO Program.

7. Suggesting methods to ensure that the University demonstrates a strong commitment to its mission to serve a diverse student body as well as its mandate by the University System of Maryland to provide equal education and employment opportunity in all programs.

8. Serving as an advisory body to the Director of ADA/EEO Compliance in the investigation of allegations of discrimination and/or harassment, when requested, and/or as a body to hear the appeal of cases to the Director according to established procedures.

The ADA/EEO Group will also carry out such other duties as may be assigned to it by the Director of ADA/EEO Compliance or by the President.
Procedures

1. Officers.
   a. The Chair will preside over meetings of the Committee. In the absence of the Chair, the Secretary will preside.
   b. All members except the Director of ADA/EEO Compliance may be elected as officers.

2. Regular and Special Meetings.
   a. The ADA/EEO Committee will meet once a month, typically on the fourth Monday of the month, but the meeting may be rescheduled whenever necessary.
   b. When necessary, the Chair will call special meetings of the ADA/EEO Committee.

3. Quorum.

   Fifty percent (50%) of the voting Committee members shall constitute a quorum.

4. Actions.

   Matters involving named individuals and results of hearings and investigations of allegations of discrimination/harassment are reported to the President and the Director of ADA/EEO Compliance. Note: These proceedings do not appear in the minutes.

5. Recall.

   Actions of the ADA/EEO Committee, including recommendations made in relation to an allegation of discrimination/harassment proceeding, are subject to review by the President.

6. Amendments.

   Amendments to these procedures will be by majority vote of the ADA/EEO Committee, with approval of the President.

Athletics Advisory Council

Membership

Administrators
   a. Vice President for Student Affairs or designee (voting, ex-officio)
   b. Vice President for Advancement or designee (voting, ex-officio)
   c. Director of Athletics (nonvoting, ex-officio)
   d. Assistant/Associate Athletic Director for Compliance (nonvoting, ex-officio)
   e. Senior Woman Administrator (nonvoting, ex-officio)
**Faculty (all voting)**

a. NCAA Faculty Athletics Representative (FAR) (chair, ex-officio)
b. Four faculty, to be elected at large for staggered, renewable two-year terms. At least one faculty member on the AAC must be female.

**Students (all voting)**

a. One student-athlete from a male team and one student-athlete from a female team who are Student-Athletic Advisory Committee (SAAC) members selected by the SAAC executive board for one-year, renewable terms.
c. One student from the Student Government Association (SGA) selected by the executive board of the SGA for a one-year, renewable term.

Faculty and staff representation should attempt to represent the diversity of the university community.

**Purpose**

The Athletic Advisory Council shall serve as a review and advisory body to the President of Frostburg State University.

The duties and responsibilities of the AAC shall include, but are not limited to:

1. Provide advice on matters raised by the Athletic Department, SAAC, SGA, the Faculty Senate, or the Staff Senate.
2. Provide counsel to the Director of Athletics concerning matters of athletic policy formulation, budgetary planning, educational programming, and staff development.
3. Promote an understanding of intercollegiate athletics among faculty and others in the campus community.
4. Review existing sports programs in relation to the athletic budget. Issues can include number of teams, current level of play, scheduling, scholarship support, and any equity concerns.
5. Review summary reports detailing the academic progress and retention of all student athletes.
6. Review and act upon any appeals or requests for waivers to the Frostburg State University Policy on “Academic Eligibility for Athletes”.
7. Recommend academic standards for eligibility. The standards should equal or exceed both NCAA and conference minimums.
8. Review injury surveillance reports.
9. Review annual reports of missed-class time for athletic travel, student-athletic surveys and exit interviews.
10. Review and recommend policy regarding student absences based on athletic contests.
11. Assist the NCAA Faculty Athletics Representative and Director of Athletics with any institutional inquiry into alleged or suspected major NCAA rules violations.
12. Review summary reports of NCAA violations.
14. Provide advice related to Title IX and gender equity in athletics.
15. Review the Strategic Plan for Athletics on, at least, an annual basis.
16. Review and recommend team codes of conduct. Ensure that instances of student athlete misconduct are handled in a manner consistent with institutional standards.
17. As appropriate, provide members to serve on search committees for any athletic position.

Procedures

a. The FAR will serve as the AAC chair and a voting member will be elected annually to serve as secretary.
b. The minutes and all recommendations will be forwarded to the President and circulated to AAC, SAAC, SGA, and the Faculty Senate.
c. The AAC shall meet monthly during the academic year. Additional meetings may be called at the request of the President, the FAR, the Director of Athletics, or a majority of the Group.
d. The AAC will operate under Roberts Rules of Order.
e. A simple majority of the voting membership shall constitute a quorum.

Faculty Athletics Representative
Frostburg State University
Position Description

INTRODUCTION.

This position description is based in large part on the 2011 Division II Model Faculty Athletics Representative Document and the 2013 Division II Model Faculty Athletics Representative Document Addendum. The Frostburg State University Faculty Athletics Representative (FAR), appointed by the Frostburg State University President in consultation with the Faculty Senate, has responsibilities in three primary areas: 1) the well-being of Frostburg State University student-athletes; 2) academic integrity involving the student-athletes and athletic programs; and, 3) maintaining and strengthening institutional control with regard to collegiate athletics at Frostburg State University.

POSITION RESPONSIBILITIES.

Committee Service.

The FAR serves as the Chair of the Athletic Advisory Committee (AAC).

Ensure a Quality Student-Athlete Experience and Student-Athlete Well-Being.

- Advocate for student-athlete success in the classroom, in athletics, and in the community that will lead the student-athlete toward life success.
- Serve as a liaison between faculty, administration, and student-athletes and assist in the mediation of conflicts between these groups.
• Work with the Athletic Director (AD), coaches, and conference offices to advocate for scheduling that decreases missed class time.
• Advocate for a climate of respect between coaches, faculty, and student-athletes.
• Help educate student-athletes about the importance of sportsmanship and positive game and practice environment.
• Support the athletic training staff in health and safety education.
• Serve as an independent source of support and advice to student-athletes.
• Work with the Compliance Officer to ensure that all eligibility requirements are met.
• Working with the Vice President of Enrollment Management,
  o Inform student-athletes of campus support services, including academic tutoring, advising, and career development, counseling and health care, disability, and financial aid.
  o Inform student-athletes and athletics staff about available scholarship opportunities and application processes and work directly with student-athletes throughout the application process.
• Encourage coaches and student-athletes to participate in community service and engagement projects (reaching out to help those in the region).
• Encourage students-athletes to represent Frostburg State University at social, civic, and academic events.
• Encourage student-athletes to be good citizens, leaders, and contributors in their community.
• Engage in campus, conference, and national SAAC activities.
• Serve as a member of search committees for head coaches and athletic administrators to ensure commitment to Frostburg State University’s mission and the guiding principles of DII.
• Review exit interviews to discern the success of the student-athlete experience.
• Encourage diversity and foster attitudes of tolerance, inclusion, and respect.
• Promote the continued practices of ethical and behavioral conduct during the student-athlete experience.

Ensure the Academic Integrity of the Athletic Program.

• Knowledge of and act in accordance with the NCAA Constitution Sections 2.4 (The Principle of Sportsmanship and Ethical Conduct) and 2.5 (The Principle of Sound Academic Standards).
• Work to maintain a balance between student-athletes’ academic and athletic goals. Considerations include scheduling to minimize missed class time, monitoring student-athletes’ choice of major to ensure that athletics participation is not limiting student-athletes’ choice of major and encouraging student-athletes to graduate in a reasonable amount of time.
• Working through the AAC:
  o Review admission profiles of recruited student-athletes in comparison with all students who are admitted to the institution, including courses and academic programs selected by student-athletes, academic performance, and graduation rates.
  o Evaluate appropriate records (for both individual student-athletes and for sports teams) to ensure that decisions related to admissions, academic advising, evaluation of academic performance, and the extent of academic support services are made in ways that are consistent with the primary academic mission of the institution.
  o Ensure that the institution has in place effective mechanisms for evaluating whether student-athletes have met all of the academic and athletic eligibility requirements for practice, financial
aid, and intercollegiate competition established by the NCAA, the conference and the institution.

- Report the academic preparation and performance of student-athletes annually to the President, the Faculty Senate, the Vice President for Administration and Finance, and the Department of Athletics.

**Institutional Control of the Athletic Program.**

- Frostburg State University recognizes the FAR should have an active role in institutional control and serve as the principal adviser to the President and the university administration with respect to institutional control of the athletic program.
  - The FAR plays a major role in any major institutional inquiry into alleged or suspected rules violations.
  - The FAR shall be involved in shaping Frostburg State University’s voting decisions on conference and NCAA legislation.
- The FAR should have working knowledge of NCAA, conference and institutional bylaws, policies, and procedures related to institutional control.
- The FAR monitors oversight of student-athlete recruiting, eligibility, and progress-toward-degree.
- Annually review team rosters and sign eligibility forms (initial, continuing, and transfer).
- Periodically review/audit student-athletes’ eligibility issues (e.g., progress-toward-degree, full-time enrollment).
- Periodically review/audit the recruiting process (e.g., spot-check prospective student-athletes’ visits, phone logs).
- Administer the NCAA coaches’ certification test.
- Review all waivers.

**Internal Communication.**

- The FAR shall meet quarterly with the President, the Director of Athletics (AD), and the Vice President for Administration and Finance (the AD’s supervisor). The FAR will meet with the President alone at least twice each year although the FAR may request a confidential meeting at any time.
- The FAR should attend at least one athletic staff meeting per semester. The FAR should also interact regularly with the AD, the Senior Woman Administrator (SWA) and coaches. Given the importance of campus visibility, the FAR is encouraged and welcome to attend sporting events and practices as time permits.
- The FAR shall meet with the Student Athlete Advisory Committee each semester to discuss the quality of the student-athlete experience at Frostburg State University. On a biannual basis, the FAR should meet with each team to explain the role of the FAR as it relates to the academic success of student-athletes. Meeting topics should include eligibility, good academic standing, progress-towards-degree, ethical and behavioral conduct, classroom responsibility, course scheduling, and appropriate communication channels with professors.
- The FAR shall provide a written and oral summary each fall to the Faculty Senate and the University Advisory Council on the actions of the AAC and any other matters that are directly related to the FAR’s role and responsibilities.
External Communication.

- The FAR is expected to attend Conference meetings for FARs as well as other meetings where matters related to the FAR’s responsibilities are discussed.
- The FAR should take an active role in communicating academic successes and recognitions of Frostburg State University student-athletes in collaboration with the institution’s marketing and communication officials, including but not limited to the Sports Information Director.
- Where appropriate, the FAR should communicate to the alumni, friends and donors of Frostburg State University, and the external community the positive contributions and value of the DII student-athlete experience and Frostburg State University’s commitment to the DII Mission, “Life in the Balance”.

Appointment and Reporting Responsibilities.

At least six months prior to the beginning of a term for the FAR, the President and the Faculty Senate Chair will jointly issue a request for nominations (including self-nominations) for the position. Individuals interested in serving as the FAR will submit a current Curriculum Vitae and Letter of Interest to the Office of the President. The Letter of Interest, no more than two pages in length, should address the candidate’s interest and appropriate experience with regard to the FAR’s responsibilities. The deadline for submission should provide the Faculty Senate Steering Committee with at least 21 calendar days for review of all materials.

The Faculty Senate Steering Committee will meet with the President and share its recommendations as to the acceptability or not of each candidate for the FAR position as well as each candidate’s perceived strengths or weaknesses.

The President will select the FAR from the list of unranked acceptable candidates after consulting with the Faculty Senate Steering Committee. In the unlikely event that the recommended candidates are not acceptable to the President, the President and Faculty Senate Steering Committee will reopen the process and seek further nominations and candidates. The candidates forwarded to the President are recommendations and the final decision on the appointment of the FAR rests with the President.

The President of Frostburg State University will appoint the FAR to a 4-year renewable term. The FAR shall be a tenured member of the Frostburg State University faculty with no conflicts of interest or responsibilities in the Department of Athletics. The FAR reports directly to the President and serves at the pleasure of the President. The FAR will meet individually with the President at least twice annually.

Compensation.

The University recognizes the importance of this position and the effort and time commitment required to successfully meet the position’s responsibilities. Therefore, the position includes reassigned time of one course unit each academic year and a $1000 summer stipend (both funded through the Office of the President). In addition, a travel budget will be provided to the FAR to support necessary FAR travel and professional development. The Office of the President will be responsible for providing the necessary staff and clerical support.
b. Secretary

The Secretary shall be responsible for keeping the minutes of all meetings and distributing them to the members of the subcommittee, and to the Library.

2. Other Procedures

a. The Athletic Program Advisory Group shall report to the Faculty Senate.
b. The Athletic Program Advisory Group shall meet at least twice a year -- once during the Fall Semester and once during the Spring Semester.
c. If needed, the Chair may call additional meetings of the Advisory Group.
d. A simple majority of the voting membership shall constitute a quorum.

Distance Education Advisory Group

Membership

Administrators
a. Vice Provost, Chair
b. Chief Information Officer
c. Director of the Library or designee
d. Director of Graduate Services
e. Director of Instructional Design and Delivery

Faculty
Four (4) Faculty to be elected at large

Student (two-year term)
One student to be selected by the Student Government Association (SGA)

Purpose

1. Recommend ways the University can take advantage of opportunities for different and better teaching through distance learning technologies.

2. Review instructional efficiencies that can be realized through the use of distance learning technologies.

3. Evaluate and make recommendations regarding the application of distance learning technologies to specific instructional areas.

4. Recommend ways to use distance learning to bring outside instructional programming to the campus.

5. Serve as an advisory group on scheduling, registration, technical, and other issues associated with
the use of distance learning technologies on campus.

**Procedures**

1. The Distance Education Advisory Group, at its discretion, may invite additional individuals with particular expertise to participate in its deliberations.

2. The Distance Education Advisory Group shall have two officers: a Chair and a Secretary. The Chair, the Vice Provost, will be a nonvoting member of the Advisory Group. Members of the Advisory Group will elect the Secretary.

3. The Distance Education Advisory Group will meet once each month during the academic year. The Chair of the Advisory Group may call additional meetings.

4. A simple majority of the voting membership shall constitute a quorum.

5. Recommendations of the Advisory Group must be approved by a majority of the members present and voting.

**Graduate Learning Assessment Advisory Group**

**Purpose**

The purpose of the Graduate Learning Assessment Advisory Group (GLAAG) is to monitor assessment practices at the graduate level. GLAAG will advise and make recommendations to the Provost on issues affecting the assessment of graduate student learning and their compliance with the institutional graduate learning outcomes. These recommendations will contribute to the University’s decision-making processes for resource allocation conducted during the periodic reviews of each program. Specific tasks are assigned to the Advisory Group.

1. Promulgate and maintain a common language of assessment.
2. Review existing graduate assessment practices and measures, monitor their effectiveness, and suggest recommendations for improvement as appropriate.
3. Recommend guidelines and policies for all aspects of graduate student learning assessment activities.
4. Ensure alignment of graduate program’s learning outcomes with graduate institutional learning goals, and facilitate compliance with the plan for institutional assessment.
5. Recommend actions for consideration of resource allocation for the enhancement of graduate assessment and student learning.
6. Establish the appropriate protocol for reporting graduate assessment activities, and monitor the systematic reporting of assessment data to the Office of Assessment and Institutional Research (AIR).

**Membership**

*Faculty:* Five (5) voting members

Five graduate faculty members representing the three colleges with a special interest in and/or background in student learning assessment, appointed by the Provost:

- One representative from the College of Education
One representative from the College of Business
Three representatives for the College of Liberal Arts and Science

Administrators: Three (3) voting members
One Academic Affairs Administrator appointed by the Provost
Director of Graduate Services Office
Director of Assessment and Institutional Research

Procedures
1. The Advisory Group, at its discretion, may invite additional individuals with particular expertise to participate in its deliberations.

2. The Advisory Group shall have two officers: A Chair and a Secretary. The administrator from Academic Affairs shall serve as Chair. Members of the Advisory Group will elect the Secretary.

3. The Advisory Group will meet once each month during the academic year. The Chair will preside at all meetings or appoint another member to preside. The Chair of the Advisory Group may call additional meetings.

4. A simple majority of the voting membership shall constitute a quorum. Recommendations of the Advisory Group must be approved by a majority of the members present and voting.

Health Professions Advisory Committee

Membership

Faculty
Two (2) or more appointed by the President.

Purpose

The Health Professions Advisory Committee (HPAC) assists students in preparing and applying to professional programs in the health-related fields, including medical, dental, pharmacy, veterinary, optometry, physical therapy, physician assistant, and other health-related fields.

Procedures

Officers

1. The Health Professions Advisory Committee shall have two officers, a Chair and a Secretary, elected by majority vote at the first meeting of the academic year.

2. The Chair sets the agenda, oversees meetings, writes and submits the Committee letter of recommendation, and speaks for the Committee.
3. The Secretary is responsible for writing the minutes. In the Chair’s absence the Secretary will preside over the meeting and appoint a Committee member to be responsible for the minutes of that meeting.

Preparing Students to Apply to Professional Schools

1. The Committee will periodically (at least once each academic year) offer information sessions for students, faculty, and/or staff that are interested in learning more about HPAC and its role in preparing students for professional programs.
2. The Committee will review a student’s personal statement, résumé, transcripts, and individual recommendation letters upon request.

Committee Interviews and Recommendation Letters

1. If a professional school requires a letter of recommendation from the Institution’s Health Professions Advisory Committee, the student may request HPAC to conduct a Committee interview. The interview is structured to mimic the format used in professional schools, which provides the student with experience in conducting themselves in a professional interview situation.
2. Based on the performance of the interview, the Committee votes to determine the level of support for the applicant (Highly Recommend, Recommend, Recommend with Reservation, Not Recommend).
3. The Committee chair will provide the student with feedback regarding their strengths as an applicant to professional school.
4. The completed Committee letter will be sent to the appropriate application service or to programs specified by the student.

Honors Program Advisory Group

Membership

Administrators
a. Director of the Honors Program or designee (nonvoting).
b. One Administrator appointed by the President.

Faculty
a. Three honors faculty elected at large. "Honors faculty" are defined as those faculty members who have taught an honors course within the last three academic years.
b. One faculty elected at large.

Students
Two students selected by the Honors Students Association.
Purpose

The Honors Program Advisory Group will act as a general advisory committee to the Director of the Honors Program. Its responsibilities include:

1. Promoting social, recreational, and instructional activities related to the Honors Program.
2. Reviewing and recommending policies regarding honors housing.
3. Reviewing and recommending policies regarding the Honors Student Association.
4. Serving as an advisory board to the Honors Student Association Newsletter.
5. Reviewing and recommending changes in admissions and retention criteria for students in the Honors Program.
6. Developing, reviewing, and resolving questions of interpretation regarding Honors Program policies, requirements, and guidelines.
7. Soliciting faculty development of courses for the Honors Program in general education and reviewing and recommending courses for inclusion in honors curriculum.
8. Considering the eligibility of transfer students for honors in general education and the equivalency of honors courses for transfer from other institutions.

The Honors Program Advisory Group will also carry out such duties as may be assigned to it by the Director of the Honors Program, the Provost, or the Faculty Senate.

Procedures

Meetings

Regular meetings of the Advisory Group will occur once each month during the academic year. The Chair of the Advisory Group may call additional meetings.

Quorum

A simple majority of the voting membership shall constitute a quorum.

Agenda and Minutes

1. The Chair shall be responsible for compiling and circulating the agenda in advance of each Advisory Group meeting.
2. The Secretary shall be responsible for compiling and circulating the minutes of the Advisory Group after each meeting. Minutes of the Advisory Group are open, and the Secretary of the Advisory Group shall place a copy on file in the Library.

Rules of Procedure

Except in cases of conflict with specified provisions contained in this charter, the Advisory Group shall operate according to standard parliamentary procedure as interpreted by the Chair of the Advisory Group. The following rules of procedure shall apply:

1. The Advisory Group will accept items for substantive action from "external" origins.

2. Substantive motions before the Advisory Group pass when approved by a majority of those present and voting. If desired, the Advisory Group will receive minority reports.

3. Actions of the Advisory Group related to the curriculum shall be submitted to the Academic Affairs Committee for review and appropriate action.

4. The Advisory Group may call upon the Academic Affairs Committee to report on the status of actions recommended by the Advisory Group.

Committee Officers

At the final meeting of each academic year, the Advisory Group shall nominate and select the following:

1. Chair
   a. The term of office is one year and is renewable.
   b. The duties of the Chair shall include:
      (1) Acting as principal spokesperson for the Advisory Group.
      (2) Presiding over meetings of the Advisory Group.
      (3) Serving as a liaison between the Advisory Group and other governance committees and individuals.
      (4) Assigning the appropriate routing of an issue in the event that the Advisory Group is unable to reach a decision.
      (5) Calling special meetings of the Advisory Group.
      (6) Determining the agenda for all meetings of the Advisory Group.
      (7) Ruling on parliamentary procedure for use in Advisory Group meetings.

2. Secretary
   a. The term of office is one year and is renewable.
   b. The duties of the Secretary shall include:
(1) Keeping minutes of all meetings of the Advisory Group.
(2) Distributing the minutes to the members of the Advisory Group.
(3) Placing a copy of the minutes on file in the Library.
(4) Acting as Vice Chair in the absence of the Chair, i.e., presiding over meetings and exercising the duties and prerogatives of the Chair.

Amendments

Amendments to the Charter of the Advisory Group may be prepared at any meeting of the Advisory Group and will be valid:

1. If ratified by two-thirds of those present and voting at the next meeting (provided a quorum is present), and

2. If approved by the Faculty Senate.

International Education Council

Membership

Administrators
a. Director of the Center for International Education (nonvoting)
b. Director of the Honors Program
c. Coordinator of the International Studies Program
d. One administrator from each of the following offices:
   Finance Office
   Registrar’s Office
   Student and Educational Services Office

Faculty
a. One representative from the College of Business
b. One representative from the College of Education
c. Two representatives from the College of Liberal Arts and Sciences

Students (to be selected by the Director of the CIE)
a. One international student
b. One study abroad student
c. One Honors Program student
Purpose

The International Education Council ("Council") will act as a general advisory body to the Director of the Center for International Education. The Council shall report to the Provost through the Director of the Center for International Education. Its responsibilities shall include:

1. The establishment of procedures and criteria for the review and evaluation of (a) FSU sponsored study abroad programs; (b) external or no-FSU sponsored study abroad/work abroad programs (c) programs designed to recruit and retain international students; (d) FSU sponsored faculty exchange programs with foreign education institutions. (The above are hereafter referred to as “International Programs”).

2. The periodic review and evaluation of existing International Programs at FSU, and the recommendation concerning their continuation to the Provost.

3. The review and disposition of proposals to establish new International Programs at FSU.

4. The establishment of procedures and criteria for the administration of existing international programs and FSU study abroad scholarships.

5. The review of study abroad scholarship applications and the selection and recommendation of study abroad scholarship recipients.

6. The support of co-curricular programming and initiatives involving the Center for International Education.

7. The encouragement and support of the internationalization of the University curriculum.

Procedures

Chair

The Director of the Center for International Education shall serve as the non-voting Chair of the Council.

The Chair shall be responsible for compiling and circulating the minutes after each meeting of the Council.

Meetings

The Council shall meet once each month during the academic year. The Chair of the Council may call additional meetings.

The Chair shall be responsible for compiling and circulating the agenda in advance of all meetings of the Council.

The Council may, at its discretion, invite additional individuals with particular areas of expertise to its meetings to assist the Council in carrying out its responsibilities.

Quorum

A simple majority of the voting membership shall constitute a quorum. Recommendations of the Council must be approved by a majority of members present and voting.
Intersession and Summer School Advisory Group

Membership

Administrators
   a. Director of Intersession and Summer School (Chair)
   b. Two Administrators at large:
      • One from Registrar’s Office
      • One from Billing Office

Faculty
   a. Six (6) faculty:
      • One faculty member from each College, appointed by the Dean
      • Three faculty elected at large
   b. One representative from the Institutional Priorities and Resources committee

Students
   a. Two (2) students:
      • One undergraduate student appointed by the President of SGA
      • One graduate student appointed by the Director of Graduate Services

Purpose

The Intersession and Summer School Advisory Group will review current policies relating to Intersession and Summer School and make recommendations to ensure or accelerate the student’s time to degree. The Advisory Group will also recommend marketing strategies and implement initiatives to generate an increase in summer school and intersession enrollment as well as the number and types of courses available to students during these academic terms.

Procedures

1. The Intersession and Summer School Advisory Group shall have two officers: a Chair and a Secretary. Members of the Advisory Group will elect the Secretary.

2. The Chair will be a nonvoting member of the Advisory Group.

3. Regular meetings of the Advisory Group will occur once each month during the academic year. The Chair of the Advisory Group may call additional meetings.

4. The Advisory Group may, at its discretion, invite additional individuals with particular expertise to participate in its deliberations.
5. A simple majority of the voting membership shall constitute a quorum, and recommendations of the Advisory Group must be approved by a simple majority of the members present and voting.

**Library Advisory Group**

**Membership**

The Library Advisory Group will be comprised of four elected faculty members at least (one from each college), one librarian at-large, the Library Director as ex-officio, and one student appointed by the Student Government Association.

**Purpose**

The purpose of this Library Advisory Group is to assess, evaluate, and recommend to the Library Director and the Provost major issues affecting the library and instructional services. The Library Advisory Group will develop procedures for receiving and reviewing information relating to improving the access and development of the library.

**Procedures**

By-Laws:

1. The Library Advisory Group may establish such bylaws, as it deems necessary to conduct its business in an orderly manner. By-laws must be approved by a majority vote of the Faculty Senate.

2. **Officers**
   
a. The Library Advisory Group shall have a Chair, Vice Chair and Secretary.
   
b. The Chair shall schedule and preside over meetings.
   
c. The Vice Chair shall assume the Chair's responsibilities in the Chair's absence.
   
d. The Secretary shall keep appropriate records of all proceedings of regular meetings. Copies of these proceedings will be sent to the Chair of the Faculty Concerns Committee and to the Reserve Room of the Library within 5 working days of the meeting.
   
e. All officers will serve one-year terms and are elected from within the Advisory Group membership. A two-thirds majority of the Advisory Group membership is required to recall an officer. In the event of a successful recall resolution, an election of replacement officer(s) will occur immediately.
   
f. A simple majority of the voting membership shall constitute a quorum. Recommendations of the Advisory Group must be approved by a majority of the members present and voting.
Student Learning Assessment Advisory Group

Membership

Faculty
Four (4) faculty with a special interest in and/or background in student learning assessment, appointed by the Provost.

Administrators
a. Director of Assessment and Institutional Research
b. One Academic Affairs Administrator appointed by the Provost
c. One Student Affairs Administrator appointed by the Vice President

Purpose

1. The purpose of the Student Learning Assessment Advisory Group is to advise the Provost regarding issues of student learning assessment.

2. The Advisory Group will identify strategies to improve both student learning and the process of assessment of student learning.

3. Both sets of recommendations will contribute to the University’s process of budget development and resource allocation.

4. Specific tasks are assigned to the Advisory Group.
   a. Promulgate and maintain a common language of assessment.
   b. Review existing assessment practices and measures, monitor their effectiveness, and suggest modification as appropriate.
   c. Recommend guidelines and policies for all aspects of student learning assessment activities.
   d. Coordinate assessment of the general education program. Review the bi-annual assessment reports of programs and provide feedback.
   e. Recommend actions to enhance assessment and student learning.
   f. Recommend actions for consideration in budgeting and resource allocation.
   g. Monitor the quality of the assessment of student learning that is embedded in campus structures and processes and make recommendations for improvements as necessary.
   h. Establish and revise as necessary the appropriate protocol for reporting assessment activities.
Procedures

1. The Advisory Group, at its discretion, may invite additional individuals with particular expertise to participate in its deliberations.

2. The Advisory Group shall have two officers: A Chair and a Secretary. Either the Director of Assessment and Institutional Research or the administrator from Academic Affairs shall serve as Chair. Members of the Advisory Group will elect the Secretary.

3. The Advisory Group will meet once each month during the academic year. The Chair of the Advisory Group may call additional meetings.

4. A simple majority of the voting membership shall constitute a quorum. Recommendations of the Advisory Group must be approved by a majority of the members present and voting.

Technology Advisory Group

Membership

Administrators
   a. Chief Information Officer, Chair
   b. Vice Provost
   c. Registrar
   d. Director of Technology Services
   e. Director of Advancement Services
   f. Assistant Vice President, Office of Planning, Assessment, and Institutional Research
   g. Director of the Library or designee
   h. Director of Residence Life

Faculty (staggered two-year terms)
   a. Four (4) faculty elected at large (at least one per College)
   b. One (1) to be elected from Department of Computer Science and Information Technologies
   c. One (1) to be appointed from the Graduate Council

Student (two-year term)

   One student to be selected by the Student Government Association (SGA)

Purpose

The Technology Advisory Group will review issues relating to the use of computing and information technologies at the University, including use of the Internet, the World Wide Web, and the University Intranet. The Advisory Group will make recommendations to the President's Cabinet regarding the development, purchase, distribution, and application of computing and information technologies on the main campus and at the Hagerstown and Frederick Centers.
The Technology Advisory Group will also carry out other duties as may be assigned to it by the Provost or the Faculty Senate.

Procedures

1. The Technology Advisory Group may, at its discretion, invite additional individuals with particular expertise to participate in its deliberations.

2. The Technology Advisory Group shall have two officers: a Chair and a Secretary. Members of the Advisory Group will elect the Secretary.

3. Regular meetings of the Advisory Group will meet once each month during the academic year. The Chair of the Advisory Group may call additional meetings.

4. The Chair and the Vice President for Administration and Finance will be nonvoting members of the Advisory Group.

5. A simple majority of the voting membership shall constitute a quorum. Recommendations of the Advisory Group must be approved by a simple majority of the members present and voting.

University Marketing Advisory Group

Membership

Administrators
a. Director, Media Relations (Chair)
b. Assistant Director, Media Relations
c. Director, Recruitment Services
d. Director, Admissions
e. Director, Publications
f. SES representative, liaison with Council on Retention
g. Director, Residence Life
h. Director, Special Projects

Faculty
a. Chair, Business Management Department
b. Representative, Mass Communications
c. Representative, Graphic Arts
d. One faculty member elected at large.

Students
a. Representative, SGA
b. Media Relations intern
c. Representative, at the invitation of the Committee (optional)
Purpose

The Marketing Task Group serves as an advisory group for all institutional-wide marketing efforts. It also allows for the sharing of various campus initiatives to decrease the duplication of efforts. It uses as its guide the Strategic Marketing Plan written and approved by the University in 1995. Among its duties are:

1. Review of recruitment publications, WEB site, video.
2. Brainstorming for public relations efforts.
3. Pooling advertising resources for maximum results.
4. Sharing and responding to various survey results related to public relations and marketing.
5. Overseeing a marketing budget to its best use.

Procedures

1. The task group will meet no less than once a month, often twice a month during the spring when several initiatives are underway.
2. The task group prepares a budget by April that will be submitted and presented to the Cabinet for its approval.
3. The Director of Media Relations serves as Chair and is responsible for the maintenance of the budget, minutes and other additional correspondence. The Chair also reports to the Vice President of University Advancement.

University Council on Retention

Membership

Administrators
  a. Provost designee
  b. Vice President for Student and Educational Services designee
  c. Vice President for Enrollment Management designee
  d. Vice President for Administration and Finance designee
  e. Vice President for University Advancement designee

Faculty
  Three (3) faculty elected at large (one from each College)

Students
  Two students, one commuter and one resident, to be appointed by the President of SGA
Purpose

The Council on Retention will perform the following duties:

1. Review current policies and procedures to promote increased retention of students.
2. Recommend initiatives designed to increase student retention.
3. Maintain communication with the campus regarding retention initiatives and goals on retention reported to external agencies.

The Council on Retention will also carry out such other duties as may be assigned by the Provost and Vice President for Student and Educational Services.

Procedures

1. The Council on Retention may, at its discretion, invite additional individuals with particular expertise to participate in issues related to retention.
2. The Council on Retention shall have two officers: a Chair and Secretary. The Chair is the designee of the Vice President for Enrollment Management. The members of the Council will elect the Secretary.
3. The Council on Retention shall report to the Vice President for Enrollment Management.
4. The Council on Retention shall create a timetable for meetings and the enactment of its duties.
5. The Council on Retention will meet once each month during the academic year.
6. The Chair may call additional meetings.

President’s Advisory Council on Substance Abuse Prevention

Membership

Administrators
1. Dean for Student Development
2. Three (3) SES staff (Activities, Counseling, Residence Life)

Faculty
Four (4) faculty (at least one from each academic College) to be named by the Deans

Students
Four (4) students (SGA, BURG, RHA, Greek)
Purpose

To provide comprehensive guidance and attention to substance abuse issues and their impact at FSU. The council will initiate and recommend University action on policy and implementation of campus prevention initiatives, and community impact. The Council will present written recommendations to the president.

Procedures

Each term will rotate for two years except for student representatives who will serve for one year. Will meet monthly or as needed to address ongoing campus AOD issues.

President’s Advisory Council on Diversity

Membership

The President upon the recommendation of the Council appoints members.

Purpose

The charge of the President's Advisory Council on Diversity is to recommend programs and actions that increase awareness and appreciation of other cultures, that promote harmony among all groups (and peoples), that address the particular problems faced by women and various minority groups, and that sensitize the University to the problems of sexual harassment.

Procedures

The group will meet on the fourth Monday of the Month at 4 p.m.

Center for Teaching Excellence Advisory Group

Membership

Administrators

Director for the Center for Teaching Excellence, Chair (nonvoting)

The Director will be nominated by the members of the Center for Teaching Excellence Advisory Group and appointed by the provost.

Faculty

One (1) faculty member from each college, elected at large.
Two (2) additional faculty members elected at large.

Nomination and election of faculty members will take place in the annual spring elections conducted by the Vice Chair and Secretary of the Faculty Senate, and according to the procedures established by the Nominations and Elections Committee of the Faculty Senate.
Purpose

The Center for Teaching Excellence Advisory Group will act as a general advisory committee to the Director of the Center for Teaching Excellence. Its responsibilities include:

1. Facilitate and encourage faculty to learn about effective pedagogy used by colleagues at FSU and elsewhere.
2. Organize activities for individual faculty, departments, groups of faculty, and the University to reflect on student learning goals and actual outcomes.
3. Stimulate and encourage faculty to reflect on their teaching and search for areas that may need improvement.
4. Connect faculty with current research and other available resources on student learning and instruction.
5. Provide new faculty with resources to help them develop teaching strategies that will enhance their teaching and improve student learning.

Procedures

1. The Center for Teaching Excellence Advisory Group, at its discretion, may invite additional individuals with particular expertise or with a demonstrated interest in the mission of the Center to participate in deliberations.
2. The Center for Teaching Excellence Advisory Group shall have two officers: a Chair and a Secretary. The Director of the Center for Teaching Excellence shall serve as the nonvoting Chair of the Advisory Group. Members of the Advisory Group will elect the Secretary. The Center for Teaching Excellence Advisory Group will meet twice each month during the academic year. The Chair of the Advisory Group may call additional meetings.
3. The Chair will consult with the provost early in the academic year and thereafter as needed, to discuss the planned activities of the Center.
4. The Chair will submit requests for the allocation of funds for CTE projects to the provost for approval before undertaking any activities.
5. A simple majority of the voting membership shall constitute a quorum. Recommendations of the Advisory Group must be approved by a majority of the members present and voting.
General Education Program Review Committee

Membership

Administrators
  Director of Assessment and Institutional Research or Designee
  One Academic Affairs Administrator appointed by the Provost

Faculty
  Ten faculty members, at least one from each college and no two from the same department, with a special interest and/or background in student learning assessment or general education appointed jointly by the Provost and the Chair of Faculty to staggered three-year terms to ensure representation of the following:
  - Each department that offers courses in the Core Skills component of the GEP
  - One department regularly offering courses in each of the six Modes of Inquiry:
    - Group A: Fine and Performing Arts
    - Group B: Humanities
    - Group C: Natural Sciences
    - Group D: Behavioral and Social Sciences
    - Group E: Interdisciplinary Colloquia (IDIS)
    - Group F: Identity and Difference
  - One department that does not regularly offer courses in the GEP
  - The Library

Student
  One student selected by the Student Government Association

Purpose

The General Education Program Review Committee is a standing University Advisory Committee dedicated to the assessment and improvement of the General Education Program.

1. Coordinate the assessment of the General Education Program, including
   a. Reviewing and make recommendations on the procedures for the assessment of the learning goals and associated learning objectives of the General Education Program by the Academic Departments and the Library, including
      i. Reviewing and recommending assessment instruments and rubrics;
      ii. Reviewing and approving departments, courses, and assessment events as appropriate for assessment of GEP learning goals and associated learning objectives; and
      iii. Grounded in the assessment data, periodically update the list of GEP objectives to be assessed in a given assessment cycle to ensure all GEP learning goals and associated learning objectives are covered.
   b. Reviewing benchmarks for GEP learning goals and associated learning objectives;
c. Receiving and reviewing GEP assessment data from Academic Departments, the Library, and the Offices of the Provost and Assessment and Institutional Research;
d. Reviewing syllabi of existing GEP courses to determine coverage of GEP learning goals and associated learning objectives;
e. Making recommendations for improvement of learning outcomes in the GEP based on assessment data; and
f. Communicating assessment outcomes and resulting recommendations to the Student Learning Assessment Advisory Group, the Office of the Provost, and to any appropriate academic department(s), committee(s), or campus unit(s) that could implement the recommendations.

2. Facilitate campus-wide review and revision of the structure, goals, and objectives of the General Education Program, including
   a. Presenting assessment outcomes and recommendations at open campus forums and receiving feedback;
b. Reviewing and making recommendations on the addition, removal, and revision of GEP learning goals and associated learning outcomes;
c. Reviewing and making recommendations on the criteria for course inclusion in the GEP and providing those criteria to the University Undergraduate Curriculum Subcommittee to implement during the curriculum review process;
d. Monitoring offerings of GEP courses and making recommendations to improve offerings;
e. Reviewing General Education Programs at sister, peer, and aspirational institutions as well as monitoring national trends and best practices in General Education;
f. Reviewing Code of Maryland (COMAR) requirements for General Education at 4-year institutions to ensure FSU remains in compliance;
g. Periodically facilitating campus-wide dialogue on the GEP based on assessment outcomes and institutional priorities leading to recommendations to revise the structure, goals, and objectives of the GEP; and
h. Communicate any recommendations on the revision of the structure, goals, and objectives of the GEP to the campus community and to appropriate University Committee(s) and/or Subcommittee(s) for review.

3. Identify faculty development needs and opportunities related to the GEP and administer and award any funds provided by the Provost’s Office to meet those needs.

Procedures

1. Officers
   a. The Committee shall elect from its members a Chair, a Vice-Chair, and a Secretary to serve one-year terms.
   b. The Chair shall set the agenda and preside over meetings.
   c. The Vice-Chair shall assume the Chair’s responsibilities in the Chair’s absence.
   d. The Secretary shall keep appropriate records of all proceedings of regular meetings.
2. The Committee shall meet at least once per month during the Academic Year (August – June).

3. All members of the Committee are voting members, and a quorum shall be a simple majority of the members.

4. The Committee may, at its discretion, invite additional individuals with particular expertise to help the Committee carry out its responsibilities. These individuals shall not be voting members.

5. The Committee shall establish such additional procedures as deemed necessary to conduct its business in an orderly fashion.
## Summary of University Committee Membership

<table>
<thead>
<tr>
<th>ACADEMIC AFFAIRS</th>
<th>Administrators</th>
<th>Faculty</th>
<th>Students</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>- Provost*</td>
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<td></td>
<td></td>
<td>- 1 Academic Dean</td>
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<td>- Registrar</td>
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<td></td>
<td>- Library Director*</td>
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<td>- 7 Faculty Senators</td>
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<td>(2 per Liberal Arts and Sciences, 1 per Business, 1 per Education, 3 at large)</td>
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<td></td>
<td>- Chair of Academic Standards Subcommittee</td>
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<td></td>
<td>- Chair of University Undergraduate Curriculum Requirements Subcommittee</td>
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<td><strong>FACULTY CONCERNS</strong></td>
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<td>- 10 Faculty Senators</td>
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<td>(2 per Liberal Arts and Sciences, 1 per Education, 1 per Business, 1 faculty in library services, 1 non-tenure track, 4 at large)</td>
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<td>- 3 Representative of the CUSF (ex-officio)</td>
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<td>- Chair of the Chairs' Council (or designee)</td>
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<td>- Chair of Faculty Development and Sabbatical/Research Leave Subcommittee (or designee)</td>
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<td></td>
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<td>- Chair of Faculty Promotion and Tenure/Permanent Status Subcommittee (or designee)</td>
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<td>- Chair of Faculty Handbook Subcommittee (or designee)</td>
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<td></td>
<td><strong>GRADUATE COUNCIL</strong></td>
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<td></td>
<td></td>
<td>- Provost*</td>
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<td></td>
<td>- Director of Graduate Services</td>
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<td>- 9 Graduate Faculty, 1 Library Representative</td>
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<td></td>
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<td>- 2 Faculty Senators</td>
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<td></td>
<td><strong>INSTITUTIONAL PRIORITIES AND RESOURCES</strong></td>
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<td></td>
<td>- V.P. for Administration and Finance* (upon request)</td>
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<td></td>
<td></td>
<td>- Chair of the Faculty</td>
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<td></td>
<td></td>
<td>- 5 Faculty Senators</td>
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</tbody>
</table>

*Nonvoting Member
## Meeting Times for University Governance Bodies

Note: All meeting times are 4:00 to 5:00 p.m. or later as need requires.

<table>
<thead>
<tr>
<th>Week</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>Reserved for Department/Library or College Faculty Meetings</td>
<td>Faculty Senate</td>
<td></td>
<td>Administrative Task Groups</td>
<td></td>
</tr>
<tr>
<td>Two</td>
<td>Graduate Council Institutional Priorities and Resources Committee</td>
<td>Academic Affairs Committee Faculty Concerns Committee</td>
<td></td>
<td>Faculty Development Programs</td>
<td></td>
</tr>
<tr>
<td>Three</td>
<td>University Subcommittees (Standing)</td>
<td>Faculty Senate Steering Committee</td>
<td></td>
<td>Administrative Task Groups</td>
<td></td>
</tr>
<tr>
<td>Four</td>
<td>University Subcommittees (Ad Hoc)</td>
<td>Chairs’ Council (3:00 to 4:45 p.m.)</td>
<td></td>
<td>Faculty Development Programs</td>
<td></td>
</tr>
</tbody>
</table>
## Summary of Committee Structure and Procedures

<table>
<thead>
<tr>
<th>To Create</th>
<th>Standing University Committees</th>
<th>Standing University Subcommittees</th>
<th>Senate Ad Hoc Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charter approved by 2/3 vote of Faculty Senate</td>
<td>Charter approved by 2/3 vote of Faculty Senate</td>
<td>Formed by Faculty Senate</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Duration of Committee</th>
<th>Standing</th>
<th>Standing</th>
<th>Disband at end of academic year or at other specified end date</th>
</tr>
</thead>
</table>

| Duties | Major governance bodies of University; specific duties assigned in charter | Regular duties which persist over time and are detailed in separate charter | Deal with a specific task or issue of limited duration; written charge from Faculty Senate |

<table>
<thead>
<tr>
<th>Means of Selecting Faculty Members</th>
<th>Combination of Faculty Senators and faculty elected at large</th>
<th>Faculty elected at large</th>
<th>Faculty appointed by Faculty Senate</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Faculty Terms of Office</th>
<th>Staggered 2-year terms</th>
<th>Staggered 2-year terms</th>
<th>For life of committee</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>To Create</th>
<th>Standing Administrative Advisory Groups</th>
<th>Administrative Ad Hoc Task Groups</th>
<th>Adjudicative Committees</th>
<th>Mandated Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formed under authority of senior administrative officer with the advice of the Chair of the Faculty</td>
<td>Formed under authority of senior administrative officer with the advice of the Chair of the Faculty</td>
<td>Charter approved by 2/3 vote of Faculty Senate</td>
<td>Formed under authority of Board of Regents or based on requirements of other external agency or group</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Duration of Committee</th>
<th>Standing</th>
<th>At the pleasure of appointing administrator</th>
<th>Standing</th>
<th>Standing</th>
</tr>
</thead>
</table>

| Duties | Assist administrator with a routine task; written charge from administrator who creates group | Assist administrator with a specific task; written charge from administrator who creates group | Specific duties assigned in charter | Written charter based on guidelines of the Board of Regents or other external agency or group |

<table>
<thead>
<tr>
<th>Means of Selecting Faculty Members</th>
<th>Combination of Administrative appointments and faculty elected at large</th>
<th>Administrative appointments or a combination of administrative appointments and faculty elected at large</th>
<th>Faculty elected at large</th>
<th>Faculty elected consistent with guidelines established by Board of Regents or other external agency or group</th>
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</table>

<table>
<thead>
<tr>
<th>Faculty Terms of Office</th>
<th>Staggered 2-year term</th>
<th>Staggered 2-year term</th>
<th>Staggered 2-year terms</th>
<th>Staggered 2-year terms</th>
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</thead>
</table>
University System of Maryland (USM) Member Institutions

Bowie State University
Coppin State University
Frostburg State University
Salisbury University
Towson University
University of Baltimore
University of Maryland, Baltimore
University of Maryland, Baltimore County
University of Maryland, College Park
University of Maryland, Eastern Shore
University of Maryland, University College
University of Maryland Center for Environmental Science

Regional Higher Education Centers

Universities at Shady Grove
University System of Maryland at Hagerstown
Action/
Timelines
Calendar
Action/Timelines Calendar

For the convenience of individual faculty, Departmental/Library Committees, Department Chairs, and University-wide committees, the following Action Calendar presents specific actions and deadlines in a single, unified reference document. In addition, for convenience, an Action Calendar by Agent follows this Action Calendar.

NOTE: A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations.

In all cases Department/Library Committees are to report their recommendations through the Department Chair. The Department Chair is responsible for seeing that the departmental/library deadlines are met.

All written rebuttals must be filed within five working days of receipt of notification unless the filing period is otherwise specified. Dates given are to be read "no later than."

Specific committee procedures may be found in the "Faculty Governance" section of this document.

College Dean/Library Director

November 1  Sends report to Provost on Sabbaticals/PRLs indicating rank order. Informs faculty member of recommendation.

November 14  College Dean/Library Director notifies departments/library of any difficulties with Department/Library Evaluation Guidelines.

November 15  Sends recommendation to Provost and Faculty Member on Reappointment of Second-Year Faculty. (Also applies to Instructor in Second/Subsequent year.)

January 10  Sends Tenure/Permanent Status and/or Promotion recommendation to Provost and Faculty Member.

February 6  Sends recommendation to Provost and Faculty Member on Reappointment of First-Year Faculty.

April 17  Sends report to Provost on Faculty Evaluation and Merit. Informs faculty member if College Dean's/Library Director's recommendation differs from Department/Library Evaluation Committee's and/or Department Chair's.

April 17  Sends recommendation to Provost and Faculty Member on Reappointment of Third/Fourth/Fifth-Year Faculty. (Applies only to Assistant Professor rank and above.)
If a Department Chair is seeking re-election, the College Dean sends (in summary form) the results of the Administrative Performance Evaluation to tenured and tenure-track department faculty members and full-time non-tenure-track department faculty members who have completed at least two years of service to the department.

**Department/Library Committee and/or Department Chair**

In all cases Department/Library Committees are to report their recommendations through the Department Chair. The Department Chair is responsible for seeing that the deadlines are met.

October 1  
Faculty member negotiates and sets weights for each evaluation category.

October 18  
Department Chair sends Department Sabbatical/Library Review Committee's recommendation to the College Dean/Library Director and the Faculty Member.

October 30  
Department Chair sends recommendation of Department Tenure Committee/Library Review Committee and/or Department Chair to the College Dean/Library Director and to the Faculty Member on Reappointment of Second-Year Faculty. (Also applies to Instructor in Second/Subsequent year.)

November 1  
Department/Library Evaluation Guidelines submitted to the College Dean/Library Director for approval.

December 1  
Department Chair sends Tenure/Permanent Status and/or Promotion recommendation to College Dean/Library Director and to Faculty Member.

Approved Department/Library Evaluation Guidelines shared with all faculty.

January 22  
Department Chair sends recommendation of Department Tenure Committee/Library Permanent Status Committee and/or Department Chair to the College Dean/Library Director and Faculty Member on Reappointment of First-Year Faculty.

March 1  
Department/Library Evaluation Committee and Department Chair complete evaluation of Faculty Member; DEC/LEC materials to Department Chair and Faculty Member.

March 12  
Department/Library Evaluation Committee forwards Department/Library Evaluation Committee Faculty Evaluation Report to Department Chair.

March 12  
Department Chair conducts Evaluation Interview with Faculty Member.
March 13  Department Chair sends recommendation of Department Tenure Committee/Library Review Committee and/or Department Chair to the College Dean/Library Director and the Faculty member on Reappointment of Third/Fourth/Fifth-Year Faculty. *(Applies only to Assistant Professor rank and above.)*

March 20  Department Chair forwards Department/Library Faculty Evaluation Summary, Department/Library Evaluation Committee Faculty Evaluation Report, and the Department Chair Faculty Evaluation Report for each faculty member to the College Dean/Library Director, with a copy to the faculty member.

**Faculty Appeals Committee**

February 20  Sends recommendation to President and Faculty Member on Tenure/Permanent Status and/or Promotion. *(with a copy to the Provost).*

**Faculty Development and Sabbatical/Professional Leave Subcommittee**

November 1  Informs faculty member of Subcommittee recommendation. Sends report to Provost on Sabbatical/Professional Leave indicating rank order of applicants, Transmits application files to Provost.

**Faculty Member**

**Applications and Evaluations**

September 27  Applies for Sabbatical/Professional Leave:  Copies to Chair of the Department Sabbatical/Library Review Committee and to Faculty Development and Sabbatical/Professional Leave Subcommittee; Letter of intent to Provost.

October 1  Faculty member negotiates and sets weights for each Evaluation category.

October 21  Copy of Letter of Intent for Tenure/Permanent Status and/or Promotion delivered to Provost.

November 1  Applies for Tenure/Permanent Status and/or Promotion:  Copies to Department Chair, Department Tenure Committee/Library Review Committee, and to Chair of the Faculty Promotion and Tenure/Permanent Status Subcommittee.

February 1  Submits Evaluation materials to Department/Library Evaluation Committee and/or to Department Chair/Associate Dean.

April 21  Files Administrative Performance Evaluation of the Department Chair with the College Dean.

5 Working Days  To the President against any Faculty Appeals Committee recommendation.
**Written Rebuttals**

*NOTE: All written rebuttals must be filed within five working days of receipt of notification unless the filing period is otherwise specified. Dates given are to be read "no later than."*

**Sabbatical/Professional Leave**

- **October 25** To College Dean/Library Director against Department's/Library's Sabbatical/Professional Leave recommendation.
- **November 8** To Provost against Faculty Development and Sabbatical/Professional Leave Subcommittee's and/or College Dean's/Library Director’s Sabbatical/Professional Leave recommendation.

**Reappointment/Tenure/Permanent Status**

- **November 8** To College Dean/Library Director against Department's/Library’s Second-Year Reappointment recommendation. (*Also applies to Instructor in Second/Subsequent year.*)
- **November 22** To Provost against College Dean's/Library Director’s Second-Year Reappointment recommendation. (*Also applies to Instructor in Second/Subsequent year.*)
- **December 13** To College Dean/Library Director against Department's/Library’s Tenure/Permanent Status and/or Promotion recommendation.
- **January 17** To Provost against Faculty Promotion and Tenure/Permanent Status Subcommittee's and/or College Dean's/Library Director’s Tenure/Permanent Status and/or Promotion recommendation.
- **January 29** To College Dean/Library Director against Department's/Library’s First-Year Reappointment recommendation.
- **February 13** To Provost against College Dean's/Library Director’s First-Year Reappointment recommendation.
- **March 20** To College Dean/Library Director against Department's/Library’s Third/Fourth/Fifth-Year Reappointment recommendation. *(Applies only to Assistant Professor rank and above.)*
- **April 24** To Provost against College Dean's/Library Director’s Third/Fourth/Fifth-Year Reappointment recommendation. *(Applies only to Assistant Professor rank and above.)*
Merit

March 27  To College Dean/Library Director against Department's/Library's Merit recommendation.

April 24  To Provost against College Dean's/Library Director's Merit recommendation.

Appeals

NOTE: All appeals must be filed within five working days of receipt of notification unless the filing period is otherwise specified. Dates given are to be read "no later than."

Sabbatical/Professional Leave

December 9  To Faculty Appeals Committee against Provost's Sabbatical/ Professional Leave recommendation.

Tenure/Permanent Status and/or Promotion

February 2  To Faculty Appeals Committee against Provost's Tenure/Permanent Status and/or Promotion recommendation.

Faculty Promotion and Tenure/Permanent Status Subcommittee

January 10  Informs faculty member and Provost of Tenure/Permanent Status and/or Promotion recommendation. Transmits files to Provost.

President

December 13  Notifies Second-Year Faculty of Reappointment decision. (Also applies to Instructor in Second/Subsequent year.)

January 30  Notifies Faculty Members of Sabbatical/Professional Leave decision.

March 1  Notifies First-Year Faculty of Reappointment decision.

March 15  Notifies Faculty Members of Tenure/Permanent Status and/or Promotion decision.

June 30  Notifies Faculty Members of Merit decision.

June 30  Notifies Third/Fourth/Fifth-Year Faculty of Reappointment decision. (Applies only to Assistant Professor rank and above.)
Provost

September 16  Issues call for Sabbatical/Professional Leave proposals.

October 15  Issues call for Tenure/Permanent Status and/or Promotion applications.

No Later Than  Calls Sabbaticals/Professional Leaves conference with College Deans/Library Director and Faculty Development and Sabbatical/ Professional Leave Subcommittee.

November 22  Sends report to President on Reappointment of Second-Year Faculty. Informs faculty member of recommendation.  (Also applies to Instructor in Second/Subsequent year.)

December 2  Sends report on Sabbaticals/Professional Leaves to President. Informs Faculty Member of recommendation.

January 24  Calls Tenure/Permanent Status and/or Promotion conference with College Deans/Library Director and Faculty Promotion and Tenure/Permanent Status Subcommittee.

January 27  Sends Tenure/Permanent Status and/or Promotion recommendations to President. Informs faculty member of recommendation.

February 20  Sends report to President on Reappointment of First-Year Faculty. Informs faculty member of recommendation.

May 1  Sends Faculty Merit pay recommendations to President. Informs faculty member if recommendation differs from the College Dean's/Library Director’s.

May 1  Sends report to President on Reappointment of Third/Fourth/Fifth-Year Faculty. Informs faculty member of recommendation.  (Applies only to Assistant Professor rank and above.)

June 30  Files summary report on Evaluation/Merit with Faculty Concerns Committee.
Evaluation

(Dates should normally be interpreted as “not later than.” In the case of dates falling on Saturday, Sunday, or University holidays, the following Monday becomes the deadline.)

Date Chronology:

* before the evaluation cycle
** during the evaluation cycle
*** following the evaluation cycle

Fall* Department/Library works to design (refine) its Department/Library Evaluation Guidelines for the following evaluation cycle.

Fall** Department/Library determines membership of DEC/LEC.

October 1** Faculty member negotiates and sets weights for each evaluation category.

November 1* Departmental/Library Evaluation Guidelines submitted to the College Dean/Library Director for approval.

November 1* Faculty member provides Chair with plan to evaluate reassigned time.

November 14* Dean/Library Director notifies departments/library of any difficulties with Department/Library Evaluation Guidelines.

December 1* Approved Department/Library Evaluation Guidelines shared with all faculty members.

December 15* Dean/Library Director disseminate criteria for distribution of Dean’s/Library Director’s Merit Pool

December 31** Evaluation cycle ends.

January 1** Evaluation cycle begins.

February 1*** Faculty Member submits Evaluation materials to Department/Library Evaluation Committee and to Department Chair.

February 20*** Evaluation recommendation and justification for reassigned time are due to Department Chair.

March 1*** Department/Library Evaluation Committee and Department Chair complete evaluation of Faculty Member; DEC/LEC materials to Chair and Faculty Member.
5 Working Days Faculty under evaluation shall have the opportunity to review and respond to the DEC/LEC/Chair's appraisal of their activities generated by the process prior to submission to the unit administrator (Dean/Library Director), Faculty choosing to exercise this option shall either submit the response to the Department/Library Evaluation Committee/Chair.

March 20*** Department Chair forwards Department/Library Faculty Evaluation Summary, Department/Library Evaluation Committee Faculty Evaluation Report, and the Department Chair Faculty Evaluation Report for each faculty member to the Dean/Library Director, with a copy to the faculty member.

March 27*** Faculty Member may send to Dean/Library Director written rebuttal against Department's/Library’s Evaluation Rating (with a copy to departmentally determined evaluators).

April 17*** College Dean/Library Director sends report to Provost on Faculty Evaluation/Merit. Informs Faculty Member if Dean's/Library Director’s recommendation differs from Departmental/Library Recommendation.

April 24*** Faculty Member may send to Provost written rebuttal against Dean's/Library Director’s Merit recommendation.

May 1*** Provost sends Faculty Merit pay recommendations to President. Informs Faculty Member if recommendation differs from the Dean's/Library Director’s.

May 8*** Faculty member may send to Faculty Appeals a written rebuttal to the Provost’s Evaluation/Merit recommendation (only applicable to faculty who scored less than 3.0 overall).

June 30*** Provost files summary report on Evaluation/Merit with Faculty Concerns Committee.

June 30*** President notifies Faculty Members of Merit decision.

Reappointment

NOTE: A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations.

If listed date falls on Saturday, Sunday, a legal holiday, or other day during which the University is closed, the next working day after the listed date is considered the deadline.

First-Year Faculty

January 22 Department Chair sends recommendation of Department/Library Review Committee and/or Department Chair to the Dean/Library Director and Faculty Member on Reappointment of First-Year Faculty.
January 29  Faculty Member may send written rebuttal to Dean/Library Director against Department’s/Library’s First-Year Reappointment recommendation (with a copy to department/Library determined evaluators).

February 6  College Dean/Library Director sends recommendation to Provost and Faculty Member on Reappointment of First-Year Faculty.

February 13  Faculty Member may send written rebuttal to Provost against Dean’s/ Library Director’s First-Year Reappointment recommendation.

February 20  Provost sends report to President on Reappointment of First-Year Faculty. Informs Faculty Member of recommendation.

March 1  President notifies First-Year Faculty of Reappointment decision.

Second-Year Faculty*

* Also applies to Instructor and Librarian I ranks in second/subsequent year

October 30  Department Chair sends recommendation of Department/Library Review Committee and/or Department Chair to the Dean/Library Director and to the Faculty Member on Reappointment of Second-Year Faculty.

November 8  Faculty Member may send written rebuttal to Dean/Library Director against Department’s/Library’s Second-Year Reappointment recommendation (with a copy to department/Library determined evaluators).

November 15  College Dean/Library Director sends recommendation to Provost and Faculty Member on Reappointment of Second-Year Faculty.

November 22  Faculty Member may send written rebuttal to Provost against Dean’s/Library Director’s Second-Year Reappointment recommendation (with a copy to the Dean/Library Director).

November 29  Provost sends report to President on Reappointment of Second-Year Faculty. Informs Faculty member of recommendation.

December 15  President notifies Second-Year Faculty of Reappointment decision.
Third- and Subsequent-Year Faculty *

* Applies only to Assistant Professor/Librarian II ranks and above

March 13  Department Chair sends recommendation of Department/Library Review Committee and/or Department Chair to the Dean/Library Director and the Faculty member on Reappointment of Third/Fourth/Fifth-Year Faculty.

March 20  Faculty Member may send written rebuttal to Dean/Library Director against Department's/Library’s Third/Fourth/Fifth-Year Reappointment recommendation (with a copy to department/Library determined evaluators).

April 17  College Dean/Library Director sends recommendation to Provost and Faculty Member on Reappointment of Third/Fourth/Fifth-Year Faculty.

April 24  Faculty Member may send written rebuttal to Provost against Dean’s/Library Director’s Third/Fourth/Fifth-Year Reappointment recommendation (with a copy to the Dean/Library Director).

May 1  Provost sends report to President on Reappointment of Third/Fourth/Fifth-Year Faculty. Informs Faculty Member of recommendation.

June 30  President notifies Third/Fourth/Fifth-Year Faculty of Reappointment decision.

Sabbatical/Professional Leave

NOTE: A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations. If listed date falls on Saturday, Sunday, a legal holiday, or other day during which the University is closed, the next working day after the listed date is considered the deadline. Dates given are to be read as “no later than.”

September 16  Provost issues call for Sabbatical/Professional and/or research leaves (PRL) proposals.

September 27  Faculty Member applies for Sabbatical/PRL: Copies to Department Chair/Library Review Committee Chair and to Chair of the Faculty Development and Sabbatical/Professional Leave Subcommittee; Letter of intent to Provost and copy to appropriate College Dean/Library Director. Ordinarily, to be formally considered for review, an application must be received no later than 4:00 PM of the deadline date. Applications determined by the Chair of the Faculty Development and Sabbatical/PRL Subcommittee to be late and/or incomplete will not be considered.

October 18  Department Chair sends Department/Library Sabbatical Review Committee’s recommendation to the College Dean/Library Director and the Faculty Member.
October 25 Faculty Member sends written rebuttal to College Dean/Library Director against Department's/Library's Sabbatical/PRL recommendation.

November 1 College Dean/Library Director sends report to Provost on Sabbaticals/PRLs indicating rank order. Informs faculty member of recommendation.

November 1 Faculty Development and Sabbatical/Professional Leave Subcommittee informs faculty member of Subcommittee recommendation. Sends report to Provost on Sabbaticals/PRLs indicating rank order of applicants. Transmits application files to Provost.

November 8 Faculty Member sends written rebuttal to Provost against Faculty Development and Sabbatical/Professional Leave Subcommittee's and/or College Dean's/Library Director's Sabbatical/PRL recommendation.

No Later Than Provost calls Sabbaticals/PRLs conference with College Deans/ Library Director and Faculty Development and Sabbatical/Professional Leave Subcommittee.

December 2 Provost sends report on Sabbaticals/PRLs to President. Informs Faculty Member and the Chair of the Faculty Development and Sabbatical/Professional Leave Subcommittee of recommendation.

December 9 Faculty Member sends appeal to Faculty Appeals Committee against Provost's Sabbatical/PRL recommendation.

5 Working Days Written rebuttal to the President against any Faculty Appeals Committee recommendation.

January 30 President notifies Faculty Members of Sabbatical/PRL decision.

Tenure/Permanent Status and/or Promotion

NOTE: A recommendation is defined as a yes or no recommendation in writing with a rationale. A report is a compilation of recommendations. If listed date falls on Saturday, Sunday, a legal holiday, or other day during which the University is closed, the next working day after the listed date is considered the deadline. Dates given are to be read as “no later than.”

October 15 Provost issues call for Tenure/Permanent Status and/or Promotion applications.

October 21 Signed Letter of Intent delivered to Provost

November 1 Faculty Member applies for Tenure/Permanent Status: Copies to Chair of the Department Tenure Committee/Library Review Committee and to Chair of the Faculty Promotion and Tenure/Permanent Status Subcommittee.
December 1  Department Chair sends Tenure/Permanent Status and/or Promotion recommendation to Dean/Library Director and to Faculty Member.

December 13 Faculty Member sends to Dean/Library Director written rebuttal against Department's/Library’s Tenure/Permanent Status and/or Promotion recommendations (with a copy to department/Library determined evaluators).

January 10 College Dean/Library Director sends Tenure/Permanent Status and/or Promotion recommendations to Provost and Faculty Member.

Faculty Promotion and Tenure/Permanent Status Subcommittee informs Faculty Member and Provost of Tenure/Permanent Status and/or Promotion recommendations. Transmits files to Provost.

January 17 Faculty Member sends to Provost written rebuttal against Faculty Promotion and Tenure/Permanent Status Subcommittee's and/or Dean's/Library Director’s Tenure/Permanent Status and/or Promotion recommendation (with a copy to the Chair of the Faculty Promotion and Tenure/Permanent Status Subcommittee and/or the Dean/Library Director).

January 24 Provost calls Tenure/Permanent Status and/or Promotion conference with Deans/Library Director and Faculty Promotion and Tenure/Permanent Status and/or Promotion Subcommittee.

January 27 Provost sends Tenure/Permanent Status and/or Promotion recommendations to President. Informs faculty member of recommendation.

February 2 Faculty Member sends appeal to Faculty Appeals Committee against Provost's Tenure/Permanent Status and/or Promotion recommendation (with a copy to the Provost).

February 20 Faculty Appeals Committee recommendation to President and Faculty Member (with a copy to the Provost).

5 Working Days Written rebuttal to the President against any Faculty Appeals Committee recommendation (with a copy to the Chair of the Faculty Appeals Committee).

March 15 President notifies Faculty Members of decision.
Administrative Policies
Administrative Policies

ADA Policies and Procedures for Faculty

Policy on Compliance with Disability Discrimination Laws (PN 3.073)

Frostburg State University is committed to compliance with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990. It is a priority of the University to ensure full participation in programs, employment and activities for all individuals.

Reasonable accommodations shall be provided, upon request, to employees, students and visitors to the University who are eligible to receive them. All University publications and events announcements shall contain a statement informing persons with disabilities of the procedure for requesting accommodations. New construction projects and renovations shall comply fully with all federal, state and local codes, including the Americans with Disabilities Act Accessibility Guidelines and the Uniform Federal Accessibility Standards.

The University is committed to ensuring non-discrimination and to resolving any complaints related to disability in a prompt and equitable manner. The Director of ADA/EEO Compliance shall attempt to resolve complaints following the University's internal grievance procedure.

Reasonable Accommodation Request Procedure for Current Employees

The University has instituted a procedure for handling requests for accommodations for current employees with disabilities. Under the Americans with Disabilities Act, the University must provide a reasonable accommodation requested by an employee to perform essential job duties, unless it would present an undue hardship to the University. The following procedure should be followed for handling accommodation requests.

1. The employee first obtains a Request for Accommodation Form from the Office of Human Resources.
2. The employee completes Section I of the form describing his/her disability, the accommodation being requested, and how the accommodation will assist the individual in performing the essential functions of the job. The employee then returns the form to the supervisor for review.
3. The supervisor reviews the request and determines what impact it will have on the following areas:
   a) Operations - If providing the accommodation would be unduly disruptive to the department/Library or the University’s ability to conduct business, then the supervisor may indicate his/her opinion that the accommodation would be an undue hardship. For example, flexible scheduling may not be able to be accomplished without negatively affecting the operation of a particular department/the Library.
b) Staffing - If the accommodation will create a heavier workload for other employees in the department/Library, the supervisor may indicate on the form that this would pose an undue hardship.

c) Budget - When determining whether the cost of the accommodation may be an undue hardship, the focus should be on the financial resources available to the University. If the supervisor feels that the cost of providing the accommodation would be an undue hardship, he/she can indicate this on the request form.

4. If the supervisor feels that the accommodation request is reasonable based on the established criteria, he/she indicates approval of the accommodation and forwards the form to the Director of ADA/EEO Compliance. If the supervisor feels that the accommodation may present an undue hardship he/she must provide a suggestion for an alternative accommodation. The supervisor then forwards the form to the Director of ADA/EEO Compliance.

5. The Director of ADA/EEO Compliance consults with the employee, the supervisor, and the Director of Human Resources about the request. Based on these consultations, the Director of ADA/EEO Compliance makes a recommendation on the effectiveness of the accommodation for the employee to perform job duties and whether an undue hardship is created for the University. The Director of ADA/EEO Compliance forwards this recommendation to the appropriate Vice President.

6. The Vice President approves the final accommodation and the funds, and sends the decision to the Director of ADA/EEO Compliance.

7. The Director of ADA/EEO Compliance notifies the Director of OHR, the employee, and his/her supervisor of the final approved accommodation.

8. The supervisor then consults with the employee to ensure that the accommodation is adequate for the employee to perform his/her essential job duties.

All Requests of Accommodation forms and related documentation are filed in the Office of ADA/EEO Compliance for a period of five (5) years.

Requests for Transfer as a Reasonable Accommodation

Employees with disabilities who are unable to perform their existing jobs even with accommodation may request a transfer to another position within the University. When such a request is made, the Office of Human Resources will identify positions that are vacant or soon to be vacant that the individual is qualified to perform.

The University will make every effort to reassign the employee to a position of the same grade, salary level, and job status. If there are no equivalent positions vacant for which the employee is qualified, the University will offer reassignment to a lower graded position as an accommodation, if a position is available for which the individual is qualified.
Off-Campus Loans of Equipment to Employees with Disabilities

Frostburg State University has established a procedure for employees with disabilities to request off-campus loans of equipment. An off-campus loan is defined as the removal of equipment to a personal residence, residence hall, or for purposes of travel related to university business.

The following procedure will be followed for handling loan requests:

1) An employee wishing to take equipment off-campus must contact the Director of ADA/EEO Compliance to obtain written approval. The employee is asked to complete a loan form, detailing the request.

2) The Director of ADA/EEO Compliance approves the request in writing, indicating a return or renewal date for the loan. This date is always three months from the date of the loan.

3) The borrower then signs the form, acknowledging responsibility for loss, theft, or damage to the equipment due to negligence. The borrower also agrees to contact the Director of ADA/EEO Compliance by the specified date to return the equipment or renew the loan for another three-month period.

ADA Grievance Procedure

Frostburg State University has established an internal grievance procedure providing for prompt and equitable resolution of complaints of violations of Title III of the Americans with Disabilities Act. Title II states, in part, the "no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

This grievance procedure may be implemented by a student, employee, or visitor of Frostburg State University alleging a violation of the Americans with Disabilities Act.

Complaints may be registered by contacting the University's Director of ADA/EEO Compliance. To be considered for handling by Frostburg State University, a complaint must be filed within 120 days of reasonable knowledge of the alleged violation.

Although individuals are encouraged to utilize the University grievance procedure first, any person(s) with a complaint of an ADA violation has a right to register the complaint with the appropriate state or federal agency within 180 days of the alleged violations.

Registering Complaints with the Director of ADA/EEO Compliance

* A student, employee or visitor of the University may contact the Director of ADA/EEO Compliance by telephone (voice or TDD) to discuss an alleged violation of the ADA.
* The Director of ADA/EEO Compliance will arrange a meeting with the Complainant. At this time, the Director of ADA/EEO Compliance will provide the Complainant with a copy of University procedures for handling ADA grievances and discuss these procedures to be sure that the Complainant understands the process.

* The Director of ADA/EEO Compliance will discuss the grievance with the Complainant to gain an understanding of the concern being registered.

* The Director of ADA/EEO Compliance may request that the alleged violation be described in writing by the Complainant, or the Director of ADA/EEO Compliance may develop a written statement of the complaint for review and validation by the Complainant.

Notification of President

* The Director of ADA/EEO Compliance will immediately inform the President of the University of any ADA grievance filed.

Attempt at Resolution by the Director of ADA/EEO Compliance

* The Director of ADA/EEO Compliance will attempt to resolve allegations of ADA violations independently as a first step in the resolution process. The Director of ADA/EEO Compliance will act as a mediator and assist the Complainant in seeking resolution through the appropriate faculty and/or administrative channels. This should not take more than 30 working days, except in unusual and unavoidable circumstances.

Reporting by Director of ADA/EEO Compliance of Attempts at Resolution

* The Director of ADA/EEO Compliance will inform the President of the University and the ADA Committee of whether or not the initial attempt at resolution was successful.

Request of ADA Committee Hearing, If Resolution Is Unsuccessful

If the Director of ADA/EEO Compliance is unable to achieve a satisfactory resolution of the grievance, the Complainant may then request a hearing of the complaint by the ADA Committee. The request must be made in writing within 10 days after the Director of ADA/EEO Compliance completed the attempt at resolution.

The following procedures will be implemented when a hearing request is received:

* The Director of ADA/EEO Compliance will immediately notify the University President of the request.

* The Director of ADA/EEO Compliance will notify members of the hearing panel of the request. The hearing panel will consist of the ADA Committee members and the Director of ADA/EEO Compliance. The Director of ADA/EEO Compliance will participate in all proceedings but may not vote. The Chair of the ADA Committee will oversee all hearing proceedings.
* The Chair of the ADA Committee, in consultation with Committee members, will establish a hearing date and time. Except in extraordinary circumstances, the date of the hearing will be within 15 days of the filing of the request.

* The Chair of the ADA Committee will notify the Complainant of the date, time and place of the hearing in writing at least 10 working days prior to the hearing date. The Complainant will also be notified of his/her right to produce witnesses and present documentation supporting the grievance at the hearing. The Complainant will be asked to submit the names of any witnesses to appear at the hearing at least 7 working days prior to the hearing date.

**Hearing Proceedings**

* During the hearing, the Complainant will first present his/her grievance either orally or in writing to the Committee. Any persons appearing on behalf of the Complainant may then present supporting statements. At the conclusion of these presentations, the Committee will have an opportunity to discuss the grievance with the Complainant in detail.

**Report and Recommendations**

Following the hearing, the Committee will discuss the information presented by the Complainant and prepare a report of the Committee findings and recommendations. The report will be submitted to all members of the hearing panel for review and consensus. The report will then be finalized by the Chair and forwarded to the Complainant within 5 working days of the hearing.

**Notification of President**

* The Chair will forward a copy of the ADA Committee's final report and recommendations to the President of the University.

**Further Options for Resolution**

* The report of the ADA Committee which is sent to the Complainant will include a notice of other options available if the Complainant is not satisfied with the Committee's recommendations. At this point, the Complainant may file a grievance with the appropriate federal or state agency, or he/she may choose to file a formal complaint of discrimination with the University's Office of ADA/EEO Compliance. All complaints filed with the Office of ADA/EEO Compliance will be fully investigate following the "Allegation of Discrimination/Harassment Procedures" published in the Employee Handbook and the Faculty Handbook, and available from the Office of Compliance.
Advertising by Off-Campus Individuals or Organizations
PN 4.021

Frostburg State University does not distribute through its mailroom, or in any other way, flyers, advertisements, leaflets, etc., from off-campus individuals or organizations. Such individuals or organizations who wish to distribute information and/or any product, providing it is lawful under local, state, and federal laws, may reserve a table to make such distributions in the Lane Center lobby for a maximum of three consecutive days. No more than eight tables will be scheduled at any one time.

The President and/or the Executive Committee will make any exceptions to this policy.

Advertising for Employment
PN 3.037

1. The Director of Human Resources or designee will ensure best use of position advertisements in relevant publications at the least cost practicable.

2. Consistent with the University's commitment to equal employment opportunity, position advertisements will include the name of an Office of Human Resources contact person, with telephone number, to assist applicants who request reasonable accommodation in the employment process. Position advertisements will also identify the Search Chair for faculty positions and may identify the Search Chair for other vacancies.

3. All applications will be received in the Office of Human Resources.

4. The Office of Human Resources will ensure minority publication advertising for all faculty and unclassified vacancies.

5. The Director of Human Resources or designee will ensure that minimum qualifications, primary duties and salary range identified for reference by a job description, a Position Information Questionnaire (PIQ), the Appointment, Retention and Tenure (ART) document and other information provided by the department/Library are consistent with classification/compensation standards for the position to be advertised.

6. All positions will be advertised or posted for at least 30 days to comply with advertising and posting requirements of the Immigration Act of 1990.

7. Advertisements for employment under emergency conditions will be reviewed by the Director of Human Resources and must be approved by the President prior to initiation.
Alcoholic Beverages
PN 4.001

The possession and/or consumption of alcoholic beverages at Frostburg State University is permitted subject to the laws of the State of Maryland, and in accordance with the following sections:

Section 1. Consumption of alcoholic beverages will be allowed in the following instances:

a) Residence hall student rooms, if all the students occupying each room consent and conform to the state, local and university ordinances.

b) Lane Center events in accordance with university regulations and student guidelines for implementation.

c) The Roper Art Gallery and the Library, Room 237, in accordance with university regulations and student guidelines for implementation.

Section 2. Consumption or possession of alcoholic beverages will not be allowed in university buildings not so stated above, on the grounds of the university property, or in areas of buildings not so stated. For instance, consumption may take place in residence hall rooms, but may not take place at any time or for any reason in hallways, lounges, bathrooms, or any public areas of the buildings, or athletic games.

Section 3. On-campus sale, purchase, and/or serving of alcoholic beverages at university functions is prohibited, except as stated above, unless approved by the Office of the President or his designee.

Section 4. Organizations and/or individuals sponsoring events off-campus are subject to compliance with the alcoholic beverages law of the State of Maryland.

Section 5. No rule of the university or of the Alcohol Policy shall be construed to permit the sale, purchase, possession or consumption of alcoholic beverages by anyone under legal age.

Section 6. On-campus violations of any part of the policy will be referred to the appropriate judicial body for action. Violators of the State laws are subject to prosecution by local law enforcement authorities.

Section 7. Beer and/or wine shall be the only alcoholic beverages available at student sponsored functions on campus. Off-campus groups composed predominantly of participants age 21 or over may, when licensing the use of a university facility, request the availability of liquor in addition to the above alcoholic beverages.

Section 8. Sale of alcoholic beverages is permissible on campus only in a university facility covered by the university's liquor license, in accord with university regulations.
Section 9. Residence hall activity fees which are collected by the Residence Life office and used for programs, activities and equipment purchases by the individual hall/house council and Residence Hall Association are not to be used for the purchase of alcohol.

Section 10. Campus alcohol advertising must include a statement regarding proper ID for age and must not focus on the consumption of alcoholic beverages.

Children in the Workplace at Frostburg State University
PN 1.011

The University is sensitive to the fact that, on occasion, it may be necessary or desirable for staff members or faculty to bring young children to campus. Emergencies may arise when regular childcare is unavailable, or there may be times when children accompany their parents on national “bring a child to work” days or simply to be introduced to professional colleagues.

When young children are brought to the campus by their parent or guardian, it is important that they be monitored for their own safety and that their presence not be disruptive or inappropriate in a professional setting. Accordingly, these provisions will apply when children of faculty or staff are present:

1. Children may not be brought to the workplace on a regular basis in lieu of off-campus childcare. If a child is brought to the campus on an emergency basis, the child may not be ill. The University’s leave policies are quite liberal; both in the number of days allowed and, in our desire, to assist employees with occasional special or emergency family needs. Supervisors are encouraged to accommodate working parents with such occasional needs by allowing flexibility in work schedules.

2. Children present in the workplace must be accompanied by or under the direct supervision of the parent or guardian at all times. This policy is intended to avoid disruption, maintain a professional work environment, prevent property damage, and, most importantly, ensure the safety of the children.

Computer Use Policies
PN 2.046

Frostburg State University has joined the National Information Infrastructure through its newly installed campus fiber optic network. Your campus network now connects computers on campus with thousands of other computers within the University of Maryland System as well as with millions of computers in the Internet. As you explore your campus network and the Internet beyond, you will discover the many advantages of network connectivity. This connectivity also requires that you understand your responsibilities as a member of this community of electronic learners so that you, as "user," will be able to protect the integrity of the system as well as the integrity of other users. In this case, a "user" is any individual who uses, logs in, attempts to use, or attempts to log in to the FSU computer system, whether by direct connection or through one or more networks, or who attempts to connect to or traverse a network, whether via hardware, software or both. Therefore, the term "user" includes all students, faculty, and staff affiliated with FSU.
Use of your campus network and all components of the network is not a right, but rather a privilege you
gain through the University. Remember, your campus network and many of the components that make up,
or are attached to the network, are the property of the State of Maryland. When accessing the systems of
other institutions, you are subject to the rules of use for that particular institution as well as those for FSU.

The following Rules of Use are intended to help you use your campus computing and network facilities
responsibly and safely. Complying with them will help assure that all of us use the system responsibly,
legally, and with respect for the privacy of others. The University and its offices are concerned chiefly with
identifying and responding to violations by members of the University community that directly affect the
University community and that are defined by the Student Code of Conduct, the Faculty Handbook,
Personnel Policies and Rules for Classified Employees, and/or other applicable administrative policies and
procedures. Should any violations of this policy originate in the University's network, extend beyond the
University community, and be drawn to our attention by outside authorities, the University reserves the
right to take appropriate actions (as described in Section 13) against the violator.

By establishing these guidelines for responsible computing, the University is not undertaking the
responsibility to screen or control the content of messages or other electronic data transmitted through
the University system. The University specifically denies any responsibility for the accuracy or quality of
information obtained through its computing and electronic communications facilities and services. Further,
the University makes no warranties of any kind, whether expressed or implied, for the service it is
providing. The University will not be responsible for any damages you suffer through the use of FSU
computing and electronic communications facilities and services, including, but not limited to, loss of data
resulting from delays, nondeliveries, or service interruptions caused by its own negligence or by your error
or omissions. Use of any information obtained via the Internet is at your own risk.

The University's Office of Networking and Telecommunications shall be responsible for implementing this
policy. If you have questions regarding this policy or if you need assistance with someone you believe is
violating the policy, please contact the Office of Networking and Telecommunications at (301) 687-4317.

**Responsible Computing at FSU**

1. **Use the Campus Network Responsibly**

Each individual user is responsible for understanding and complying with the guidelines contained in this
document. In addition, users assume personal responsibility for the content of their accounts, their
electronic transmissions, and their overall activities while using the campus network and attached devices,
including communication that would be deemed a violation of institutional sexual harassment and/or other
harassment or discrimination policies, but that occurs in an electronic environment.

2. **Do Not Violate the Intended Use of Your Campus Network**

The University considers an e-mail message as a business correspondence; therefore, you should use and
respond to e-mail in a manner consistent with other business communications.
The purpose of the campus network is to support research, education, service, and administrative activities, by providing access to computing resources and the opportunity for collaborative work. All use of your campus network must be consistent with this purpose. E-mail communications made or received by University employees using University facilities are presumed to be made in the course of University employment and are subject to rules, regulations and laws pertaining to University records and policies. Occasional and incidental social communications using e-mail are not prohibited; however, such messages should be limited and must not interfere with an employee's job function. In particular, your campus network may not be used to transmit threatening, obscene, or harassing materials. The campus network is never to be used for commercial purposes without authorization from proper University officials.

3. Do Not Let Anyone Know Your Password(s)

Your computer account "user ID" identifies you to the whole Internet user community. Anyone who knows your password can use your account. If he or she does anything that affects the system, it will be traced back to your user ID. If your user ID or your computer account is used in an inappropriate manner, you can be held responsible for the consequences.

4. Do Not Copy Copyrighted Material

Many software programs, images, sounds, text, and related materials such as documentation are protected by copyright and other laws and by licenses and other contractual agreements. You must abide by these restrictions. To do otherwise is a crime or a violation of legal rights for which you may be personally liable.

Such restrictions include prohibitions against copying data, images, sounds, or programs, the resale of this material or the use of this material for non-educational purposes or for financial gain, and public disclosure of information about programs (e.g., source code) without the owner's authorization.

Users must abide by all software licenses, FSU and USM copyright and intellectual property policies, and applicable Federal and State laws.

5. Do Not Violate the Privacy of Other Users

Federal law protects the privacy of users of wire and electronic communications. You should ensure that your use of your campus network and other computing facilities does not violate the privacy of other users, even if unintentionally. Specifically, unless otherwise allowed by law or University policies and procedures:

Do not try to access the files or directories of another user without clear authorization from that user. Typically, this authorization is signaled by the other user's setting file access permissions to allow public or group reading of the files. If you are in doubt, ask.

Do not try to intercept or otherwise monitor any network communications not explicitly meant for you. These include e-mail and user-to-user dialog, as well as a user's password input.

Do not use the system to store personal information about individuals that they would not normally disseminate freely about themselves.
Do not create programs that secretly collect information about other network users. You may not collect information about individual users without their consent.

6. Do Not Impersonate Other Individuals

Misrepresentation of yourself as another individual is not allowed on the FSU campus network or in any electronic communication with other parties.

7. Do Not Misrepresent Yourself

The campus network may not be used to express a personal opinion or belief that may be interpreted as an expression of the University's viewpoint.

8. Do Not Abuse Your Email Privileges

Guidelines on the use of E-mail are not based on etiquette alone. As provided in Paragraph 11 below, any e-mail generated by University employees on the on-campus network is presumed to be University property and therefore may be subject to disclosure. E-mail may be and has been used as a source to support litigation claims. Furthermore, E-mail sent with the intent of disrupting communication or other system services is not allowed. The proliferation of electronic chain letter is abusive to the mail system and the network. Chain letters waste valuable computing resources, and may be considered harassing. You may lose your network privileges by creating or forwarding chain letters.

9. Do Not Use Your Campus Network to Harass Anyone in Any Way

Harassment is any verbal or physical conduct, on or off campus, which has the intent or effect of unreasonably interfering with an individual's or group's educational or work performance or which creates an intimidating, hostile, or offensive educational or work environment.

Harassment on the basis of race, color, gender, disability, religion, national origin, sexual orientation, or age includes harassment of an individual in terms of a stereotyped group characteristic, or because of that person's identification with a particular group. With reference to sexual harassment, the definition also includes unwelcome sexual advances and requests for sexual favors that might be perceived as explicitly or implicitly affecting educational or employment decisions concerning an individual.

Sending offensive, unsolicited, or unwanted e-mail or messages may constitute harassment and is in violation of the intended use of the system. Use appropriate language. Obscenity will not be tolerated on your campus network. Avoid offensive or inflammatory speech. Personal attacks are an unacceptable use of the network.

10. Unlawful Activities Are Not Allowed

Use of your campus network for unlawful or criminal purposes will result in immediate suspension of your privileges on the network and components attached to the network and may result in referral to the appropriate University, State, and/or Federal authority for possible disciplinary and/or legal action.
11. Introduction of Computer Viruses

The deliberate introduction of a computer virus into an FSU computer or computing system is against both federal and state law as well as a violation of FSU policy. Attempts to introduce such viruses may result in suspension of computing privileges as well as other legal and/or University action depending upon the severity of the damage such activity causes.

12. System Administrators, Whenever Possible, Will Respect Your Privacy

The general right of privacy should be extended to the extent possible to the electronic environment. Consistent with applicable law and University policies and procedures, including those pertaining to University records, the University and all users should treat electronically stored information in individual files as confidential and private. Contents should be examined or disclosed only when authorized by the owner, approved by an appropriate University official, or required by law, and attempts by unauthorized individuals to read or access another person's e-mail or other protected files will be treated with the utmost seriousness. However, the University reserves the right to monitor its computing resources to protect the integrity of its computing system workstations, and lab facilities. More specifically:

System Administrators may conduct periodic security checks of your campus network and attached components, including password checks, to determine if security violations or other violations of this policy have occurred or are occurring. Any user with a "bad password" will be notified via e-mail. If you do not change the password in a timely manner, you will be "locked out" of the account until you contact Academic Computing.

FSU is an agency of the State of Maryland and therefore subject to the Maryland Public Records Law (Maryland Annotated Code, State Government Article, 10-611 et seq.). Stored electronic information and e-mail may be considered public records, just as are paper records. Such records, unless subject to a specific privilege, may be subject to review and/or release under the Public Records Law. Further, electronic information, including e-mail messages, when relevant, are subject to production through discovery in civil litigation.

Administrative files of the University are generated as part of the process of managing the University. Files that employees create or maintain as well as e-mail can be reviewed by supervisors within this administrative context. Generally, faculty research files and files relating to scholarly endeavor will not be subject to such a review.

In the normal course of system administration, system administrators may have to examine activities, files, electronic mail, and printer listings to gather sufficient information to diagnose and correct problems with system software or hardware. In this case, the user should be notified as soon as practical. Computer systems and stored data are subject, by authorized personnel, to review for audit purposes or when a violation of University policy or law is suspected.
13. Responsibility for Compliance with Law

All users of University computing resources must comply with all federal, Maryland, and other applicable law; all generally applicable University rules and policies; and all applicable contracts and licenses. Examples of such laws, rules, policies, contracts, and licenses include the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking", "cracking", and similar activities; the University's Code of Student Conduct; the University's Sexual Harassment and Racial Discrimination policy; the University's personnel policies; and all applicable software licenses. Users who engage in communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding and complying with the laws, rules, policies, contracts and licenses applicable to their particular uses.

14. Disciplinary Actions for Abuse of Privileges

Users who violate this policy may be denied access to University computing resources and may be subject to other penalties and disciplinary action, both within and outside of the university. The University may temporarily suspend or block access to an account, prior to the initiation or completion of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, security or functionality of university or other computing resources or to protect the university from liability. Violations will be handled through University disciplinary procedures applicable to the relevant user. Policy violations by students will be handled in accordance with the Code of Student Conduct. Policy violations by University employees, including faculty, will be handled in accordance with the University System of Maryland's Personnel Policies and Rules for Classified Employees, the Faculty Handbook and other applicable administrative policies and procedures. The University may also refer suspected violations of applicable law to appropriate law enforcement agencies.

If you have any questions regarding this policy, please contact the Office of Academic Computing and Instructional Technologies in Pullen Hall (687-7090) or the Office of Networking and Telecommunications in Lowndes Hall (687-4317).

**Electronic Accessibility Policy**

PN 3.107

1.0 PURPOSE

The purpose of this policy is to ensure accessibility to all users of Frostburg State University (FSU) web sites, including those with disabilities in accordance with State of Maryland Information Technology Policy.

2.0 SCOPE

This policy applies to the web development efforts of all FSU offices, departments, programs, and outsourced web site development and administration.
3.0 POLICY

Universal electronic access to web sites is provided for the purpose of conducting the business of higher education at Frostburg State University. Because the technologies that allow publishers to design, create, and access the World Wide Web are constantly evolving, current Electronic Accessibility Guidelines are posted on the University web site.

4.0 RESPONSIBILITIES

4.1 Executive-Level Responsibilities
The Administration and Finance division and the ADA Compliance Office will ensure compliance with this policy.

4.2 Webmaster Responsibilities
The FSU Webmaster is responsible for monitoring official FSU web pages and sites to ensure accessibility to all users. The FSU Webmaster must be familiar with relevant state policies and standards and communicate this information to University web page managers as appropriate.

4.3 Office, Department, and Program Web Page Managers' Responsibilities
Office, department, and program web pages are managed by an appointed web page manager, who is responsible for ensuring that all web pages in the unit’s web site follow accessibility specifications. Current web accessibility specifications are available on the University web site or by contacting the FSU Webmaster.

5.0 GUIDANCE

W3C Web Content Accessibility Guidelines: http://www.w3.org/TR/WAI-WEBCONTENT/
The World Wide Web Consortium (W3C) is an international industry consortium of over 300 organizations created to ensure optimal access to web sites and their content. These Guidelines explain how to provide accessibility to a wide audience, including alternatives to auditory and visual content and designing for device independence (e.g., mouse, keyboard, voice, head wand).

Federal Access Board Electronic and Information Technology Accessibility Standards:
The Access Board is an independent Federal agency devoted to accessibility for people with disabilities. The Board's standards assist the states in their efforts to provide broad access to all customers via the Internet.

This web site provides guidance to web site developers who want to ensure that their web pages are accessible to and usable by the blind.

Bobby is a free web-based evaluation tool that web site developers can use to analyze web pages for accessibility to people with disabilities.
6.0 ADDITIONAL INFORMATION

Questions regarding FSU’s Electronic Accessibility Policy should be directed to the Director of ADA/EEO Compliance or the FSU Webmaster.

**Web Site Development and Operations Policy**

**PN 3.108**

1.0 PURPOSE

This policy provides information and guidelines to be followed by web publishers and developers at Frostburg State University (FSU). It also references other important web-related policies.

2.0 SCOPE

This policy applies to the web development efforts of all FSU units and personnel (i.e., faculty, staff, and students). It applies to efforts by these entities to outsource web site or web page development and administration to contractors.

3.0 POLICIES

3.1 General Issues

3.1.1 Electronic Accessibility Policy

The Universal Electronic Accessibility Policy sets forth required information on web site accessibility issues. This policy is posted on the FSU web site.

3.1.2 Privacy Policy

The Web Site, E-mail, and Data Storage Privacy Policy sets forth required information on electronic privacy issues. This policy is posted on the FSU web site.

3.1.3 Copyright Complaints

The Designated Agent to receive and respond to reports alleging copyright infringements on FSU's web site, in accordance with the Digital Millennium Copyright Act, is the FSU Webmaster (webmaster@frostburg.edu). Complete agent contact information is listed on the FSU web site. The Digital Millennium Copyright Act specifies that all infringement claims must be in writing (either electronic mail or paper letter) and must include the following elements:

- a physical or electronic signature;
- identification of the infringed work;
- identification of the infringed material;
- contact information for the complaining party, e.g., address, telephone number, electronic mail address;
- a statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner or the law; and
- a statement that the information contained in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.
3.1.4 Copyright Information and Resources

Unless otherwise indicated, all text and artwork appearing on the World Wide Web is protected by copyright and should not be reproduced without written permission from the copyright holder. Web developers should contact the author of that web page for permission to use specific information and/or graphics, which can be accomplished by sending an e-mail, if there is an e-mail link on that page or site, or by calling the author, again if the information is available.

Information on the Web that is prohibited by law or disallowed by licenses, contracts, copyrights, or FSU regulations may not be published. Groups or individuals are responsible for the information they publish; consequently, they should be aware of FSU policies pertaining to confidentiality and the use of computers. All FSU policies are located on the FSU web site. Contact the Information Technology Department for more information.

All departments, offices, and web publishers and developers are responsible for keeping their web pages in compliance with copyright rules and with FSU guidelines and policies.

For additional information, consult the following copyright resources on the Internet:

- United States Copyright Office – http://lcweb.loc.gov/copyright/
- U.S. Code – http://www4.law.cornell.edu/uscode/
- Digital Millennium Copyright Act – http://www.loc.gov/copyright/legislation/hr2281.pdf
- CCC: Copyright Clearance Center – http://www.copyright.com/
- University of Maryland's Project NEThics – http://www.inform.umd.edu/NEThics/resources/online/laws.html
- University of Texas' Crash Course in Copyright – http://www.utsystem.edu/OGC/IntellectualProperty/cprtindx.htm#top
- Copyright and Multimedia Law for Web builders and Multimedia Authors – http://bailiwick.lib.uiowa.edu/webbuilder/copyright.html

3.2 Web Development Issues and Standards

3.2.1 Web Accounts Policy

FSU web accounts are subject to the Agreement of Acceptable and Responsible Use of Computing and Network Resources, which users of FSU’s network resources, including web publishing accounts, must read, agree to, and sign.

Faculty and staff web publishing accounts at FSU are administered by the Information Technology Department. Employees may request a web account by completing and returning an FSU Web Publisher Account Request to the Information Technology Department. This agreement is available on the University web site or from the FSU Webmaster.
Student web publishing accounts at the University are administered by the University Computer Club. Contact the Computer Club or the Information Technology Department to request a student web account on a University student web server.

3.2.2 Web Page/Site Policies

Official University Pages
Each academic and administrative unit at FSU will be granted space on an FSU web server for a web presence. Each unit must assign a web page manager. If the assigned web page manager changes, the unit must inform the FSU Webmaster. Newly appointed web page managers should contact the FSU Webmaster for information and guidelines on maintaining their unit’s web pages.

Each unit’s web presence should communicate only approved FSU information. Official pages must adhere to FSU specifications concerning, but not limited to, required content, acceptable design, update responsibility, and space restrictions. Current web development guidelines and specifications are posted on the University web site.

Faculty and Staff Personal Web Pages
All FSU faculty and staff may be granted space on an FSU web server for a personal web presence. Personal pages must adhere to FSU specifications concerning, but not limited to, space restrictions. Current web development guidelines and specifications are posted on the University web site. Personal pages are not endorsed by or official representations of FSU.

FSU employees may not publish information on the World Wide Web that is prohibited by state or federal laws and regulations, or disallowed by FSU policies and agreements, licenses, contracts, or copyrights. FSU does not assume responsibility or liability for any actions that may result from use of FSU web resources.

Owners of professional- or academically-related personal web sites may request links to the web site from appropriate locations on the main FSU web site. The FSU Webmaster will handle all requests for cross links.

Student Personal Web Pages
All FSU students may be granted space on a student web server for a personal web presence. Personal pages must adhere to FSU specifications concerning, but not limited to, space restrictions. Current web development guidelines and specifications are posted on the University web site. Personal pages are not endorsed by or official representations of FSU.

Students may not publish information on the World Wide Web that is prohibited by state or federal laws and regulations, or disallowed by FSU policies and agreements, licenses, contracts, or copyrights. FSU does not assume responsibility or liability for any actions that may result from the use of FSU web resources.

3.2.3 Service Disclaimer
FSU makes no warranties for the service it is providing. In addition, it is not responsible for any damage an individual may suffer due to system use. Damages may include, but are not limited to, loss of data, delays, non-deliveries, misdeliveries, or service interruptions, which may cause errors or omissions. The use of
information systems is at the user’s risk, since FSU specifically denies any responsibility for the accuracy of information received through electronic resources.

3.2.4 Outsourcing
All standards set forth in this document apply to efforts by FSU entities to outsource web site or web page development and administration to contractors.

3.3 Web Operations
The FSU web site is an extensive network of static and dynamically created information resources residing on multiple servers located across the FSU network. Web servers are maintained and administered by the Information Technology Department.

All official FSU web pages must be hosted on an official FSU web server maintained by the Information Technology Department. All servers (web, ftp, mail, dhcp, smtp, tftp) must be registered with the Information Technology Department.

3.4 Establishing and Changing University Web Policies, Procedures, Standards, and Guidelines
Creation of and changes to University web policy, procedures, standards and guidelines will be facilitated by the University Web Advisory Group. This Group will make recommendations to the Executive Committee in regards to establishing new or changing existing web policy.

4.0 RESPONSIBILITIES

4.1 Executive-Level Responsibilities
The Administration and Finance division will ensure that the FSU Webmaster and web publishers implement policy.

4.2 Web Advisory Group Responsibilities
The FSU Web Advisory Group exists to assist in the making and changing of web policy, procedures, standards and guidelines at FSU. The Group will make web policy recommendations to the Executive Committee.

The Web Advisory Group is chaired by the Vice President of Enrollment Management and reports to the Vice President of Administration and Finance. Web Advisory Group membership consists of the Vice President of Enrollment Management, the FSU Webmaster, and one representative each from the Division of Academic Affairs, the Division of Student and Educational Services, and the Division of University Advancement. Division representatives will be designated by the Division vice president.

4.3 Webmaster Responsibilities
The FSU Webmaster is responsible for heading redesign and enhancement efforts relating to the FSU web site. The FSU Webmaster also monitors adherence to standards, provides resources for FSU web development, coordinates FSU web resources, and maintains top-level information resources on the FSU web server. The FSU Webmaster is available to assist offices, departments, programs, and organizations with developing and maintaining a web presence.
The FSU Webmaster must be familiar with relevant State policies and standards and be aware of current guidelines and specifications endorsed by the World Wide Web Consortium. The FSU Webmaster must make this information available to web page managers as appropriate.

4.4 Office, Department, and Program Web Page Managers' Responsibilities
Unit web pages are managed by appointed web page managers in each unit. Each web page manager is responsible for ensuring that all information provided on the unit’s web pages is accurate and up-to-date and that no information being distributed via the Web is private, confidential, or detrimental to the FSU or the State of Maryland.

It is also the responsibility of the unit’s web page managers to coordinate all web development projects, including outsourced projects with the FSU Webmaster and the Information Technology Department. Also, the unit web page managers should consult with the Information Technology Department at the beginning of any web development project to ensure that all server-related standards are followed and all server-related issues are addressed.

4.5 Personal Web Page Publishers' Responsibilities
Personal faculty, staff, and student web pages are managed by the page owners. Each personal web publisher is responsible for ensuring that all information provided on his or her web pages is accurate and up-to-date, and that no information being distributed via the Web is private, confidential, or detrimental to FSU or the State of Maryland.

It is also the responsibility of the personal web publishers to coordinate all web development projects with the department web page manager (as appropriate) and with the FSU Webmaster and the Information Technology Department.

5.0 GUIDANCE

5.1 Minimum Guidelines for Web Site Development and Operations
The World Wide Web Consortium was established to lead the World Wide Web to its full potential by developing common protocols that promote its evolution and ensure its compatibility around the world. W3C has developed more than 20 technical specifications for the Web’s infrastructure. As Web technology emerges, the W3C is laying the foundations for the next generation of the Web to enable a robust, scalable, and adaptive infrastructure for a world of information. The W3C web site is located at http://www.w3.org

6.0 ADDITIONAL INFORMATION
Questions regarding FSU’s Web Site Development and Operations Policy should be directed to the FSU Webmaster or the Information Technology Department.
1.0 PURPOSE

This policy ensures the protection of all personal information collected via web sites, email, and data storage. Users will be provided information that allows them to make informed choices about the collection and use of their personal information in accordance with applicable laws and regulations.

2.0 SCOPE

This policy speaks generally to the information collected by or submitted to official FSU web sites (see 2.1 below). The University also requires all units and programs contributing to its official web pages to post, as necessary, more specific privacy notices pertaining to the collection and use of any personal information associated exclusively with those pages.

2.1 Site Definitions

Official University Web Sites. Except as noted, this privacy notice applies to all official FSU web sites, which are defined as the web pages of University colleges, departments, divisions, or other units and programs.

Unofficial University Web Sites. Within the FSU domain (signified by the address http://www.frostburg.edu or within the Internet protocol addresses assigned to the University), site visitors may find web sites over which the university has no editorial responsibility or control. Such sites are considered unofficial and include, but are not limited to, the web pages of individual faculty members, staff members, students, and student organizations and other entities not formally a part of the University.

2.2 Consent

Use of the FSU web site constitutes consent to any policy then in effect.

3.0 POLICY

Maryland law mandates that such State agencies as FSU shall not create personal records unless the need for the information is clearly established and that personal records shall be relevant to the purposes for which they are collected, be accurate and current, and not be obtained by fraudulent means.

The following information is provided as assistance in better protecting site visitors’ privacy. However, it shall not be construed as a legal contractual promise, and the University reserves the right to amend it at any time without notice.

3.1 Information Automatically Gathered From Site Visitors

Like virtually all other web servers, FSU’s web servers automatically create access log files containing information about visitors to their sites. These files allow FSU to make the site more useful to visitors. The access logs do not record a visitor's name, address, phone number, credit card number, or any other personal identifying information. Rather, these log files may contain some or all of the following information:
• Date of the visit
• Time and length of the visit
• Path taken through the web site
• Internet address of the web site linked directly to the FSU web site
• Browser and operating system being used
• List of files downloaded or viewed
• Amount of time spent listening to audio files
• Internet Protocol (IP) Address of the computer accessing the FSU web site
• Any errors encountered

3.2 Use of Automatically Gathered Information
Frostburg State University may keep client information from our systems indefinitely after the web page is transmitted.

As a general rule, FSU does not track individual visitor profiles, but does analyze aggregate traffic/access information for resource management and site planning purposes.

FSU reserves the right to use log details to investigate resource management or security concerns. In case of attempts to breach computer security, IP addresses and computer names in access logs may be analyzed to identify individual users. Also, these logs may be further analyzed or forwarded, together with any other relevant information in our possession, to law enforcement agencies.

3.3 Use of Cookies
FSU currently does not save "cookie" text files in the browser files of visitors' computers. However, FSU reserves the right to use "cookies" and will reveal that policy if they are used.

3.4 Information Visitors Give FSU
FSU collects personally-identifying information from FSU web sites only if site visitors choose to provide that information by submitting an online form or e-mail. Visitors under the age of 18 must obtain permission from their parents or guardians before sending any personally-identifying information to FSU.

FSU may ask for certain personal information when site visitors use a particular feature or service, such as admission applications, registration for contests, signing up for events, requesting information, contributing material that may be used on the web site, or submitting an FSU form.

This information may be used to verify a site visitor’s identity, provide access to a specified service, manage a contest, gather editorial comments and feedback, request additional information, and fulfill requests. In some cases, it may become a public record.

If site visitors send e-mail, the University uses the information to respond to the inquiry, just as with written correspondence. E-mail correspondence to the University may therefore become a public record which could be disclosed to other parties upon their request, in accordance with Maryland’s public records law.
3.5 Data Security
Frostburg State University is dedicated to preventing unauthorized data access, maintaining data accuracy, and ensuring the appropriate use of information. FSU strives to put in place appropriate physical, electronic, and managerial safeguards to secure the information collected online. However, site visitors supply personal data at their own risk.

3.6 Other Entities Collecting Personal Information
The Frostburg State University web site contains links to other sites, which may request personal information. In such instances, the privacy policy applicable to that site will govern the collection and use of personal information. FSU is in no way responsible for the collection and distribution of personal information that is collected on these sites.

3.7 Contacting FSU
Should site visitors have questions or concerns about these privacy policies, they should contact the Office of Administrative Computing or send an e-mail to webmaster@frostburg.edu. If site visitors wish to review or change information gathered by an official University web site, contact the appropriate office, department, or program web page manager.

3.8 Policy Changes
FSU reserves the right to change this policy. All changes to this policy will also be posted on the FSU web site.

4.0 RESPONSIBILITIES

4.1 Executive-Level Responsibilities
The Administration and Finance division will ensure that the FSU Webmaster and web publishers implement policy.

4.2 Webmaster Responsibilities
The FSU Webmaster is responsible for monitoring official FSU web pages and sites to see that they adhere to privacy standards. The Webmaster will be familiar with relevant state and federal policies and standards and will communicate this information to University web page managers as appropriate.

4.3 Office, Department and Program Web Page Managers Responsibilities
Office, department, and program web pages are managed by appointed web page managers in their unit. Web page managers are responsible for ensuring that all requests for information provided on their unit’s web pages include the necessary privacy notification to allow the visitor to make informed choices about the collection and use of personal information.

More specifically, whenever a unit’s web page requests personal information from the site visitor, that page (or a linked page) will advise the visitor regarding the purposes of information gathering, the consequences to the visitor for refusing to provide the personal information, the visitor’s right to inspect and correct personal records, and the information’s availability to the public or other entities.
Using Email as Official Communication with Students, Faculty, and Staff
PN 3.110

Policy Statement

A University assigned email account shall be used as one of the University's official means of communication with all students attending FSU as well as Faculty and Staff employed by FSU. Students and employees are responsible for all information sent to them via their University assigned email account. If a student or employee chooses to forward their University email to another account, he or she is responsible for all information, including attachments, sent to the other email account.

Reason for Policy

Increasingly, email is the primary mode of communication with students, faculty, and staff. Frostburg State University provides students with an email account upon the student's matriculation to the institution. This account is free of charge and currently is active as long as the student is enrolled at FSU. Likewise, an email account is provided for every employee and is created when the employee is initially hired. The account is deactivated when the employee leaves FSU.

Many students do not maintain accurate local address information with the Registrar’s Office. This makes it difficult to contact the student in a direct and timely manner. Additionally, many of the mailings to incorrect local addresses are returned by the post office at a cost to FSU.

It is imperative that students and employees understand that a majority of information will be communicated to them via their University assigned account. Therefore, students will be informed that their University assigned email account is a primary means of communication from University offices and faculty. Additionally, employees will be informed of this policy once they are hired and their email account has been created.

Benefits of This Policy

- Ease of use
- Reduced postage costs
- Reduced paperwork
- A faster means of contacting students, faculty, and staff
A more direct means of communicating with students, faculty, and staff
The email address is more accurate than the local address

Who Should Know of This Policy

All employees and students will be informed of this policy.

Special Situations
Departments are encouraged to post student attachments to a web page and refer to that site within the email rather than include an attachment to each student email.

University offices are encouraged to post attachments for employees to a shared network drive or web page and refer to that site within the email.

Definitions

Student
Any undergraduate, graduate or professional students. Student status starts upon matriculation.

Student Information
Any information related to student activities at Frostburg State University.

Matriculation
The time a student has submitted his or her deposit for attendance.

Responsibilities

Student
Students will be responsible for checking their University email account and reviewing relevant information on a daily basis. Students will be given a maximum of 10 megabytes of storage on the email server. Students must purge unnecessary messages from their account to avoid exceeding their storage quota. Exceeding the quota will prevent the delivery of additional email messages.

Faculty and Staff
Employees of FSU are responsible for checking their University email account and reviewing relevant information on a daily basis. Unneeded messages should be deleted and purged on a daily basis to avoid using excess storage.

Email Manager
Create and maintain all email accounts. Send correspondence to students and employees to explain how to access their email account. Delete email accounts when students are no longer enrolled at the University and employees are no longer employed at the University.

Registrar
Notify the campus of the policy. Maintain policy. Respond to unique student requests. Promote the use of email communication between University faculty/staff and students.
Provost
Notify the faculty of the policy. Promote the use of email communication between University faculty and students.

Director of Human Resources
Notify the staff of the policy. Promote the use of email communication for official announcements and notifications.

President, Provost, Vice Presidents
Provide executive-level support and endorsement for the policy.

Department Chair Policies and Procedures
Adopted July 1, 1987
Revised December 5, 2012

Role of Department Chairs

Department Chairs are faculty members with assigned responsibility for assuming a leadership role within their academic department/unit for a defined period of time. The key aspects of departmental leadership expected of department chairs are noted below. In brief, the key roles of department chairs are Advocate, Communicator, Facilitator, and Manager.

1. Department Chairs are the primary advocates for the department within the university community. As departmental advocate, Department Chairs:
   a. Advance the needs of the department to the Dean, Provost, and University Advancement.
   b. May be called upon to speak publicly before on-campus or off-campus organizations or agencies, about the department and its capabilities and needs.
   c. Coordinate the departmental, college/library, and university strategic plan to articulate the contributions of the department in fulfilling the mission of the university.
   d. Explain the opportunities and barriers departments face in reaching strategic goals.
   e. Coordinate with appropriate administrative offices on department fundraising, alumni affairs, community relations, and student recruitment.

2. Department Chairs are essential in ensuring effective and timely communication among faculty, departments, students, staff, and administrators. As departmental communicators, Department Chairs:
   a. Meet with departmental faculty in scheduled meetings, usually monthly during the academic year.
   b. Meet with departmental faculty individually to foster faculty development and seek input from faculty members.
   c. Meet with departmentally based student organizations, as needed.
   d. Meet with students to address student concerns, as needed, and with prospective students to explain programs and procedures.
   e. Articulate and explain university policies and procedures to faculty, staff, and students.
   f. Promptly communicate information affecting the work of faculty and staff members.
3. Department Chairs coordinate and facilitate departmental decision-making. As facilitators, Chairs are expected to engage in collegial, participatory decision-making in both the formulation and execution of departmental policies and procedures. It should be noted that collegial decision-making presupposes individual accountability for efforts undertaken and decisions made. In short, the authority vested in collegial decision-making carries with it commensurate responsibility and accountability. As departmental facilitators, Department Chairs ensure:
   a. Collegial decision-making, especially with regard to the nature and structure of departmental governance (including who is to participate in what ways in the decision-making process and how responsibility and accountability for given duties are to be delegated or assigned in addressing curricular, personnel, and budgetary issues).
   b. Departmental recommendations on evaluation, reappointment, promotion, and tenure are completed and submitted on time.
   c. Departmental search committees, task groups, review committees and other groups complete their work according to approved guidelines.
   d. By working with faculty members individually and in groups, that course offerings meet student needs.
   e. Department faculty members collectively set departmental curricular and budgetary priorities.
   f. Department committees, in keeping with departmentally established guidelines, complete work relating to faculty hiring, selection of non-tenure-track faculty, and awarding emeritus status.
   g. That students (including new, transfer, and continuing students) are provided appropriate academic advising.

4. Department Chairs manage departmental operations and reporting. As managers of departmental facilities and support staff, Department Chairs:
   a. Ensure communication of and compliance with policies and procedures of USM, the university, the college, and the department.
   b. Ensure departmental budget requests and purchasing are completed in time.
   c. Ensure timely and complete submission of essential documents, materials, and reports such as class schedules, curricular proposals, workload reports, report assessments, and other reports.
   d. Ensure initial departmental review and completion of requests for leaves, overloads, reassigned time, and other such matters (including exceptions to policies and procedures), which commonly fall under a chair’s responsibilities.
   e. Ensure departmental recommendations on matters of student concern, such as scholarship recommendations, are submitted.
   f. Supervise departmental staff, and ensure the safe operation of departmental facilities.
   g. Ensure completion of the annual performance evaluations for all faculty.
SELECTION OF DEPARTMENT CHAIRS

Preparation for Selection of a Department Chair

Universities function effectively only to the extent that those primarily responsible for the academic program (the faculty) identify with and support the goals and procedures of the institution. This support can only be gained by full faculty confidence in academic leaders, particularly Department Chairs. In order to accomplish this, faculty members need a clear understanding of the role and responsibilities of department chairs. All faculty members share responsibility for department operations along with the department chair.

The selection of a Department Chair shall follow a process of dialogue and discussion among the department members and between the department members and the Dean about the mission and goals of the department. The process by which individual faculty members are involved in discussion of departmental direction and leadership must demonstrate an institutional commitment to openness and candor as a matter of academic freedom and professional responsibility.

Selection Process

The process for the appointment of a Department Chair follows:

1. The Department will elect the Department Chair by a simple majority vote of all of the tenured and tenure track faculty members appointed to the Department and full-time non-tenure-track faculty members who have completed at least two years of service to the Department. The vote should be by secret ballot. Ballots should be counted by two faculty members who are not candidates for Chair. It is the responsibility of the current Department Chair to communicate departmental election results to the Dean in writing.

2. If the recommendation of the department members is acceptable to the Dean, that recommendation will be sent to the Provost along with the Dean's endorsement. If the Provost concurs, that person will be appointed by the Provost.

3. If the Dean has reservations about the department’s selection, the Dean will meet with the department to resolve the situation. If, after the meeting, the Dean concurs with the department, that recommendation, along with the Dean’s endorsement, will be sent to the department faculty and the Provost. If the Provost concurs, that person will be appointed by the Provost.

4. If, after the meeting, the situation still remains unresolved, the election process (without said individual as a candidate) will begin anew. In no case should a Chair be appointed who is opposed by a simple majority of department members.

5. If the department fails to identify an acceptable candidate, the Provost shall appoint a chair from outside the department. The Provost’s appointee shall serve a one-year term. The decision of the Provost is final.
Timing of Selection and Appointment

Two semesters prior to the expiration of a Department Chair’s three-year appointment, the department will hold an election to identify a chair for the next three years. Whenever possible, candidates for department chair should be tenured or hold tenure by the time they become department chair. The current chair may stand for re-election along with other eligible faculty members (faculty members may self-nominate). If a new Chair is elected, the incoming Chair will then serve as deputy Chair during the last semester of the current Department Chair’s appointment in order to ease the transition from one Chair to another. Monies should be sought to provide compensation and training to deputy Chairs. Newly elected Department Chairs should participate in training programs for Department Chairs before they assume the position of chair. For evaluation purposes, this training may be credited through the annual Teaching Evaluation in the category of Professional Development and Achievement.

The question of whether to recruit outside the department will be considered if a faculty position is becoming available and if there is adequate justification for assigning or reassigning the vacated position to the Department. In such cases the procedure for making the decision on whether and how to undertake outside recruiting, as well as actual selection process, will follow the procedure outlined above with the exception that timelines for selection and appointment may vary.

Tenure of Appointment

Department Chairs serve a three-year term with the opportunity to serve multiple terms. Although Chairs serve at the pleasure of the Provost, it is assumed that the term represents a commitment on the part of all parties: administration, department members, and Chairs themselves.

Recall

The Dean is both an evaluator of and a mentor to the Department Chair. On occasion, the Dean may choose to meet with the Department Chair or department members to facilitate operation of the department. Should such informal mechanisms fail to resolve concerns within a department, recall of the Chair may be requested under the following guidelines.

Should a simple majority of the members of the department (tenured, tenure track, and full time non tenure track who have completed two years of service), the Dean, Provost and/or President believe that continued service by a Chair is detrimental to the interest of the department, college and/or University as a whole, the concerned party or parties must present their concerns to the Dean. The Dean will convene a meeting of the concerned parties and the Chair to discuss the problems and attempt to resolve them within ten working days of notification of a concern. Should concerns not be resolved, and if the recall effort began with a majority of the members of the department, the department members, by simple majority vote in secret ballot, may send a recommendation for removal of the Chair to the Dean. That recommendation along with the Dean’s recommendation (whether for continuation or removal of the Chair) will be sent to the Provost. If the Provost agrees with the removal of the Chair, the Chair’s term of service will be terminated on a date determined by the Provost. If the recall effort began with an administrator and if, after the review meeting, the Provost proceeds with the removal of the Chair, the Provost must promptly advise the department to select a new Chair. The decision of the Provost is final.
**Compensation of Chairs**

Chairs’ compensation, including stipends and reassigned time, shall be reviewed at least every five years by Institutional Priorities and Resources Committee (IPR) in consultation with University Chairs Council to determine if changes are warranted.

**ADMINISTRATIVE PERFORMANCE EVALUATION OF DEPARTMENT CHAIRS**

**Purpose**

The Administrative Performance Evaluation of Department Chairs provides a formal occasion for department members, relevant administrators, and the Chair involved to consider how well departmental efforts are being directed toward meeting institutional objectives through the programs and services for which the department has responsibility and to develop the means necessary for improvement. Procedures for the Administrative Performance Evaluation of Department Chairs shall be uniform campus-wide. All faculty members of the department, relevant administrators, and the appropriate Dean will have the opportunity for input into this administrative evaluation of the Chair.

This occasion is intended to ensure regular and substantial communication on the accomplishments and prospects of the department, including its needs and priorities. Evaluation is intended to encourage department members and relevant administrators to consider their own contributions to the work of the department and to the effectiveness of its Chair. Evaluation is intended to assure Chairs of a thorough review of departmental activities during their tenure and to afford them opportunity for calling attention to these and to the responsibilities of others in making the department function effectively.

As the Chairs continue to be primarily faculty members with additional administrative responsibilities, they shall continue to be evaluated also as faculty. Both evaluations, however, shall remain independent. For their performance as faculty members, Department Chairs will be evaluated in the same manner and with essentially the same procedures as for the rest of the faculty in their Faculty Evaluation.

**Method**

The evaluation of the administrative performance of Department Chairs will be done annually according to procedures outlined below.

1. A procedure and/or instrument(s) for the evaluation of Chairs will be developed by the Academic Department Chairs Council in consultation with the faculty. This instrument will evaluate the performance of the Chairs according to the responsibilities outlined in Part I of this document.

2. Concurrently, the appropriate College Dean will meet separately with the Chair and other department members, individually or as a group, to discuss problems, accomplishments and prospects and will also seek the opinion of other administrators with whom the Chair is regularly in communication.
3. The Dean will share results of the evaluation, in summary form, with the Chair but will keep confidential the identity of individuals participating in the evaluation. By agreement of the Chair, Dean, and departmental faculty, any written responses or rating forms may be anonymous; in the absence of such an agreement, these are to be signed and sent to the Dean, who is not to divulge the identity of any respondent.

4. The results of the evaluation will be used by the Dean to assist both the Chair and the members of the department in the improvement of departmental efforts, programs and communication. In addition, the results of the evaluation will be used to determine whether or not the Chair's performance has been successful. If the Dean receives substantial negative feedback on the performance of the Chair, the Dean, after a discussion of the results of the evaluation with the Chair, the Dean should meet with the department members to determine whether the problems are sufficiently serious to warrant a change of Chair. If a simple majority of the faculty believes this to be the case, then the recall procedure will be followed.

5. If the current Chair seeks re-election, the results of the last two academic years’ annual Administrative Performance Evaluations shall be provided to the department faculty in summary form at least thirty (30) days in advance of the election so that this information might be used as a basis for faculty consideration.

Equal Opportunity Policies

Frostburg State University is an Equal Opportunity institution with respect to both education and employment. The University's policies, programs, and activities are committed to diversity and conform to pertinent federal and state non-discrimination laws and regulations. Following are non-discrimination/equal opportunity policies that appear in the Administrative Policy Manual.

Policy on Diversity
PN 1.006

The entire Frostburg State University community -- including the study body, the faculty and staff, the President of the University and its administration--affirms its commitment to a campus environment which values human diversity and respects individuals who represent that diversity. The community declares fostering diversity and respect for difference to be a fundamental goal of higher education, ranking among the highest priorities of this institution. Therefore, the University community takes the unequivocal position that racist practices, or any action, or institutional structure or process, that has for its purpose the subordination of a person or a group based on race, color, creed, disability, martial status, national origin, sex, age or sexual orientation, will not be tolerated.

Non-Discrimination/Equal Opportunity
PN 1.008

Frostburg State University affirms its commitment to a campus environment, which values human diversity and respects individuals who represent that diversity. Fostering diversity and respect for difference is a
fundamental goal of higher education, ranking among the highest priorities of this institution. In this spirit, Frostburg State University is committed to a policy of equal opportunity and to the elimination of discrimination in both education and employment on the basis of race, color, national origin, ethnic background, gender\textsuperscript{14}, sexual orientation, age, creed, political or religious opinion or affiliation, disability, veteran’s status or marital status, in conformity with all pertinent Federal and State laws on non-discrimination and equal opportunity.

This Policy shall apply to the campus community. The term "campus community" is limited to campus students, faculty, and staff; and to departments/Library, committees, offices and organizations under the supervision and control of the campus administration. The University has comprehensive written procedures to investigate and resolve complaints of discrimination or sexual harassment. These procedures may be obtained from the Office of ADA/EEO Compliance.

Inquiries from students concerning an allegation of discrimination or sexual harassment against:

1) another student should be directed to the University Judicial Administrator, located in the Office of Student and Educational Services;

2) University employees should direct inquiries regarding an allegation of discrimination/harassment to the Director of ADA/EEO Compliance.

University employees should direct Inquiries an allegation of discrimination or sexual harassment to Human Resources or the Director of ADA/EEO Compliance.

Gender-Based Harassment and Violence Policy Statement
PN 1.004

Frostburg State University (the “University”) values diversity, mutual respect, integrity, and responsibility. To that end, the University is firmly committed to maintaining a learning and workplace environment free from Gender-Based Harassment, Sexual Misconduct, Relationship Violence, Stalking, Complicity, and Retaliation (collectively, “Prohibited Conduct”). Because Prohibited Conduct undermines the University’s mission and jeopardizes the character and integrity of our community, Prohibited Conduct will not be tolerated and is expressly prohibited. This policy provides the expectations for maintaining a safe, inclusive, and nondiscriminatory environment and the process for reporting and resolving alleged violations of the policy. Students, faculty, and staff who violate this policy may face disciplinary action up to and including expulsion or termination from the University.

The University does not discriminate on the basis of sex or gender in employment or any of its programs or activities. Sexual harassment, sexual assault, and other categories of sexual misconduct are forms of sex discrimination that are not only prohibited under this policy but also under federal and state discrimination

\textsuperscript{14} The University maintains a separate policy on sexual harassment, which appears in appropriate campus publications (Administrative Policy No. 1.004). Procedures for initiating a complaint of sexual harassment are generally the same as for initiating any discrimination complaint.
laws. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”), the federal law that prohibits discrimination on the basis of sex in federally funded educational programs and activities and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), this policy is designed to provide for the prompt, equitable, and impartial investigation and resolution of incidents of Prohibited Conduct.

It is the responsibility of all members of the University community to create a safe and inclusive environment that is free from Gender-Based Harassment, Sexual Misconduct, Relationship Violence, and Stalking. Individuals who report violations of this policy in good-faith will be protected from Retaliation.

This policy applies to all reported incidents of Prohibited Conduct and supersedes and replaces the University’s Sexual Harassment Policy, PN 1.004.

For the entire Gender-Based Harassment and Violence Policy, including definitions, responsibilities, and procedures, please visit https://www.frostburg.edu/titleix/policy.

Equal Employment Opportunity
PN 1.002

It is the policy of Frostburg State University to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, national origin, ethnic background, sex, sexual orientation, age, creed, political or religious opinion or affiliation, disability, veteran's status, or marital status, and to promote the full realization of equal employment opportunities through a continuing program. This policy shall be an integral part of every aspect of the employment process, including, but not limited to, the recruitment, selection, testing, training, promotional advancement, and treatment of employees.

Procedures for Pursuing Complaints of Discrimination or Sexual Harassment

OVERVIEW

In conformance with federal and state law and university policy we are guided by the principle that there shall be no difference in the treatment of individuals because of race, color, creed, religion, national origin, sex, age, disability, veteran status, or sexual orientation. Equal opportunity and access to programs shall be available to all members of the university community, both students and employed personnel at every level, and to all units, facilities, and services of the university.

Frostburg State University has established an internal grievance procedure providing for prompt and equitable processing of complaints through informal and formal procedures. Members of the campus community may at any time discuss matters involving allegations of discrimination or harassment in an informal way with the Director of ADA/EEO Compliance, Hitchins Administration 307, (301) 687-4102, TDD (301) 687-7955.
Complaints directed against an employee of the University will be handled by the Director of ADA/EEO Compliance ("the Director"). Complaints by a student directed against another student of the University will be handled by the University's Judicial Administrator. In both instances, the procedures described here will be followed.

PROCEDURES APPLICABLE TO BOTH INFORMAL AND FORMAL COMPLAINTS:

1. **Parties** Any member of the University community may bring a complaint of discrimination or sexual harassment pursuant to these procedures. Such a person is known as the Complainant. The person against whom the complaint is brought is known as the Respondent.

2. **Timing of Complaints** A complaint must be brought within sixty (60) calendar days of the Complainant having reasonable knowledge of the occurrence of the act(s) upon which the complaint is based. In the case of a student complaint against a faculty member, the complaint must be brought within sixty (60) calendar days after the last day of the semester in which the incident occurred.

3. **Confidentiality** To the extent permitted by law, the confidentiality of all persons involved in a discrimination or sexual harassment investigation or complaint will be observed, except insofar as information needs to be disclosed so that the University may effectively investigate the matter or take corrective measures. Confidentiality during and after the conclusion of an investigation is of utmost importance and is the responsibility of all involved persons. Unauthorized disclosures in violation of University policies may result in disciplinary action and/or other sanctions.

4. **Retaliation** Persons who complain about discrimination or sexual harassment, respond to a complaint, or cooperate in the University’s handling of reports or complaints shall not be subject to retaliation for doing so, whether or not the University finds that there was harassment or discrimination. If anyone believes that she or he is being subjected to such retaliation, she or he should immediately report it to the ADA/EEO Compliance Director.

5. **Advisors** Both the Complainant and the Respondent may elect to have an advisor of choice to assist in all phases of the formal complaint process. The advisor shall be selected from the University’s staff, faculty, or student body but cannot be a lawyer, nor can a party have legal counsel present during any stage of the complaint process. The Director will be available for consultation with advisors and to help a party obtain one, if necessary.

6. **Conflicts** Should the ADA/EEO Compliance Director or the President be a Complainant or Respondent in a complaint of discrimination or sexual harassment, a substitute will be duly appointed.

7. **Choice of forum** The University will not accept or consider a complaint from the same complainant, which is substantially the same as one being or previously considered by another University or governmental proceeding.
INFORMAL COMPLAINT PROCEDURE

1. **Registering Complaints** The Director of ADA/EEO Compliance is available for informal consultation and resolution when an individual feels that discrimination, including sexual harassment, has or may have occurred. Such consultation is normally the beginning step in resolving differences, which arise from alleged discriminatory practices. The Director will provide the Complainant with a copy of University procedures for pursuing complaints of discrimination or sexual harassment and will discuss these procedures to help the Complainant understand the process. The Complainant will also be instructed to complete the Discrimination Complaint Form.

2. **Discussion** The Director will discuss the issues with the Complainant to gain an understanding of the concern being registered. The Director may request that the alleged violation be further described in writing by the Complainant, or the Director may develop a written statement of the complaint for review and validation by the Complainant.

3. **Resolution** Negotiated resolution is a process by which the Director attempts to resolve complaints quickly and to the satisfaction of all parties without reaching formal findings. Generally only the complainant and respondent are involved in the negotiated resolution process, except as needed to consult with appropriate University officials regarding University policies and procedures. It is expected that this process will not take more than 14 working days, except in unusual or unavoidable circumstances.

   The Director will prepare a written summary of the complaint, the process used to explore it, and conclusions and recommendations. The summary will be provided to both the Complainant and the Respondent.

FORMAL COMPLAINT PROCEDURE

If the informal process fails to resolve the dispute, or a complainant chooses not to use the informal process, the formal complaint procedure will be applied.

1. **Initiation of Complaint**

   A formal complaint will be processed in two situations, as follows:

   (A) If either the Complaint or Respondent disagrees with any conclusion reached by the Director during the negotiated resolution process, the party may utilize the formal complaint process. He or she must indicate a desire to do so in writing within 15 days of the date of the Director’s written summary, and must describe the conclusions that are disputed.

   (B) If the informal process was not used, the Complainant begins the process by conferring with the Director and completing the Discrimination Complaint Form. If necessary, additional written information may be requested by the Director.
(C) The Respondent will be given a copy of the Complainant’s written submission(s) (“the Complaint”) by the Director and then shall submit a written response to the allegations to the Director. The response shall be provided within 10 days of the receipt of the Complaint.

(D) The Director will decide if an investigation of the dispute should be undertaken or if the matter should proceed directly to a hearing.

2. Investigation

The Director shall conduct and conclude any investigation of the facts as promptly as possible. The Director will arrange meetings with the Complainant and Respondent as needed. The investigation may include review of relevant University records as well as interviews with witnesses.

At the conclusion of the investigation, the Director shall prepare a written decision setting forth (a) findings of fact concerning the alleged events; (b) a conclusion that a violation of the University policy did or did not occur, and (c) a recommendation as to any disciplinary sanctions that should be imposed. Recommended disciplinary sanctions may include, but are not limited to, a letter of reprimand, a letter of apology, counseling, demotion or suspension, termination of employment, or expulsion from the University. In preparing this decision, the Director shall consult fully with the University’s attorney and any other appropriate University officials as necessary and required.

The written decision shall be forwarded within 10 days of the conclusion of the investigation to the Complainant and the Respondent. The Complainant and the Respondent will also be informed of their rights to accept the decision of the ADA/EEO Compliance Director or to request a formal hearing. If neither the Complainant nor the Respondent requests a formal hearing within the time stipulated below, the decision of the Director shall be implemented as the final decision of the University.

3. Hearing

If either the Complainant or Respondent disagrees with any conclusion reached by the Director, either may request a formal hearing. The request must be made in writing within 15 days of the date of the Director’s written decision. The hearing request must identify the finding(s) that are disputed and the reason(s) for the disputes.

(A) Pre-Hearing Procedures

1. The Director will promptly notify the Chair of the ADA/EEO Committee to convene a Hearing Panel consisting of five voting members of the ADA/EEO Committee. No member of the Hearing Panel may have served as an investigator, witness or party in connection with the complaint in question. The Director shall provide to the Chair a copy of the Complaint, the response, and the request for a hearing.

2. The Chair, in consultation with committee members will establish a hearing date and time. Every effort will be made to conduct the hearing within 15 days of the request. The Chair will notify the Complainant and Respondent of the date, time and place of the hearing in writing at least 10 working days prior to the hearing date.
3. The Chair also will notify the Complainant and Respondent of their right to produce witnesses and present documentation supporting their positions at the hearing. The Complainant and Respondent will be asked to submit the names of any witnesses to appear at the hearing at least 7 working days prior to the hearing date, but the parties are responsible for securing the attendance of their witnesses at the hearing.

(B) Hearing Procedures

1. General

   a. The Chair will focus the hearing so that it concerns solely those issues or aspects of the decision of the Director about which the parties disagree.
   b. The Complainant and the Respondent will be present throughout the hearing unless they voluntarily choose not to participate.
   c. Witnesses supporting the Complainant or Respondent will be present at the hearing only while making their own statements and responding to any questions from the Hearing Panel.
   d. Advisors may be present during the hearing. Both the Complainant and the Respondent may confer with their respective advisors, but may not participate in general discussion during the proceedings or ask questions of any persons appearing before the Hearing Panel.
   e. The Director will serve as a resource to the Hearing Panel and shall be in attendance during all proceedings.
   f. University counsel may be present to advise the Committee.
   g. During the hearing the Chair may exclude irrelevant or unduly repetitious testimony.
   h. The parties and the Hearing Panel may question the witnesses, including the parties. The Chair may decide that the parties may not directly question each other; instead, they may convey their questions to the Chair who then will ask them.
   i. The Hearing Panel may consider any other evidence that the Chair decides is relevant and helpful.

2. Order of Proceedings

   a. The Chair will ask the Complainant to begin the proceeding with an oral or written presentation of his/her complaint. The Complainant then may be questioned.
   b. The witnesses appearing on behalf of the Complainant will then present statements, and may be questioned.
   c. The Chair will ask the Respondent to give an oral or written presentation of his/her response to the Complaint. The Respondent then may be questioned.
   d. The witnesses appearing on behalf of the Respondent will then present statements, and may be questioned.
   e. The decision of the Director shall be introduced as evidence but is entitled to no presumption of correctness.
f. The Complainant and then the Respondent may each present a summary statement at the conclusion of the hearing.
g. The Chair may suspend the hearing and convene it later if additional evidence must be sought.

3. Resolution

a. Within fifteen (15) days of the conclusion of the hearing, the Hearing Panel will submit a written report to the President containing its findings, conclusions and recommendations, and will send a copy to the Director. The Chair will forward a letter summarizing the findings of the Hearing Panel to the Complainant and Respondent.

b. Within fifteen (15) days following the receipt of the report of the Hearing Panel, the President shall issue a final written decision, which may accept, reject, or modify the recommendations of the Panel. The final decision shall be mailed to the Complainant, the Respondent, the ADA/EEO Compliance Director and the members of the Hearing Panel.

4. Additional Options for Resolution

State law provides remedies for persons who claim to be victims of discrimination or sexual harassment, outside of the procedures described above.

a. Employees may file an employment discrimination complaint with the President pursuant to Title 5, Subtitle 2 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

b. Nonexempt employees may bring discrimination or sexual harassment complaints in the form of a grievance under the procedures set forth in Title 13, Subtitle 2 of the Education Article of the Annotated Code of Maryland as set forth in the memorandum of Understanding between Frostburg State University and the American Federation of State, County and Municipal Employees, Article 17. Grievance procedure.

c. Individuals may file a complaint with the federal Equal Employment Opportunity Commission, the Maryland Commission on Human Relations or the United States Department of Education. Should an individual wish to file a formal complaint with an external agency, additional information on the procedures can be obtained from the Office of Human Resources or from the Director. A person wishing to file a complaint with an external agency should promptly contact that agency to verify the time periods and other requirements for filing. In addition, it is important to note that filing an internal complaint under the University's own procedures or under the optional internal procedures referenced above, does not extend the time period for filing a complaint with any of the external agencies.
Policy on Jury Service for Faculty Members

The purpose of this policy is to establish for faculty members at USM institutions a leave category called Jury Service which permits absence from duty without loss of any pay or charge to personal or accrued annual leave.

A faculty member who is selected for jury duty shall notify the appropriate academic administrator of this selection without delay. The faculty member shall be permitted to be absent without loss of pay or charge to any leave for the day(s) of jury service. Upon request, the employee shall be responsible for providing documentation, which verifies attendance. If, after reporting for jury duty, it is determined that the individual’s services are not required and the individual is dismissed for the day, then the individual, time permitting, is required to return to the job.

Institutional Review Board Policy
Effective November 6, 2015

I. Policy

The University will maintain an Institutional Review Board (IRB) in compliance with the University System of Maryland (USM) Board of Regents policy on Human Subject Research (BOR 105.0 IV-2.10). Pursuant to USM policy, the University will conform to applicable federal, state, and local laws and regulations. Research using human subjects may not be conducted by University affiliates, or by agents of the University, until after IRB approval has been received or an exemption from human subjects review has been granted by the IRB.

II. Definitions

A. Administrative Assistant
   The Administrative Assistant is person assigned to perform the clerical and organizational work such as maintaining IRB records, responsibility for IRB emails, and coordinating with the IRB chair.

B. Administrative Head
   The Administrative Head is the University officer in whom authority resides for oversight of the IRB. The Administrative Head of the IRB is the Provost.

C. IRB Chair
   The IRB Chair is that IRB member charged with day-to-day management and leadership of the IRB.

D. Scientific & Non-Scientific Areas
   1. Scientific Areas refer to expertise in human subject research using systematic procedures and biomedical research techniques. For example, medicine, nursing, etc. Scientific Areas can also refer to research training in areas using clinical practice, such as clinical psychology.
2. Non-Scientific Areas refer to expertise in human subjects research using systematic procedures in social scientific or similar research techniques. For example, sociology, education, or business. Non-Scientific Areas can also refer to research training in areas using empirical, field-based investigations such as interviews, focus groups, surveys, etc.

III. Purpose

The purpose of this policy is to re-establish the foundation of the University’s IRB and to specify the IRB’s structure and responsibilities. The University strives to protect and respect the rights and welfare of people participating in research. The University expects research conducted to exhibit the highest principles of ethical research and to be upheld by all researchers. The University’s IRB exists to oversee research activities that involve human subjects in order to ensure the protection of the participants through respect and concern for the well-being and autonomy of participants, as well as a strong sense of justice.

IV. Applicable Regulations and Guiding Documents

A. USM BOR policy on Human Subjects Research, Section IV, 2.10.
   http://www.usmh.usmd.edu/regents/bylaws/SectionIV/

B. Code of Maryland and Rules, Health - General, Title 13, subtitle 20.
   http://www.lexisnexis.com/hottopics/mdcode/
   http://www.oag.state.md.us/Healthpol/humansubject.htm

C. Social Science Research

      http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html

      http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html

D. Biomedical Research

   1. World Medical Association Declaration of Helsinki.
      http://www.wma.net/en/30publications/10policies/b3/

   2. Food and Drug Administration, 21 CFR 50, & 56 (along with 21 CFR 312, 812, & 814).
      http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfdocs/cfsearch.cfm
V. **IRB Membership**

A. IRB membership is based on Title 45 Code of Federal Regulations §46.107.

B. The IRB has at least five members with varying backgrounds. Qualifications are based on expertise, experience, and diversity of background (including, for example, race, gender, cultural background, community attitudes).

C. When the IRB regularly reviews research involving children, prisoners, pregnant women or disabled persons, then the IRB should attempt to include a member, or members, knowledgeable and experienced working with these groups.

D. The IRB includes at least one member concerned with Scientific Areas and one member concerned with Non-Scientific Areas.

E. The IRB includes at least one member not affiliated with the University and not in the immediate family of a University affiliate.

F. The IRB maintains at least five members, though having more than five members is preferable.

G. Members of the IRB are appointed to an initial four-year term with the option for one renewal.

H. Terms of office shall be organized so that terms overlap and members rotate off the IRB at the rate of approximately one member per year.

I. At the reconstitution of IRB, all current members may request to retain their seat on the IRB. All IRB positions will be filled by the Executive Committee of the University Faculty Senate.

J. Vacancies on the IRB will be filled by the Executive Committee of the University Faculty Senate in consultation with the Administrative Head in compliance with 45 CFR §46.107.

K. Whenever possible, the IRB will have at least one member from each academic department granting (or preparing to grant) doctoral degrees and will look favorably on candidates from departments actively engaged in faculty or student research.

VI. **Responsibilities of the IRB**

A. **Administrative Head**

1. The Administrative Head of the IRB is the University Provost.

2. The Administrative Head has oversight of the IRB. The IRB chair will report periodically to the Administrative Head on the functioning of the IRB. Issues such as discussion of new
members, policy changes, regulation updates, and changes in standard operating procedures will be developed in consultation between the IRB chair and Administrative Head.

3. The Administrative Head, as the individual authorized to act for the University, bears ultimate responsibility for assurances that the IRB is in compliance with laws and regulations.

4. The Administrative Head is responsible for ensuring that the membership of the IRB includes individuals with the necessary expertise to understand and evaluate the breadth of research conducted at the University.

B. IRB Chair

1. The IRB Chair is responsible for:

   a. Day-to-day management of the IRB;
   b. Conducting monthly IRB meetings;
   c. Reviewing, or arranging for review, submissions to the IRB;
   d. Working with the administrative assistant;
   e. Updating IRB policy related to any regulatory changes affecting the IRB;
   f. Making sure that paperwork and procedures are followed;
   g. Establishing and maintaining “expertise in ascertaining the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice’ (45 § 46.107 (a)).

2. The IRB Chair is responsible for reviewing submitted protocols all year.

   a. The IRB Chair is the primary initial reviewer of all submissions during the academic year. Consequently, the IRB Chair’s workload includes one course release (3 credits).
   b. The IRB Chair receives a stipend for service as the IRB member “on duty” during the summer in order to maintain year-round submission access.
   c. IRB reviews will be available only during the spring and fall semesters. No reviews will take place between the end of the spring semester and the beginning of the fall semester.

3. The IRB Chair acts as an initial reviewer, or assigns an initial reviewer, for all submissions.

   a. The IRB Chair determines the level of review to be applied for a given submission (Exempt, Expedited, or Full IRB Review), and will inform the administrative assistant of his/her determination.
   b. After the appropriate level of review is established, the IRB Chair assigns reviewers or places the submission on the monthly calendar for full IRB Review.
   c. For those reviews the IRB Chair completes as lead reviewer, the IRB Chair also reviews the submission, drafts a report either of approval or needed revisions to the submitter,
and signs and distributes copies of the approval to the submitter and the Administrative Assistant.

C. IRB members

1. IRB members, including the IRB Chair, are responsible for:

   a. Establishing and maintaining expertise in ascertaining the acceptability of proposed research in terms of institutional commitments regulations, applicable law, and standards of professional conduct and practice.

   b. Attending 10 monthly meetings per year (August – May), and be prepared to evaluate the submissions under review at that meeting. Monthly meetings may be cancelled by the Chair if there are no submissions requiring full IRB review.

   c. Reviewing all submissions assigned for the monthly meeting before the meeting in preparing a review with comments/feedback where necessary.

   d. When assigned to be lead reviewer by the Chair, members’ responsibilities are identical to those listed above (B.2.c).

   e. When an IRB member is assigned to be a second reviewer, responsibilities include reviewing the submission, collaboratively making a final decision on the submission (Approved, Approved with Revisions, or remand to the Full Board) and, when necessary, working with the primary reviewer to prepare feedback to the submitter.

D. Administrative Assistant

1. The Administrative Assistant is responsible for:

   a. Maintaining IRB records;
   b. Responding to IRB emails;
   c. Coordinating day-to-day business with the IRB Chair;
   d. Maintaining the calendar for monthly meetings;
   e. Distributing submissions to be evaluated by the full IRB to members sufficiently in advance so that reviews can be prepared;
   f. Taking, maintaining, and disseminating meeting notes;
   g. Preparing documents with the official IRB stamp, arranging for signature and handling official distribution following an IRB decision of approval or disapproval regarding a submission;
   h. Sending a submitter, the official Exempt notification when a submission is ruled Exempt.
I. Introduction

The primary mission of universities is to create, preserve, and disseminate knowledge. When that knowledge takes the form of intellectual property, a university must establish a clear and explicit policy that will protect the interests of both its creators and the university while ensuring that society benefits from the fair and full dissemination of that knowledge.

Through their teaching and research, faculty, staff and other members of the University community are encouraged to engage in meaningful activities to educate students, stimulate creative inquiry, inspire solutions to problems through the discovery of new knowledge, share the wealth of their understanding with their colleagues, students and the public at large and create an atmosphere that inspires exploration and discovery. In addition, the University recognizes that it has an obligation to serve those who look to it for expertise by providing the highest quality services and products it can offer from the richness of its resources and opportunities.

As the University strives to achieve these goals, valuable intellectual property inevitably will be created. The University has an interest in the intellectual property developed by its faculty and staff in the course of their work at the University. A primary aim of the University is to encourage those who work within the University community to engage in the kind of creative enterprise that is likely to generate new ideas and discoveries by recognizing and protecting the interests of those creators in and to such intellectual property. In order to balance the University's interest and the interest of the individual creators within the University community, this policy is hereby adopted.

II. Effective Date

This policy will be effective on July 1, 2002 (“Effective Date”). It will apply to all intellectual property disclosed to the University on or after July 1, 2002. Intellectual property disclosed to the University prior to the Effective Date will remain subject to the UMS Policy on Patents effective May 31, 1990 or the UMS Policy on Copyrights effective May 31, 1990, unless otherwise agreed by the University and all creators of the intellectual property (or the heir or assignee of any creator’s share of Revenue).

III. Definitions

The terms defined in this section are given special meanings in this policy and appear capitalized throughout.

1. Personnel. All University employees, full-time and part-time, including Student Employees acting within their Scope of Employment, and non-employee consultants, visitors, and others using University resources.

2. Resources Usually and Customarily Provided. All resources provided unless specified otherwise, in advance and in writing, as a condition of using the resource.
3. Revenue. Consideration paid in cash or equity by a third party in exchange for specific intellectual property rights. Revenue does not include research support in any form (e.g., sponsored research agreements, restricted grants, unrestricted grants, or equity), tuition income, and contract income received by the University including contract income received in lieu of tuition.

4. Scope of Employment. All activities, related to the field or discipline of the faculty member's appointment, including the general obligation of a faculty member to teach, to do creative work, and to conduct research, or related to the employment responsibilities of non-faculty Personnel, and for which Personnel receive compensation from the University, where compensation is any consideration, monetary or otherwise, including but not limited to, title and the ability to use University resources.

5. Sponsored Research Agreements. Grants, contracts, cooperative agreements, and other agreements under which research or development activities will be carried out, or other agreements administered by the University that relate to intellectual property created under the agreement.

6. Students. Persons enrolled in a University, acting within the course of their academic work, including, but not limited to, undergraduates, graduate and professional students, non-degree students, and not-for-credit students.

7. Student Employee. A Student who is also a University employee, acting within the Scope of Employment.

8. Technology-Mediated Instruction. Educational and instructional programs offered by the University by means of electronic or digital transmissions of Technology-Mediated Instructional Materials to students and participants who participate in the program distant from the instructor.

9. Technology-Mediated Instructional Materials. Materials including but not limited to course syllabi; tests, quizzes, exams and assignments; lectures that are fixed in a print, audio-video, electronic, or digital form; reading lists; bibliographies and recommended readings; laboratory manuals; visual materials such as tables, charts, diagrams, transparencies, films and film strips, photographs and illustrations; video and/or audiotaped readings, performances, programs; computer programs and software; and multimedia materials and projects incorporating some or all of the above materials that are used in Technology-Mediated Instruction.

10. University. Frostburg State University at all of its locations, unless otherwise noted.

IV. General Provisions

1. Purpose. The purpose of this policy is to set forth the terms, conditions, and procedures whereby the University System of Maryland, Personnel, and Students establish and maintain their interests in intellectual property created by or used at USM institutions, taking into account intellectual property laws governing patents, copyrights, trademarks, and other forms of intellectual property. This policy governs the ownership and protection of such property at the University.
2. **Scope of Application.** All Personnel and Students shall comply with this policy, as amended from time to time. This Policy will be included in paper and electronic versions of Frostburg State University Policies and Procedures.

3. **Protecting University Interests.** Personnel and Students may not (1) sign agreements or take any action on behalf of the University unless they are authorized agents of the University, or (2) make unauthorized use of the name of the University. In cases where Personnel or Students take such actions, the University is not bound to honor those actions or agreements.

4. **Acquisition.** The University may acquire ownership or use of intellectual property by assignment, license, gift, bequest, or any other legal means. The University shall administer such intellectual property in accordance with this policy unless otherwise required by the terms of the acquisition.

5. **Administration of Intellectual Property that is not University-owned.** At the request of the owner, intellectual property not owned by the University may be administered by the University. In such cases this policy shall govern that administration unless the University agrees otherwise in writing.

6. **Sponsored Research**
   a. **Ownership.** Sponsored research agreements shall provide that all intellectual property developed by Personnel or Students under such agreements shall belong to the University; however, the University, on a case-by-case basis (as circumstances warrant and consistent with applicable private use restrictions, e.g., under bond covenants), may agree to assign ownership or licensing rights to the sponsor, subject to the University's right to use and reproduce the intellectual property for research and educational purposes. The President or designee shall approve any such agreement.
   b. **Federal Sponsorship.** Any research project that is funded, in whole or in part, by a federal agency is subject to specific federal statutes and regulations. Those regulations generally allow the University to elect title to any invention that is conceived of or first actually reduced to practice in the performance of federally-funded research with the purpose of commercializing the invention, subject to the government’s rights which include reservation of a nonexclusive license to use the invention world-wide for government purposes.

7. **Implementation Authority.** The Chancellor shall have the authority and responsibility for implementation and coordination of this policy. The President shall have the authority and responsibility to implement and coordinate this policy within the University. Subject to the other provisions of this policy and applicable law, the President may enter into agreements with respect to ownership, licensure, disposition of intellectual property, disposition of royalty income, resolution of disputes, and other matters related to intellectual property in which the University has an interest under this policy, and may register intellectual property; seek protection under copyright, trademark, and/or patent laws; and enforce, defend, manage, and take any action relevant to the institution's intellectual property rights that is necessary for the proper administration of this policy.
8. Administration of University Policy

   a. Initial Point of Contact. The President of Frostburg State University designates the Office of University Counsel as the initial point of contact for notification and disclosure of intellectual property issues and for any disputes concerning intellectual property.

   b. Disclosure by Personnel. It shall be the obligation of University Personnel to disclose, promptly and in a complete and timely manner, to the Office of University Counsel, all inventions, patents and University supported works, including work funded by grants. Such disclosure shall be in writing on such forms as may be required and must be acknowledged by the signature of the creator’s department chair. Failure to make the required disclosure may result in disciplinary action.

V. Copyrights

1. Ownership by Creator. Personnel and Students shall have all rights in copyrights of their work, subject to Section V.B. below, with the following exceptions.

   a. Scope of Employment. The University owns all rights in copyright for work produced by non-faculty Personnel within the Scope of Employment.

   b. Sponsored Research Agreements. The University owns all rights in copyright for work produced by Personnel or Students under Sponsored Research Agreements.

   c. Signed agreements. The University owns all rights in copyright for all work as stated in written agreements.

   d. Computer Programs and Software. Ownership of copyrighted software and computer programs is addressed in Section VII.

   e. Technology-Mediated Instructional Materials. Ownership and use of technology-mediated instructional materials is addressed in Section VIII.

2. Right of Use

   a. University rights. The University shall have the right to use and reproduce for research and educational purposes scholarly and original works, whether owned by the University, Personnel, or Students, for which it has provided resources.

   b. Additional Rights. If the University wishes to secure additional rights in copyrighted work, it shall so specify in writing at the time it provides resources beyond Resources Usually and Customarily Provided or other consideration.

3. Responsibilities of Personnel and Students

   a. Assignment. For work to which the University has or had right of ownership or use under this policy, Personnel and Students shall, upon request, execute all legal documents designed to
assist the University, or its assignees, in proving or benefiting from such rights, as deemed appropriate by the University.

b. External Collaborations. See Section IV.C and the Policy on Professional Commitment of Faculty, BOR 41.0 II-3.10.

c. Use of Copyrighted Materials. All Personnel and Students are responsible for complying with University guidelines on the fair use of copyrighted material and for complying with the requirements of copyright law, including obtaining required permissions to use copyrighted material. Personnel and Students shall not exercise any rights under copyright law in works owned by others unless they have the prior written permission of the copyright holder, the work is in the public domain, or their use of the work qualifies as a fair use under copyright law. See Appendix A.

4. See Appendix A, attached to this Policy. The University will authorize certain individuals to assist in compliance with federal law, including, but not limited to:

a. The Director of the Ort Library, or designee, with respect to fair use guidelines, photocopying and scanning of materials, and use of reserve materials;

b. 

c. The Director of the Office of Duplicating, or designee, with respect to photocopying of materials;

d. The University Webmaster, who may review web pages and other materials before permitting placement on University websites;

e. The Director of Research and Sponsored Programs, with respect to intellectual property issues arising from externally funded grants.

5. Responsibilities of the University

a. Agreement Regarding Use of Resources Beyond Resources Usually and Customarily Provided. When the University authorizes or directs efforts to create a work or works using University resources beyond Resources Usually and Customarily Provided, it shall enter into a written agreement addressing the extent of use of resources, the schedule for the project (if appropriate), control over the work and its revisions, and ownership of the work. When the work done by Personnel routinely involves resources beyond Resources Usually and Customarily Provided, compliance with this section may be accomplished by including the required terms in an employment agreement.

b. Sharing of Revenue. The University shall remit to creators or their assignees or heirs, their share of Revenue from copyrights as specified in Section XI.A. of this policy.

c. Use of Copyrighted Materials. The University guidelines for copyright are attached as Appendix A.
VI. Patents

1. Ownership

   a. University Ownership

      1) Within Scope of Employment. The University owns inventions created by Personnel within the Scope of Employment.

      2) Use of University Resources. The University owns inventions created by personnel, graduate Students, or professional students with the use of University resources.

      3) Signed Agreements. The University owns all inventions made by Personnel or Students under Sponsored Research Agreements and as stated in written agreements.

   b. Creator Ownership

      1) Outside Scope of Employment. Personnel, graduate students, and professional students own patent rights to inventions conceived and first reduced to practice outside the Scope of Employment and without the use of University resources and not subject to Sponsored Research Agreements or other written agreements.

      2) Student Ownership. Undergraduate, non-degree, and not-for-credit students own inventions they create unless the invention is subject to another provision of this Section VI.

2. Responsibilities of Personnel and Students

   a. Disclosure. Personnel and Students shall disclose inventions which are subject to University ownership to University Counsel in a timely manner, fully, and in writing. When uncertain about the University's rights, Personnel and Students shall disclose.

   b. External Collaborations. In accord with Section IV.C., Personnel and Students may not: (a) sign patent agreements or other documents (e.g., invention reports, licenses, assignments, Material Transfer Agreements, or Confidential Disclosure Agreements) which abrogate the University's rights; (b) make unauthorized use of the name of the University; or (c) transfer material relating to intellectual property outside the University, except pursuant to a properly authorized Material Transfer Agreement. See also the Policy on Professional Commitment of Faculty, BOR II-3.10.

   c. Assignment. As to an invention in which the University has a right to ownership or use, the inventor, upon request, shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in the University, or its assignees, any or all rights to the invention, including assignment of any patents or patent applications relating to the invention.
3. Responsibilities of University

a. Timely Evaluation. The University shall evaluate inventions disclosed in accordance with Section VI.B.1) and shall do so with reasonable promptness and in good faith. The University shall decide whether to seek legal protection of its ownership rights, such as filing for patent protection; the scope of patent protection; and whether and how to pursue, limit or abandon commercialization. The University may at any time decide not to pursue or to abandon the pursuit of patenting and/or commercialization of any invention in which it has an interest.

b. Timely Information. The University shall inform inventors in a timely manner about substantive decisions regarding protection, commercialization and/or disposition of inventions disclosed in accordance with Section VI.B.1). Terms of agreements which constitute proprietary business information may be treated as confidential by the University in accordance with applicable law. The University shall notify inventors promptly when it decides either not to pursue, or to abandon pursuit of, all efforts to commercialize an invention.

c. Commercialization by Inventors. The University, at its discretion and consistent with the public interest, may license intellectual property to the inventors on an exclusive or non-exclusive basis. Inventors must demonstrate technical and business capability to commercialize the intellectual property. Agreements with inventors shall be subject to review and approval of conflict of interest issues in accordance with applicable University policy.

d. Assignment of Ownership. The University may assign ownership to the inventors as allowed by law, subject to the rights of sponsors and to the retention by the University of a license which at a minimum shall grant the University the right to use intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The University may retain more than the minimum license rights and assignment or license may be subject to additional terms and conditions, such as Revenue sharing with the University or reimbursement of the costs of legal protection. The University shall negotiate promptly, upon written request by the inventors, the transfer to the inventors of the University's interest in any invention that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or another institution with rights to the invention before it can agree to negotiate the transfer of the University's interest in an invention to the inventors.

e. Sharing of Revenue. The University shall remit to the inventors or their assignees or heirs, their share of Revenue from inventions as specified in Section XI.B. of this policy.
VII. Computer Programs and Software

1. Ownership

   a. University Ownership

   b. Within the Scope of Employment. The University owns computer programs and software created by Personnel within the Scope of Employment.

   c. Use of University Resources. The University owns computer programs and software created by Personnel, graduate Students, or professional Students with the use of University resources.

   d. Signed Agreements. The University owns all computer programs and software created or made by Personnel or Students under Sponsored Research Agreements and as stated in written agreements.

2. Personnel Ownership

   a. Outside Scope of Employment. Personnel, graduate Students and professional Students own software and computer programs conceived and first reduced to practice, and/or authored, outside the Scope of Employment and without the use of University resources and not subject to Sponsored Research Agreements or other written agreements.

   b. Student Ownership. Undergraduate, non-degree, and not-for-credit Students own computer programs and software they create unless the computer program or software is subject to another provision of this Section VII.

3. Responsibilities of Personnel and Students

   a. Disclosure. Personnel and Students shall disclose computer programs and software that are subject to University ownership to the Office of University Counsel in a timely manner, fully, and in writing. When uncertain about the University's rights, Personnel and Students shall disclose. Disclosure may include deposit of a digital-time-stamped copy of the software program, with appropriate annotations.

   b. External Collaborations. See Section IV.C. See also the Policy on Professional Commitment of Faculty, BOR II-3.10.

   c. Assignment. As to a computer program or software in which the University has a right to ownership or use, the creator, upon request, shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in the University, or its assignees, any or all rights to the computer program or software, including assignment of any patents, copyrights, patent applications or copyright applications relating to the work.
4. Responsibilities of University

a. Timely Evaluation. The University shall evaluate computer programs and software disclosed in accordance with Section VII.B.1) and shall do so with reasonable promptness and in good faith. The University shall decide whether to seek legal protection of its ownership rights, such as filing for patent protection, the scope of patent protection, and whether and how to pursue, limit, or abandon commercialization. The University may at any time decide not to pursue or to abandon the pursuit of patenting and/or commercialization of any computer program or software in which it has an interest.

b. Timely Information. The University shall inform creators in a timely manner about substantive decisions regarding protection, commercialization and/or disposition of computer programs or software disclosed in accordance with Section VII.B.1). Terms of agreements that constitute proprietary business information may be treated as confidential by the University in accordance with applicable law. The University shall notify creators promptly when it decides either not to pursue, or to abandon pursuit of, all efforts to commercialize computer programs or software.

c. Commercialization by Creators. The University may, at its discretion and consistent with the public interest, license intellectual property to the creators on an exclusive or non-exclusive basis. Creators must demonstrate technical and business capability to commercialize the intellectual property. Agreements with creators shall be subject to review and approval of conflict of interest issues in accordance with applicable University policy.

d. Assignment of Ownership. The University may assign ownership to the creators as allowed by law, subject to the rights of sponsors and to the retention by the University of a license which at a minimum shall grant the University the right to use intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The University may retain more than the minimum license rights and assignment or license may be subject to additional terms and conditions, such as Revenue sharing with the University or reimbursement of the costs of legal protection. The University shall negotiate promptly, upon written request by the creators, the transfer to the creators of the University's interest in any computer program or software that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or another institution with rights to the intellectual property before it can agree to negotiate the transfer of the University's interest in intellectual property to the creators.

e. Sharing of Revenue. The University shall remit to the creators or their assignees or heirs, their share of Revenue from computer programs or software as specified in Section XI.B. of this policy.
VIII. Technology-Mediated Instructional Materials

1. Ownership

   a. By Creator. Personnel and Students shall own original Technology-Mediated Instructional Materials that they create unless:

      1) Otherwise agreed to, in writing, with the University; or

      2) Technology-Mediated Instructional Materials are created pursuant to a Sponsored Research Agreement.

   b. By Written Agreement. The agreements referred to in Section VIII.A.1) shall address, at a minimum:

      1) Responsibility for payment of costs incurred to develop Technology-Mediated Instructional Materials; and

      2) Limitations and conditions on the right of the University, Personnel or Students to use Technology-Mediated Instructional Materials; and

      3) Authority to register copyright in, seek patent protection for, or otherwise protect Technology-Mediated Instructional Materials; and

      4) Compensation to and, under appropriate circumstances, Revenue sharing with Personnel or Students. Compensation to Personnel and Students shall not be based on enrollment without the prior written approval of the Provost; and

      5) Authority to evaluate and modify Technology-Mediated Instructional Materials; and

      6) Authority to select and selection of instructors for Technology-Mediated Instruction; and

      7) Compliance with copyright law.

2. University Rights of Use. The University shall have a right and license to use Technology-Mediated Instructional Materials and Technology-Mediated Instruction that it does not own pursuant to Section VIII but for which is has provided, pursuant to a written agreement, resources beyond Resources Usually and Customarily Provided. The University’s use shall be solely in connection with University-offered programs of instruction and education.

3. Commercialization of Technology-Mediated Instructional Materials

   a. Authority to Sell Technology-Mediated Instructional Materials. Personnel and Students shall not license, sell or otherwise grant third parties a right to use Technology-Mediated Instructional Materials or Technology-Mediated Instruction that they have created and own,
II. Inventions and Patents

and which include the name of the University, any University trademarks, service marks or symbols, or any intellectual property of any kind that is owned by the University without the prior approval of the President or designee.

b. Revenue Sharing. The allocation, distribution and use of net Revenue obtained from the commercialization of Technology-Mediated Instructional Materials shall be agreed upon by the parties in writing on a case-by-case basis.

IX. Other Types of Intellectual Property

1. Tangible Research Property. The principles in Section VI. that apply to inventions and patents also apply to tangible research property.

2. Mask Works. The principles in Section VI. that apply to inventions and patents also apply to mask works.

3. Plant Varieties. The University owns and may protect or commercialize plant varieties according to the principles of Section VI.

4. Trademarks, Service Marks, and Trade Dress. Trademarks, service marks, and trade dress may be created in association with an underlying license for another form of intellectual property, such as a patent or a plant variety (“associated with other intellectual property”), or independently, such as a university logo or symbol (“independently created”).

   a. Associated with Other Intellectual Property. The University owns a trademark, service mark or trade dress if it is associated with other intellectual property owned by the University.

   b. Independently Created. The University owns trademarks, service marks, and trade dress that are independently created by Personnel within the Scope of Employment unless the University agrees otherwise in writing.

   c. Commercialization. The University may commercialize or license its trademarks, service marks, and trade dress.

   d. Registration. The president or designee shall approve registration of trademarks or service marks, at the state or federal level.

X. Intermunicipal Agreements

In this Section X only, “University” shall mean one of the following: a constituent institution of the University System of Maryland, the University of Maryland Biotechnology Institute, the University of Maryland Center for Environmental Science, or the University System of Maryland Office.
1. Joint Appointments and Affiliations. This section applies when an individual has an appointment in and receives support for research or creative work from two or more Universities and when a Student or Student Employee is earning a degree in one University but doing research or creative work in another.

a. Ownership. When more than one University can claim ownership to intellectual property under this policy, they own it jointly.

b. Management Agreements. Universities that are or may become joint owners of intellectual property shall enter into agreements stating which University will be responsible for management of the intellectual property. Universities are encouraged to negotiate standard agreements whenever possible.

   1) Terms to be Addressed. The agreements shall state which institution will be responsible for prosecution of patent applications or other forms of intellectual property protection, which institution will license the intellectual property, how expenses and deductions from Revenue will be allocated, and how institutional net revenue will be shared. The distribution of each University's share of Net Revenue, Project Specific Costs, and General Costs shall be addressed in the management agreement.

   2) Student Requirements. With regard to Students and Student Employees, agreements shall specify whether the degree-granting University or the supporting University will be responsible for managing intellectual property they create when that property is subject to University ownership.

c. Responsibilities of Managing University. The University managing intellectual property under an agreement shall promptly inform the other University or Universities about steps taken with regard to ownership. Such information shall include at minimum copies of the invention disclosure form, documents associated with filing for statutory protection, assignment of rights, and license agreements. If the managing University decides not to proceed, the other owning University or Universities shall have the right to assume responsibility as the managing University.

d. Distribution of Revenue. The managing University shall distribute Revenue to the creators and share net revenue in all cases according to Section XI.

e. Disputes. The President may ask the Chancellor to intercede if the Universities are unable to reach agreement or differ in their interpretation of an agreement. The Chancellor's decision shall be final and binding on all parties.
2. Joint Creators. This section applies when Personnel or Students from two or more Universities collaborate.

   a. Early Notification. As soon as collaborators from different Universities recognize that their efforts have resulted in, or are likely to result in, the creation of intellectual property subject to this policy, they shall inform their respective Universities that an agreement is needed.

   b. Agreements Govern. Signed agreements between Universities shall determine ownership of intellectual property, responsibility for managing it, and distribution of expenses and Revenue resulting from its development. Universities whose Personnel or Students are engaged in frequent collaboration are encouraged to negotiate standard agreements within the framework of this policy.

   c. Disputes. The President may ask the Chancellor to intercede if the Universities are unable to reach agreement or differ in their interpretation of the agreement. The Chancellor’s decision shall be final and binding on all parties.

XI. Revenue Sharing

Unless otherwise agreed to in writing by the creators of a work or inventors of an invention, each named creator or inventor shall receive equal shares of net Revenue.

1. Copyrights. The University shall share with creators Revenue it receives from copyrights of their work, subject to certain exceptions.

   a. Exceptions.

      1) Scope of Employment. Revenue generated from work produced by non-faculty Personnel within the Scope of Employment is excluded from sharing. However, the University may elect, by written agreement or University policy, to pay up to fifty percent of net Revenue to such non-faculty Personnel.

      2) Contract. When a third party contract dictates apportionment of Revenue different from that specified in this policy, the terms of the contract govern.

      3) Equity. Equity shall be distributed in accord with Section XI.G.

      4) Technologically-Mediated Instructional Materials. The University, Personnel, Students involved shall agree on a case-by-case basis, in writing, on the allocation, distribution, and use of net Revenue pursuant to Section VIII.

   b. Deductions from Revenue. The University shall make the following deductions from Revenue before distributing net Revenue (Section XI.A.3).

      1) Creators' Share. First, ten percent of Revenue shall be distributed among the creators of the work until the cumulative total reaches the limit set pursuant to this paragraph.
that was in effect during the fiscal year in which the University first received Revenue. The limit in FY2003 is $10,000 to be shared among the inventors. The Chancellor shall establish a new limit for each succeeding fiscal year by adjusting the previous year’s limit by an amount reflecting the change in the Consumer Price Index during the last calendar year completed, rounded to the nearest $100.

2) General Costs. Second, the University will deduct 30% of Revenue to cover the general cost of developing, obtaining, managing, and defending creative works, unless otherwise agreed to by the University and creators, in writing.

3) Project Specific Costs. Third, the remaining 60% of the Revenue received from a work shall be applied to reimburse any specific, incremental expenses incurred by the University in obtaining and maintaining the copyright, and in developing, marketing, licensing, and defending the work. After reimbursement of the University’s expenses, Revenue may be used to reimburse costs incurred by creators on behalf of their own works but only if the University had authorized such expenses in advance in writing.

4) Residual Creators’ Share. Fourth, after project specific costs have been paid in full, any remaining Revenue shall go to the creators until the threshold dollar amount has been paid, as specified above in Section XI.A.2)a).

c. Distribution of Net Revenue. Net Revenue is the revenue remaining after deductions under XI.A.2.

1) Creators’ Share. The University shall distribute among the creators fifty percent (50%) of the net Revenue it receives from their creative work unless applicable laws, regulations, provisions of grants or contracts, or signed agreements with creators provide otherwise.

2) University’s Share. The University shall receive fifty percent (50%) of the net Revenue. Eighty-five percent (85%) of the University’s share of the net Revenue received on account of a particular copyrightable work shall be dedicated to the creation of original copyrightable works and scholarship in the department or analogous unit of the creator of each particular copyrightable work, up to $100,000 per fiscal year per department or analogous unit when practicable. The remaining fifteen percent (15%) of the University’s share of net Revenue shall be used to support the creation of original copyrightable work and scholarship in other departments and units of the University. When it is not practicable to allocate $100,000 per fiscal year to a particular department/Library or the amount exceeds $100,000 in a particular fiscal year for a particular copyrightable work, the President or designee may allocate the funds for use within another department or Library of Frostburg State University.

d. Timely Distribution. The University shall distribute accrued Revenue due creators under this policy at least annually unless funds are withheld to assure that all applicable licensing and
related expenses have been accounted for. Distribution will be made along with a statement of related income and expenses.

2. Patents and Computer Programs and Software. The University shall share with inventors or creators Revenue that it receives from their inventions or creations as provided in this section.

   a. Exceptions.

      1) Contract. When a third party contract dictates apportionment of Revenue different from that specified in this policy, the terms of the agreement govern.

      2) Equity. Equity shall be distributed in accord with Section XI.G.

   b. Deduction from Revenue. The University shall make the following deductions from Revenue before distributing net Revenue (Section XI.B.3).

      1) Creator’s or Inventors’ Share. First, ten percent of Revenue shall be distributed among the creators or inventors until the cumulative total reaches the limit set pursuant to this paragraph that was in effect during the fiscal year in which the University first received Revenue. The limit in FY2003 is $10,000 to be shared among the inventors or creators. The Chancellor shall establish a new limit for each succeeding fiscal year by adjusting the previous year’s limit by an amount reflecting the change in the Consumer Price Index during the last calendar year completed, rounded to the nearest $100.

      2) General Costs. Second, the University shall deduct 30% of Revenue to cover the general cost of developing, obtaining, managing and defending inventions or creative work, unless otherwise agreed to by inventors or creators and the University, in writing.

      3) Project Specific Costs. Third, the remaining 60% of Revenue received from a creative work, patent or invention shall be applied to reimburse any specific, incremental expenses incurred by the University in obtaining and maintaining the patent and in developing, marketing, licensing, and defending the patent or licensable invention or creative work. After reimbursement of the University’s expenses, Revenue may be used to reimburse costs incurred by inventors or creators on behalf of their own works but only if the University had authorized such expenses in advance in writing.

      4) Residual Creators’ Share. Fourth, after project specific costs have been paid in full, any remaining Revenue shall go to the creators until the threshold dollar amount has been paid, as specified in Section XI.B.2)a).
c. Distribution of Net Revenue. Net Revenue is the Revenue remaining after the deductions in Section XIB.2.

1) Creator’s Share. The University shall distribute among the inventors or creators fifty percent (50%) of the net Revenue it receives from their inventions or creations unless applicable laws, regulations, provisions of grants or contracts, or signed agreements with inventors or creators provide otherwise.

2) University's Share. The University shall receive fifty percent (50%) of the net Revenue. Twenty-five percent (25%) of the University’s share of the net Revenue received on account of an invention shall be dedicated to research and the promotion of patenting and patents. If practicable, seventy-five percent (75%) of the University’s share of net Revenue from each invention will be designated as follows: 30% to general University programs, 15% to the inventor’s department, 15% to the inventor’s college or Library and 15% to departmental scholarships. When it is not practicable to allocate the University’s share of net Revenue as described herein, the President or designee may allocate funds for similar use within other departments or Library of the University.

3) Timely Distribution. The University shall distribute accrued Revenue due creators under this policy at least annually unless funds are withheld to assure that all applicable licensing and related expenses have been accounted for. Distribution will be made along with a statement of related income and expenses.

3. Tangible Research Property, Mask Works, and Plant Varieties. When tangible research property, mask works, or plant varieties are licensed, Revenue shall be distributed in the same manner that Revenue is distributed under Section XI.B.

4. Trademarks, Service Marks, and Trade Dress.

a. Creators' Share

1) Associated with Other Intellectual Property. Revenue received from commercialization of a trademark, service mark, or trade dress that is related to an intellectual property license shall be shared with creators of the trademark, service mark, or trade dress, as specified in Section XI.B.

2) Independently-Created Trademark, Service Mark, or Trade Dress. Except as provided herein or unless subject to prior written agreement between the creators and the University, the University will not share the Revenue from commercialization of a trademark, service mark, or trade dress with the individuals who created the trademark, service mark, or trade dress
b. University Ownership. Revenue received from commercialization of a trademark, service mark, or trade dress licensed independently and not directly related to another form of intellectual property license shall not be shared and shall belong to the University.

5. Joint Appointment. In situations covered by section X., the University's share of net Revenue shall be divided equally among the Universities unless otherwise provided by written agreement.

6. Joint Creators. If joint creators are from different Universities, the University's share of net Revenue shall be divided equally unless determined by signed agreements as provided in Section X.B.2.

7. Equity.

   a. Issuance of Shares. Equity may be issued separately to the University and the inventors or creators.

   b. Distribution of Shares. Equity in a commercial venture received as consideration for intellectual property rights shall be shared equally between the University and the creators, unless a different distribution is negotiated in an agreement signed by the University and the creators of the relevant intellectual property.

   c. Timely Distribution. When the University receives all shares directly, as soon as practicable after the University receives equity, and subject to the creators receiving any conflict of interest exemptions that must be granted and complying with any conditions for those exemptions, the University shall transfer equity shares to the creators. The University and creators shall have independence in their exercise of equity holder privileges within the constraints of law, policy, specific exemption under Maryland law from the State Ethics Law, and contractual agreements.

   d. Unqualified Persons. Personnel or Students not qualified to hold the equity under applicable law shall designate a qualified person to receive the equity. If no designee is named within thirty days of a written request by the University to do so, the right to a share of the equity shall be forfeited to the University.

XII. ADMINISTRATION

1. University Implementation. The University has provided the Chancellor with a copy of this Policy for approval prior to initial adoption. Revisions to this Policy shall not be effective until approved by the Chancellor in writing.

2. Authority to Subcontract. The University may enter into contracts with third parties in connection with the development, administration, and protection of its intellectual property.

3. Special Cases.

   a. Issues not addressed. The Board of Regents recognizes that special cases will arise that are not specifically covered by this policy. In such cases, the President may make a decision on
how to proceed and report that decision to the Chancellor. Alternatively, the President may submit such cases to the Chancellor or designee for resolution. All decisions on such cases shall be reported to the Intellectual Property Committee, which will take them into account in its annual review of this policy.

b. Policy waivers. Only the Chancellor may waive any provision of the USM IP Policy or of any University’s approved policy on intellectual property. All decisions concerning waiver shall be reported to the Intellectual Property Committee and to the Board of Regents.

4. USM Intellectual Property Committee.

At the request of the Chancellor, the President shall submit nominations of persons to serve on the USM Intellectual Property Committee.


a. Membership. The President shall appoint a Committee on Intellectual Property to review intellectual property issues and/or determine University interest in claiming ownership of intellectual property. The President will assure that faculty members constitute a significant proportion of the membership.

b. Responsibilities. The Committee shall advise the President on intellectual property matters. It shall convene at least once each academic year to review the University’s Intellectual Property policy and procedures and recommend revisions to it. The Committee shall also meet at the call of the President. The President may refer to the Committee for its recommendations on matters relating to the policy and procedures, including relevant matters not addressed by the policy and procedures, and suggestions for revisions. The President may ask the Committee for advice on the resolution of disputes over intellectual property.

c. Creator’s Right to Participate. Whenever the Committee considers the application of the policy and/or procedures in making a decision about a specific work, Personnel or Students who created the work or a representative may make a written presentation and an oral presentation to the Committee.

XIII. REPORTING

The President shall report annually to the Chancellor and the Board of Regents on intellectual property activity at the University. The report, in a format to be determined by the Chancellor, shall include data for the preceding year on disclosures, patent applications, patent awards, licenses, and start-up companies, distinguishing when appropriate between Maryland-based companies and those outside of the State. The report shall also include data on revenue and expenditures associated with the University’s technology transfer function.
Appendix A
Guidelines for the Use of Materials Protected by Copyright

Note: This Appendix is provided for information and clarification, however, these Guidelines are not a part of the FSU Intellectual Property Policy.

The purpose of copyright is to further knowledge for the public good by providing authors and/or creators with an economic incentive to publish their works. While the intent of the United States Copyright Law (Title 17, United States Code, Sect. 101, et seq.) (“Copyright Law”) is to protect the rights of creators and producers of intellectual property, certain exemptions have been made to facilitate the use of information in academic environments. These exemptions are generally referred to as “fair use” exceptions. Fair use and other exceptions to the law have proven to be open to various interpretations and a number of common myths exist regarding copyright and fair use, often resulting in confusion as to what constitutes the educational fair use of copyrighted materials. The full text of the Copyright Law and its legislative history, plus analysis and commentary, are available in the Lewis J. Ort Library. Faculty, students, staff members and others with questions about the use of copyrighted materials should contact the Ort Library for guidance on their use. Additional information on copyright use is available from the University’s Office of Duplicating, the Office of Research and Sponsored Programs and the University Webmaster.

The University expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. It is the University’s policy that all members of the University community will adhere to the provisions of the Copyright Law, the University System of Maryland Policy on Intellectual Property and the University’s Policy on Intellectual Property. Members of the University community who willfully disregard the Copyright Law, the University System of Maryland Policy on Intellectual Property or the University’s Policy on Intellectual Property do so at their own risk and assume all liability.

May 1, 2002 - Ref. BOR IV – 3.20

Thesis and Dissertation Printing
PN 3.065

Authors' requests for the printing of student theses and/or faculty dissertations will be offered by Duplicating Services at cost to the requester and as time allows. The cost incurred for such printing will be the responsibility of the individual and not the University or the Academic Department.

Key Distribution Policies

Faculty members may request a key for appropriate access to an office, classroom, or lab from their department chair. Upon submission of a request by the department chair, keys are issued through the Physical Plant Department, whose personnel will notify the faculty member when the keys are available. Keys may be picked up from the University Police at the Department of Public Safety Building and must be returned to University Police at the end of a faculty member’s contract. Lost keys should be reported to University Police and to the appropriate department chair.
Lost and Found Procedures  
PN 4.026

The following procedures apply to the accountability and safekeeping of currency and tangible personal property lost or abandoned on property owned, leased, or operated by or under the control of Frostburg State University.

All lost or abandoned property can be turned into the following areas: Student and Educational Services Office, Hitchins Administration Building room 120; the Lane University Center Information Desk; the Lewis J. Ort Library main desk; the Office of Public Safety, and the Stangle Building. Lost or abandoned currency will be deposited in the Business Office.

Each lost and found area will keep in a separate bound ledger an accurate record to include a brief description of the item, the date it was turned in and the identity of the person turning it in, as well as a record of its final disposition. In place of a bound ledger, the Public Safety Department may use a Maryland State Police Form 63 to record found property. Any lost or abandoned tangible item will be held for a period of one year during which time the owner must file a claim for recovery. The individual who found the abandoned or lost item(s) then has the next priority to claim, which must be done within 30 days after the one year holding period expires. If neither occurs, currency is deposited into the general fund, and other items may be sold, donated to a charitable organization or disposed of.

The coordinator of lost or abandoned property shall be the Director of Public Safety or his/her designee. All responsibilities of coordinating recordkeeping and the eventual disposition of such property will rest with that person.

Media Services  
Advertising for Employment  
PN 3.037

1. The Director of Human Resources or designee will assure best use of position advertisements in relevant publications at the least cost practicable.

2. Consistent with the University's commitment to equal employment opportunity, position advertisements will include the name of an Office of Human Resources contact person, with telephone number, to assist applicants who request reasonable accommodation in the employment process. Position advertisements will also identify the Search Chair for faculty positions and may identify the Search Chair for other vacancies.

3. All applications will be received in the Office of Human Resources.

4. The Office of Human Resources will assure minority publication advertising for all faculty and unclassified vacancies.

5. The Director of Human Resources or designee will assure that minimum qualifications, primary duties
and salary range identified for reference by a job description, a Position Information Questionnaire (PIQ), the Appointment, Retention and Tenure (ART) document and other information provided by the department/Library are consistent with classification/compensation standards for the position to be advertised.

6. All positions will be advertised or posted for at least 30 days to comply with advertising and posting requirements of the Immigration Act of 1990.

5. Advertisements for employment under emergency conditions will be reviewed by the Director of Human Resources and must be approved by the President prior initiation.

Press Releases

The Office of News and Media Services is responsible for maintaining and enhancing the University’s working relationships with local, regional and national media through news releases, interviews and scheduled personal contacts.

Getting the Word Out

In order to best serve your needs, please keep the following information in mind the more advance notice the media is given, the better chance your event will be publicized. Also, the Office of News and Media Services cannot guarantee publicity. We can create the stories and send them out, but it is up to the discretion of news directors and editors to decide whether the story will run.

When a news release lands on our desk, the normal procedure is to double check information and/or gather additional information, retype on FSU news release letterhead, make copies for local media outlets, then mail out.

To request a news release:

- information should be turned in at least one month in advance. Requests received after this time period will be honored as staff availability allows.
- information should be double-spaced, typed (lower and upper case) and include all the particulars such as who is sponsoring the event, location, time and the reason
- include whether the event is free and open to the public.
- include a contact person and telephone number of someone who can reached during regular office hours. This is extremely important in case something is omitted in the submitted copy.
- try to include all the information in a manner that will be easily translated into a release. The fewer alternations, the faster the word will get out.

Send information to the Office of News and Media Services, 228 Hitchins Administration Building.
Publications Guidelines

Introduction

University publications represent the university to its many and varied audiences. They must present university programs accurately, provide clear and correct information about institutional policies, as well as present the university in a visually appealing and professional form.

The Publications Office is responsible for the visual image of the university communicated to its various publics. All publications (including electronic publications such as the FSU Web Site) that carry the Frostburg State University name and logo, that are produced with university funds, and communicate with prospective students or other outside audiences are considered university publications and must be produced or reviewed by the publications staff for the purpose of maintaining a consistent institutional image.

Definitions

- A "university publication" is anything set in type or composed electronically which represents the university to a broad and largely off-campus audience (including alumni).

- "University funds" means any funds, which must be handled through the university accounting system.

- "Publications services" includes design, production, and print specification work for university publications. Editorial and photographic services are also coordinated with the Media Relations Office.

- "Informational publications" describe university programs and policies, "promotional publications" invite participation in university events or encourage requests for university services.

Guidelines

- Accuracy of content in university publications is essential. It is expected that departments and Library will make the necessary effort to ensure that the information they convey about their program, etc. is correct and up-to-date. The Office of Publications, working in concert with the appropriate university official(s)/offices, has the responsibility to ensure the accuracy of information they contain concerning the university as a whole. Individuals must secure the approval of information from their respective dean or director prior to submission to publications/web site coordinator. Copy submitted on disks must be spell checked.

- The university logo in its proper form is used on all official university publications. The university logo is the only symbol used to represent FSU. Electronic and printed copies of the logo are available. Departments/Library should not use scanned or re-created versions of this logo.
• The university seal is used only for diplomas, official documents, and publications representing the president.

• Publications promoting programs, events, services, and/or activities must include the Americans with Disabilities Act statement as follows:

FSU is committed to making all of its programs, services and activities accessible to persons with disabilities. You may request accommodations through the ADA/EEO Compliance Office.

• You may not publicize programs of study, majors, minors, courses etc. that have not been approved through the appropriate channels.

**Public Information**

All press releases pertaining to the University and its activities are to be issued through the Office of University Advancement. This office serves to coordinate programs, both internally and externally, designated to create understanding and support of the University's objectives. Faculty members engaging in professional meetings, research, publication, civic activities, and other newsworthy activities are urged to notify the Director of Media Relations and Publications for preparation of appropriate news releases. When representing the University in an official capacity, members of the faculty and administrative staff are encouraged to use the name of the University and University stationery for official correspondence.

The University does not wish to be involved in projects with which it has no official association. Members of the faculty and administration are urged not to use the University name involving personal or unofficial activity, if such use in any way can be construed as implying University endorsement of any project, product, or service. There is no objection to the practice of faculty members publicly using the University affiliation for the purpose of identification. Where doubt exists concerning the propriety of using the University name, the individual concerned should consult with the Vice President for University Advancement.

**Personal Property**

The General Assembly has made no appropriation to the State Insurance Trust Fund for damage or loss to any personal property owned by a state employee while stored or used on state property. This includes motor vehicles.

**Risk Management**

PN 3.023

Frostburg State University considers its personnel to be among its most important and valuable assets and realizes that the health and well-being of its employees, as well as the protection of its physical resources, are as important as the work activities being performed. Frostburg State University seeks to protect human
and physical resources by: reducing or eliminating, where possible, potential health and physical hazards; increasing employee awareness of hazards that cannot be easily eliminated; and encouraging the use of common sense in conducting work activities safely.

Frostburg State University recognizes its responsibility for providing its employees with a safe and healthful work environment and is committed to meeting its obligations under federal and state requirements, national safety standards and all applicable building and fire codes. It is also committed to meeting standards of national consensus such as those published by the National Safety Council, National Fire Protection Association, and the American National Standards Institute.

In recognition of these obligations, the University is implementing and actively supporting the provisions of the Maryland State Employee Risk Management Program in accordance with Executive Order 01.01.1989.15. The campus coordinator of this program is the Director of Public Safety.

Safety cannot be the responsibility of any one person or department. All supervisors will implement progressive discipline for repeated safety violations. Supervisors will be held responsible for safety conditions and proper training of safety standards within their areas of responsibility. Therefore, each employee is required to comply with the Employee Risk Management Program. Accidental injuries will be thoroughly investigated and preventive measures will be implemented to guard against their recurrence.

**Accident Investigations**

PN 3.050

Accident investigations are conducted to identify causative factors, trends and patterns and for establishing the facts surrounding an accident. Near misses are investigated as thoroughly as actual accidents because they are an indication that an unsafe condition may exist.

All accidents and near misses are to be reported immediately to the next level of supervision. The first concern will be for the employee's physical well-being. As soon as possible thereafter, an investigation will officially begin with the completion of the Employee's First Report of Injury and the Supervisor's Report of Employee's injury. An Accident Investigation report will be completed by the Supervisor. The Assistant to the Director of Public Safety will train and assist supervisors in the accident investigation process. Accident Investigation Reports are essential to the Risk Management Program because they help to identify causes and contributory causes of accidents and may be used to recommend corrective actions. It is important that all key facts about an accident be obtained so that the accident reports will be accurate. In order to determine the cause of the accident it is important to answer the key questions of who, what, when, where, why and how.

For serious accidents, the immediate area in which the accident occurred will be secured and inspected by the Public Safety Department. Physical evidence will be collected, diagrams will be drawn or photographs taken as necessary. Witnesses will be interviewed and their written statement will be prepared as soon as possible.
The Health and Safety Committee will review accident investigations at its monthly meetings, identifying frequent victims, determining if sufficient information is gathered and whether the procedures for planned accident investigations are being carried out correctly and completely. Recommendations for specific, practical and effective corrective actions will be generated, evaluated, and submitted to the appropriate authorities for approval and implementation. If fraud is suspected at any time during an accident investigation, the Claims Department of the injured Workers' Insurance Fund will be notified.

**AIDS**
PN 1.003

No student, faculty or staff member shall be denied access to academic, social or employment opportunities offered by Frostburg State University solely because he/she has AIDS or tests positive for the HIV (Human Immunodeficiency Virus) antibody. Each case will be handled on an individual basis in consideration of the rights and needs of the individual and university community. Decisions will be based upon latest information provided by the State of Maryland Department of Health and Mental Hygiene (DHMH); the American College Health Association, American Council of Education; the State of Maryland Board of Regents and appropriate medical authorities.

The University will provide information and programs regarding prevention and transmission of AIDS. The President of the University has appointed the Dean of Student Development in the Department of Student and Educational Services to advise him/her regarding AIDS cases and to implement other aspects of this policy.

**Employee Health and Safety Training**
PN 3.060

Frostburg State University will provide appropriate education and training to its employees to give them the necessary information to perform their duties in a safe manner.

Employees may request education and training programs related to health and safety issues by contacting the Health and Safety Committee, either in writing or through a committee member. The Human Resources Office will include safety training that has general application in its staff development and training schedule. Appropriate safety literature will be included in each new employee's orientation packet.

The Public Safety Department will conduct a monthly safety training session that is designed for the safety concerns of Physical Plant Personnel.

Driver Improvement Training will be presented by the Public Safety Department at a level consistent with USM or other public policy.

The Residence Life Office will train student employees in safety matters, especially fire safety and crisis resolution.
Training records will include training date, topics covered and the names of employees in attendance.

If appropriate, supervisors may require employees to demonstrate the procedures taught. Supervisors may refer employees for additional training when necessary.

Health and safety training will be evaluated in accordance with Risk Management Evaluation Program procedures.

**Fire Alarm Procedures for Faculty**

1. The individual instructor should be familiar with a primary and alternate evacuation route from each area in which he/she teaches. Evacuation route information (including instruction not to use elevators) should be shared with students during the first meeting of each class and each time a fire alarm sounds. Faculty members are encouraged to distribute "Fire Alarm Procedures for Students" with the course syllabus. A copy of these procedures can be found in the Administrative Services Policy Manual, which can be obtained from each department chair.

2. When an alarm sounds, the instructor should immediately release the class, telling students to proceed in a safe and orderly fashion to the nearest clear exit. The instructor shall evacuate also.

3. The instructor should assist any mobility impaired individuals out of the building or to an enclosed stair tower where they will be protected from flames, smoke and gasses. If a mobility impaired person is left in a stair tower, fire personnel must be notified.

4. If, in the instructor's personal judgment, conditions permit, heat generating appliances should be turned off in the exit process. Doors and windows should be shut.

5. Faculty should assist in preventing students from congregating near building exits.

6. The building should not be reentered until an "all-clear" is given by University Police.

**Fire/Safety/Health Procedural Information**

PN 3.062

The primary document for conveying fire, safety and health procedures is the publication, Employee Safety Programs at Frostburg State University. A copy of this publication shall be revised and re-issued to every employee on a two year cycle. The most current version will be issued to every new employee within ten days of initial employment. Until revised versions are distributed, the Department of Public Safety will announce changes to procedures or new regulatory requirements in State Lines and supplemental safety bulletins.

Fire alarm procedures are included in the employee safety manual and the residence hall guide. They are also sent as an individual mailer at the start of each academic year.

Laboratory safety procedures are separately described in the Frostburg State University chemical hygiene plan.
Procedures for those with potential occupational exposure to blood or other human bodily fluids are described in the Frostburg State University blood borne pathogen plan.

Additional procedures may be developed and promulgated as needs or regulations dictate. Current procedures are subject to revision as specified by regulation, or upon the recommendation of the Health and Safety Committee and/or the Public Safety Department.

**Medical/Health Management Services**

PN 3.061

Frostburg State University will establish medical and health services to help assure that employees incapacitated by work related illnesses and injuries are able to safely return to work as quickly as possible. The university will contract with a medical provider for initial evaluation of workplace injuries. The medical provider will also offer treatment to the injured employee.

Light or modified duty work assignments and activities will be used to bring injured employees back to work before they are medically certified to assume their usual job responsibilities. Light or modified duty assignments will be made under the authority of, and consistent with, University System of Maryland policy.

When time loss exceeds reasonable expectation or there is reasonable cause to believe the employee is misusing leave or worker's compensation benefits, a second medical opinion by a physician selected by Frostburg State University or the Injured Worker's Insurance Fund will be required.

Supervisors will maintain contact with the injured employee to demonstrate the university's sincere interest in the employee's recovery needs. Such contact will be made at least once per pay period.

Medical monitoring will be provided for Level II Asbestos Workers according to the schedule set by the Maryland Asbestos Program. Medical monitoring will also be provided as specified in the Frostburg State University Chemical Hygiene Plan and Bloodborne Pathogen Plan.

**Health and Safety Inspections**

PN 3.047

Health and safety inspections focus on two areas of accident prevention concern: the condition of the physical facilities and the work behaviors of the employees.

Public Safety Officers will conduct a formal inspection of each campus building on a quarterly basis. Public and common areas will be inspected for fire safety, proper lighting, safe use of electricity, trip and fall hazards, occupational safety devices and condition, housekeeping, and personal protection in the workplace. A written report of each inspection will be submitted to the Assistant to the Director of Public Safety, who will coordinate any necessary corrective action and make a follow-up inspection.
Student residence hall rooms will be inspected by the Department of Residence Life for general maintenance purposes each time a student moves in or moves out of a room. Fire safety inspections of student rooms will occur at least once each semester.

Fire alarm systems will be tested and inspected under the terms of a contract let by the Physical Plant Department.

The Health and Safety Committee may make inspections as it deems necessary. The Director of Public Safety and the Assistant to the Director of Public Safety may inspect facilities and work practices and are authorized to intervene in any situation which poses an imminent danger of injury or physical harm to any employee.

Supervisors and employees alike are to be diligent concerning safety conditions in their immediate work areas and the safe condition of all equipment before starting a job task. Employees shall report any unsafe conditions or defective equipment to their supervisor or to the Department of Public Safety. Supervisors are to monitor work practices and behaviors to ensure compliance with all safety rules and regulations, including personal protective equipment and procedures.

**Employee Assistance Program**

PN 3.045

Many problems that impact health and safety on the job originate outside the work environment. Personal problems may result in poor work performance, absenteeism and accidents.

The Employee Assistance Program (EAP) is designed to provide a confidential, experienced source of help for employees whose personal problems are affecting their lives and job performance.

Frostburg State University supports the State EAP program by: advising employees of the existence of the program and the availability of its services and; encouraging supervisors to make referrals to the program.

The Employee Assistance Program is coordinated by the Office of Human Resources.

**Program Evaluation Policy**

PN 3.049

In order to provide an effective evaluation of the University's Risk Management Program and to comply with the requirements of the state's SERMA program, the following shall be achieved:

1. The University's Health and Safety Committee will review the following information:
   
   A. All accident reports will be analyzed monthly. The Committee will discuss all accidents and statistics to determine if sufficient information is available to identify trends, suggest ways of preventing accidents, identify repeat victims, and suggest corrective actions such as education and training, reassignment of duties, etc. In the event correctable accident areas are identified,
the Committee will generate a work order and/or appropriate notification to correct such problems. Follow-up procedures or reports may be required by the Committee until it is satisfied that all aspects of such changes have been implemented and are producing the desired results.

B. The Committee will review the statistics provided by SERMA on injuries/accidents (numbers, type, time loss, associated costs and trends) on a quarterly basis.

Upon reviewing the above-mentioned information, the Health and Safety Committee will submit policy recommendations and/or procedural changes to the Risk Management Committee for review and action. This information will be discussed at the Health and Safety Committee meetings and recommendations will be forwarded for appropriate action to the Risk Management Committee.

2. On an annual basis, the University's Risk Management Coordinator will participate and assist in the completion of the SERMA's program evaluation audit. This report will be presented to the University's Health and Safety Committee for their review and comments before being forwarded to the Risk Management Committee.

3. In addition, the Risk Management Coordinator will provide copies of SERMA Risk Assessment Survey and Rap Notes to the Health and Safety Committee. The Health and Safety Committee will meet to analyze these records and make recommendations on increasing efficiencies of the program. All such recommendations will be presented to the Risk Management Committee for review and approval. Any such changes will be communicated in writing to all employees.

4. All information produced in the program evaluation will be available for review by the SERMA Program Evaluator and employees for Frostburg State University. Based on this review and the additions and/or modifications will be recommended to be implemented as necessary.

**Signature Stamp Policy**

PN 3.064

An authorized signature provides key internal control, providing the official signature means the supervisor has examined and approved a transaction. In all instances of authorization of funds or compensation (i.e., employee travel reimbursement, purchase approval, timesheets, etc.) the use of signature stamps will not be permitted to replace a manual signature of an employee.

**Smoking**

PN 3.064

I. PURPOSE

The University seeks to promote a healthy, substance-free environment for students and employees. In recognition of tobacco smoke health risks, the University will provide a smoke free environment for its faculty, staff, students and visitors.
II. DEFINITIONS

A. “University property” is any property owned, leased or otherwise controlled or operated by Frostburg State University. This includes, but is not limited to, the University campus located in Frostburg, the Sustainable Energy Research Facility, the Lyric Building, and Mountain City Traditional Arts. This policy does not include the USM Hagerstown Center or One Technology Drive in Frostburg.

B. “Smoking” includes carrying or smoking a lighted tobacco product or the burning of any material to be in any way inhaled including, but not limited to, cigarettes of any type, cigars, cigarellos, hookahs, and pipes.

III. POLICY

A. Pursuant to Maryland law, smoking is not permitted in any University building, including academic buildings, residence halls, administrative buildings, enclosed facilities, or vehicles, except as indicated in Section III(E) below.

B. Smoking is prohibited on all University grounds and property owned, leased or otherwise operated by the University, including campus walkways, parking lots, recreational, and athletic areas, except as indicated in Section III(E) below.

C. When renting or leasing off-campus facilities for University functions, preference should be given to smoke-free environments.

D. The sale of tobacco and tobacco-related products is prohibited on University grounds and any property owned or leased by the University.

E. Smoking in University facilities will be permitted for controlled research, educational, theatrical or religious ceremonial purposes, with prior approval of the Office of the President. Other requests for exceptions to the Policy shall be considered by the University’s Executive Committee, whose decision is final.

F. All University students, faculty, staff, food service employees, vendors, agents, guests and visitors are subject to this policy.

IV. IMPLEMENTATION

A. The success of the Policy is dependent upon the thoughtfulness, consideration and cooperation of smokers and non-smokers alike. All faculty, staff, students and visitors share the responsibility for adhering to the Policy. This Policy should be communicated and continually reinforced to all faculty, staff, vendors, guests and visitors in a respectful manner. Questions and concerns should be brought to the attention of the Coordinator for University Wellness.

B. Assistance with smoking cessation for students, faculty and staff shall be available through the Office of Human Resources and the Office of the Coordinator for University Wellness. Regular and
ongoing opportunities to participate in smoking cessation classes and/or seminars, and smoking cessation materials and products shall be made available to students, faculty and staff.

C. Signage shall be posted around the perimeter of the campus, and at the entrance to all University property, including residence halls, Edgewood Commons, campus walkways, parking areas, and other highly trafficked areas. Signage shall communicate that all University facilities, buildings and grounds are smoke-free zones.

D. Digital marquees will include a notice informing the public of the Policy.

E. Informational brochures created by the University, including, but not limited to those developed for recruiting students, alumni relations, and for public information purposes will include information about the Policy.

F. University properties shall have no exterior smoking receptacles including, but not limited to, ashtrays or trashcans with ashtrays attached.

G. Interior signs and notices will be posted in all University properties as needed to inform guests, visitors, vendors and other members of the public of the Policy.

H. Signage will refer questions or concerns to the Coordinator for University Wellness.

I. The University shall work with University neighbors to prohibit trespassing of smokers upon non-public properties and promote a litter-free message.

J. For individuals seeking to smoke off-campus, signage shall be placed on University property in areas that may be of risk to pedestrians due to vehicular traffic.

K. The Office of the President shall establish a committee responsible for managing periodic evaluation of this Policy, responding to issues raised by members of the community, determining appropriate education and training, and collaborating with relevant parties.

Travel Policy
PN 3.029

The following are the revised University System of Maryland travel reimbursement rates for FY2016 as approved by the Board of Regents (BOR). The mileage reimbursement rates for the remainder of Fiscal 2016 have been revised effective January 1, 2016. These changes are the result of the State and USM lowering the mileage reimbursement rates in compliance with the Internal Revenue Service's announced rate change to take effect January 1, 2016.
1. Rates for Hotels

Cost of hotel accommodations is reimbursed on the basis of receipts for single-room rate. Use of an FSU Visa procurement card is recommended, when possible.

2. Rates for Meal Expenses

General note: To qualify for any meals employees must be in travel status a minimum of four (4) hours and all out-of-state travel must have a pre-approved travel request form. Meals may not be claimed if your hotel has a free breakfast plan or a meal is provided as part of a conference or meeting. A copy of all conference and meeting agendas must be attached. If being reimbursed on a receipt basis, please note meal tips are limited to a maximum of twenty (20) percent.

The total including tax may not exceed the per diem amount. The current version of Travel and other Accounts Payable forms may be obtained at http://www.frostburg.edu/admin/ap/forms.htm.

Domestic Travel (includes the United States and its territories):
Will be reimbursed at the following standard per diem rates with no receipts required for an individual. For group travel, reimbursement will be made based on itemized receipts not exceeding per diem limits per person. These rates include tax and tips.

<table>
<thead>
<tr>
<th>Meal</th>
<th>Rate</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>$10.00</td>
<td>(the travel starting time to qualify for breakfast is 6:00 a.m.)</td>
</tr>
<tr>
<td>Lunch</td>
<td>$12.00</td>
<td>(to qualify for lunch employees must either be on overnight travel or qualify for both breakfast and dinner.)</td>
</tr>
<tr>
<td>Dinner</td>
<td>$25.00</td>
<td>(to qualify for dinner employees must return no earlier than 6:30 p.m.)</td>
</tr>
</tbody>
</table>

Total $47.00

Foreign Travel:

Will be reimbursed at the applicable U.S. Department of State Meal and Incidental Rate without receipts for an individual, or actual cost with receipts not to exceed the State Department Rates. For group travel, reimbursement will be made based on itemized receipts not exceeding the per diem limits per person including tax and tip. Meal tips are limited to a maximum of twenty (20) percent. You may go to the following link to see the U.S. Department of State's current rates: http://aoprals.state.gov/content.asp?content_id=184&menu_id=78

Foreign meal reimbursements use the same travel requirements as domestic travel. A partial day’s per diem will be calculated based on the total M&IE rate as follows: Breakfast=15%, Lunch=25%, and
Dinner=60%. Travelers should clearly identify, on their Travel Expense Statement, the foreign locale visited. Reimbursement rates are based on the rates in effect at the time of travel.

3. Rates for Mileage Expenses

Employees will be reimbursed at the rate of 54.5 cents per mile when no state vehicle is available. Please attach a screen print from the vehicle reservation system to your expense form that shows no state vehicle was available.

Employees will be reimbursed at the rate of 27.25 cents per mile when a state car is available, or when availability was not checked prior to the trip.

University employees using their privately owned vehicles and claiming reimbursement on a Travel Expense form must deduct their normal commute mileage from the total miles driven when the trip begins from or ends at home. Commute miles are defined as the round-trip mileage normally driven from home to the regularly assigned work site and home again.

Any questions about travel or the working fund should be directed to Ms. Patricia Lewis at 301-687-4324; pjlewis@frostburg.edu.

University Vehicles

University vehicles are available for faculty engaged in University business. Reservations for University vehicles must be made through the iPool online reservation system https://ipool.frostburg.edu/ipoolbin/action_ci at least one week prior to use and according to FSU policies and procedures. Generally, priority in assignment of state vehicles (cars, vans, and the minibus) will be given to use beyond the Frostburg/Cumberland area on a first-come, first-serve basis. However, the following stipulations apply:

1. Upon at least one week's notice, the Admissions Department will be given priority consideration for two cars;

2. Upon at least one week's notice, the Educational Professions Department will be given priority for one car;

3. Upon at least one week's notice, priority will be given for two cars for instruction beyond the Frostburg, Cumberland area;

4. Upon at least one week's notice, the Biology Department will be given priority for one van;

5. The buses will be assigned only to groups of 15 or more. A Commercial Driver's license is required to operate the bus.
6. Reservations for any vehicle may not be made more than six months in advance. Reservations are subject to cancellation, in view of the priorities detailed above.

7. Exceptions to this policy may be made only by the President or the President's designee.

**Alcoholic Beverages Policy**  
(PN 3.059)

Alcoholic beverages may not be consumed or possessed in any vehicle that is owned, rented or leased by Frostburg State University without the specific approval of the president or the president's designee.

**Moving Violations**  
(PN 3.054)

Drivers who receive moving violation citations while operating Frostburg State University vehicles are required to report the citations to the Department of Public Safety when returning the vehicle to the motor pool.

The Director of Public Safety will review each citation and determine 1) if further information is required from the issuing agency, and 2) if the apparent violation is of such magnitude as to result in immediate loss of privilege to operate university vehicles. Examples of citations that could result in loss of privilege include, but are not limited to, failure to stop at scene of an accident, speeding in excess of twenty miles over the speed limit, driving while intoxicated, driving while under the influence of alcohol, reckless driving. The decision of the Director of Public Safety may be appealed to the Vice President for Administrative Services.

This policy applies to all drivers of university vehicles, including student and volunteer drivers. This policy does not replace any other university or USM vehicles policies.

**Travel Limits on State Vehicles**  
(PN 3.055)

To be in a more favorable position to respond to breakdowns or emergencies, and to extend the service life of fleet vehicles, the university places the following restriction on the use of state vehicles for travel purposes. State vehicles may be used for university travel only within the State of Maryland or within a 400 mile radius of Frostburg. Travel beyond these parameters is to be accomplished by commercial carrier or private vehicle, reimbursable by department/Library budgets, or written approval to use state vehicles currently with the Director of Public Safety within a minimum of two weeks of travel time. All other travel regulations and policies remain in effect. Intercollegiate team travel is exempt from this policy. Other exceptions may be made only by the president's designee.
Faculty Traveling with Student Groups

Faculty members traveling with students must provide the Department of Public Safety with the following information:

1. The names of all students in the party;
2. The location of the final destination;
3. The list of all stops along the way. Only students registered with the FSU Department of Public Safety are allowed to drive state vehicles.
Research Policies
Centers and Institutes

[This policy responds to paragraph 6 of Board of Regents Policy IV--1.00, "Policy for the Establishment and Review of Centers and Institutes in the University System of Maryland."]

Definition: A center or institute at Frostburg State University is generally an organized, non-departmental unit that focuses on an aspect of teaching, research, and/or public service. It may or may not be funded by the state through the University or by external sources. A center or institute usually has a formal administrative structure headed by a director.

I. Procedure for Establishing a Center or Institute

A. Application Procedure.

1. To establish a center or institute at Frostburg State University (FSU), the applicant(s) must submit a memo containing the following information to the Provost:
   a. Rationale and need for the center or institute;
   b. Mission of the center or institute, inclusive of its intellectual agenda;
   c. Compatibility with the mission of the University;
   d. Proposed activities of the center or institute;
   e. Relationship to academic programs;
   f. Relationship to similar efforts elsewhere in the USM;
   g. Departments or other units involved, and lines of reporting;
   h. Personnel involved and space required (University and external);
   i. Total resources involved (including identification of sources of financial support, start-up costs, long-term costs, assigned time, administrative costs, etc.);
   j. Procedures and criteria with which the proposed center or institute will be reviewed and evaluated; and
   k. Other relevant information.

2. Memos of support and approval from associated department chairs and college deans must accompany the application. Each supporting document must include, at minimum, (a.) assessments of the value of the proposed center or institute and (b.) the financial impact of its establishment on the resources of the department(s) or college(s).

B. Application Review Procedure.

1. The Office of the Provost first will evaluate the application according to the following criteria:
   a. Need for the center or institute;
   b. Benefits and costs to the University community;
   c. Congruence with University mission.

2. Upon the completion of the initial review, the Provost will forward the proposal to the Academic Affairs Committee for appropriate action within the FSU governance system.
C. **Preexisting Centers and Institutes at FSU.** Centers and Institutes that are in existence prior to the date of official approval of this policy by the Chancellor of the University System of Maryland do not have to apply for re-establishment. They are, however, subject to the review procedures covered in Section II.

II. Procedure for the Periodic Review of Centers and Institutes at FSU

A. **Annual Reporting.** The directors of FSU Centers and Institutes, beginning Academic Year 1994-1995, are required to submit academic year reports to the Office of the Provost, due June 30. These reports will include the following information:

1. Identification information—Name of center or institute, name(s) of director(s), associated department(s) and college(s), and mission statement;

2. Major activities conducted during academic year;

3. Expenditures for academic year, including funds from internal and external sources;

4. Deployment of faculty/administrative resources and associated costs to University;

5. Evaluative summary of how the center or institute achieved its mission and goals during year and how it benefited the University.

The annual reports submitted by FSU centers and institutes will be reviewed annually by the Provost or a designee of the Provost for issues of urgency and kept on file in the Office of the Provost for fuller consultation during the 5-year or 7-year review process.

B. **Review Cycle.** Every five years, each FSU center and institute that receives funding from the State of Maryland or outside sources will be reviewed. Centers and institutes that receive no funding will be reviewed every seven years. The procedure in each circumstance will be as follows:

1. The Provost will form a special evaluation committee for each center or institute, consisting of the dean(s) of the associated college(s), a representative from the Office of the Provost, and a representative from a department not associated with the center or institute or the college to which the center or institute is attached.

2. The committee, during the fifth or seventh year academic year, will examine the annual reports that have been submitted previously by the center or institute director(s), along with any other relevant information. They will also conduct interviews with the director(s) and other appropriate people to obtain additional information.

3. Based on the information at their disposal, the evaluation committee will recommend one of the following actions:

   a. maintenance of the center or institute in its current state;
   b. a change in the definition, operations, and/or leadership of the center or institute;
c. termination of the center or institute

d. initiation of a broader-scale review of the center or institute, with the final outcome one of a, b, or c.

4. The criteria that the committee will use to arrive at their recommendation are as follows:

   a. Need for the center or institute;
   b. Benefits and costs to the University community;
   c. Congruence with University mission;
   d. Effectiveness of leadership.

5. The committee will forward its recommendation to the Provost, who in consultation with the President of the University, will arrive at a determination of action.

6. The Office of the Provost will forward notice of the determination of action to the director(s) of the center or institute, with copies to the associated chair(s) and dean(s), no later than September 1 of the sixth or eighth year as appropriate.

7. The five-year and seven-year review cycles will have a staggered start, starting with the first group of evaluations at the end of Academic Year 1996-1997.

Policy and Procedures for Identification and Management of Conflict of Interest For PHS/NSF Sponsored Activities

Supplement to Procedures on Conflicts of Interest in Research or Development

I. General

Effective October 1, 1995 all proposals and renewal applications being submitted to the Public Health Service (PHS) (including all its Institutes) or the National Science Foundation (NSF) are required to include a certification by Frostburg State University authorizing official that Frostburg State University has implemented and is enforcing a written policy on conflicts of interest. In addition to existing University System of Maryland and Frostburg State University policies on professional commitment of faculty, outside consultancy, and conflict of interest, the following policy and procedures apply to actual or potential conflicts of interest arising from activities sponsored by PHS and NSF. These federal agencies have promulgated regulations, which require:

(1) investigators to disclose certain financial interests;

(2) institutional review of these disclosures;

(3) designation of a person(s) to review the disclosures, identify conflicting interests, and take actions necessary to ensure that such conflicting interests will be managed, reduced or eliminated;
(4) arrangements for informing (a) the NSF of conflicts that are not resolved to the satisfaction of Frostburg State University and (b) the PHS of all conflicts reported, resolved or not; and

(5) record retention procedures.

Subcontract and collaborators must either comply with Frostburg State University's policy or provide assurance to Frostburg State University that they comply with their own policies that meet the PHS and/or NSF requirements, as applicable.

II. Definitions

A. "Investigator" means the principal investigator, co-principal investigator(s), and any other person employed by or working under the auspices of Frostburg State University who has independent responsibility for the design, conduct, or reporting of research or educational activities funded or proposed for funding by PHS or NSF. (This may include persons working under the Principal Investigator.) These individuals are those who have independent responsibility for accomplishing project objectives. For purposes of the requirements relating to financial interests, "investigator" includes the investigator's spouse and dependent children.

B. "Significant financial interest" means anything of monetary value, including but not limited to salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g. stocks, stock options, or other ownership interests); and intellectual property rights (e.g. patents, copyrights, and royalties from such rights). The term does not include:

(1) salary, royalties, or other remuneration from Frostburg State University;

(2) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

(3) income from service on advisory committee or review panels for public or nonprofit entities;

(4) an equity interest that when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: (a) does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and (b) does not represent more than a 5% ownership interest in any single entity, or

(5) salary, royalties, or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed $10,000 during the next twelve month period.

C. "Conflict or interest" means, for the purpose of these procedures, any significant financial interest of the investigator and the investigator's spouse and dependent children that could directly and significantly affect the design, conduct, or reporting of PHS or NSF funded research, as reasonably determined by Frostburg State University.
D. "Reportable Significant Financial Interest" means a Significant Financial Interest (i) that would reasonably appear to be affected by the research and educational activities funded or proposed for funding by PHS or NSF or (ii) in entities whose financial interests would reasonably appear to be affected by such activities.

A. "Research" means a systematic investigation designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses, for example, basis and applied research, product evaluation, testing, development, and clinical trials. As used in these Procedures, the term includes any such activity for which research funding is available from a component of the PHS through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority, and any such activity for which research funding or any educational activity is available from the NSF.

III. Disclosure Requirements

A. An investigator seeking or holding PHS or NSF funding must disclose any reportable significant financial interest.

B. An investigator seeking PHS or NSF funding who has no reportable significant financial interest to disclose must so indicate by checking the appropriate statement and signing the Proposal Routing and Approval Form which accompanies the proposal.

C. An investigator seeking PHS or NSF funding who has a reportable significant financial interest to disclose must so indicate on the Proposal Routing and Approval Form and must complete the "Investigator Financial Disclosure Statement for PHS/NSF Proposals" (Appendix 1). This form and any supporting documentation must be submitted with (or in advance of) the proposal.

D. All disclosures must be updated during the period of the award on an annual basis or as new reportable significant financial interests are obtained by completing and routing the Update/Annual Certification Form for PHS/NSF Sponsored Activities (Appendix 2). Each investigator must complete this form.

IV. Institutional Review Process

A. The investigator's academic supervisor is responsible for conducting the initial review of disclosures submitted by investigator(s) within that supervisor's academic unit. An investigator's academic supervisor is: the department chair or the dean (if the investigator is a department chair). The academic supervisor, subject to Frostburg State University's review and final decision, will determine what reportable significant interests are conflicts of interest (as defined above) and what mechanisms are appropriate for managing, reducing, or eliminating real or potential conflicts of interests. Examples of conditions or restrictions that might be imposed include:

- public disclosure of significant financial interest
- monitoring of research by independent reviewers
- modification of the research plan
- disqualification from participation in the portion of funded research that could be affected by the significant financial interests
- divestiture of significant financial interests
- severance of relationships that create actual or potential conflicts.

B.1 Disclosure of conflicts and the resolution or plan for resolution shall be forwarded from the academic supervisor, through intermediate supervisors as required, to the academic dean. Following action by the dean, the disclosure and resolution or plan for resolution shall be forwarded to the Director of Research and Sponsored Programs.

B.2 Should a reportable significant financial interest or a conflict of interest resulting from a reportable significant financial interest remain unrecognized through the proposal routing process, the office that recognizes the conflict will contact the Director of Research and Sponsored Programs. The Director will contact the investigator for additional information.

C. If the Director finds that a disclosure of a reportable significant financial interest has revealed a conflict of interest that is unresolved after the initial review(s) and the subsequent review of the academic dean, or if the Director finds that a recommended plan for resolution is inconsistent with Frostburg State University guidelines, the Director will forward the matter to the Frostburg State University's Faculty Grievance Committee for consideration. The Committee will examine the matter and make its recommendations to the Provost, who will make a decision on behalf of Frostburg State University. A faculty member dissatisfied with the Provost's final action may appeal to Frostburg State University's President, who, at his/her discretion, may reconsider the matter for Frostburg State University.

D. Proposals will not be forwarded to PHS or NSF by Frostburg State University until the conflict of interest review process has reached the level of the Director of Research and Sponsored Programs. A proposal may be forwarded to PHS or NSF by Frostburg State University before the review process is completed, but (1) no funds can be spent for the project until the process is completed, and (2) the proposal will be withdrawn if it is determined that an identified conflict of interest cannot be eliminated or managed. If a proposal has been forwarded on the expectation that an approved plan for resolution of conflict of interest will be implemented, the identified conflict must be satisfactorily managed, reduced or eliminated prior to Frostburg State University expenditure of any funds under the award for the project affected. If the conflict cannot be satisfactorily resolved, the grant proposal may be withdrawn or the award declined.

E. For on-going projects, conflicts disclosed subsequent to Frostburg State University's initial report to PHS or NSF under an award must be resolved, at least on an interim basis, within sixty (60) days after that identification of the potential conflict by Frostburg State University.

V. Reporting Procedures and Record Retention

A. The Director of Research and Sponsored Programs is responsible for providing the appropriate written notice to the awarding agency. Conflicts which cannot be satisfactorily resolved must be disclosed to PHS and NSF. In the case of PHS awards, notice must be given for all conflicts of interest.
B. The Director of Research and Sponsored Programs will maintain records of all financial disclosures and of all actions taken to resolve actual or potential conflicts of interest at least three (3) years after termination or completion of the sponsored project or after resolution of any government action involving those records, whichever is longer.

C. As required by federal agency regulations, information regarding all conflicts of interest identified to or by Frostburg State University will be made available to the federal government upon request.

The NSF Office of General Counsel will be appropriately informed if Frostburg State University finds that it is unable to satisfactorily manage a Conflict of Interest related to NSF reported research.

VI. Compliance

A. Non-compliance could result in the termination of the sponsored activity and/or restrictions on the individual with respect to proposal submissions as well as other appropriate sanctions that would be provided by University of Maryland System and Frostburg State University policies and procedures, the Maryland Public Ethics Law, and federal laws and regulations.

B. If the failure of an Investigator to comply with Frostburg State University conflict of interest policy has biased the design, conduct, or reporting of the PHS-funded research, Frostburg State University must promptly notify the PHS Awarding Component of the corrective action taken or to be taken. The PHS Awarding Component will consider the situation and, as necessary, take appropriate action or refer the matter to Frostburg State University for further action, which may include directions to Frostburg State University on how to maintain appropriate objectivity in the funded project.

VII. Confidentiality

Information submitted by investigators with respect to reportable, significant financial interest and/or identified conflicts of interest shall be treated as personal information under the Maryland Access to Public Records Law, and shall be disclosed by Frostburg State University only as permitted by State law or otherwise required by law or court order. This limitation shall not apply to information which is required to be disclosed as part of the steps to manage a potential or actual conflict of interest.

**FSU Procedures on Conflict of Interest in Research or Development**

I. General

Frostburg State University supports programs to foster economic development in the state and region and programs for commercializing and transferring university-produced technology to the private sector and providing campus affiliations to emerging private high-technology firms. Confidence and trust is eroded, however, when state and university business is subject to improper influence. The Maryland Public Ethics Law establishes certain conditions under which officials and employees may have relationships with entities involved with research or development.
Outside activities of an official or employee must not interfere with the primary commitment to the mission of the university. The Board of Regents of the University System of Maryland has enacted a Policy on Professional Commitment of Faculty (BOR II 3.10), which addresses external commitments and general conflict of interest concerns for its faculty. In addition, the Board of Regents had enacted a Policy on Conflicts of Interest in Research or Development (BOR II- 1.11), which allows officials and employees to have certain relationships with businesses involved in research or development, provided certain conditions are met consistent with the Maryland Public Ethics Law.

These procedures implement the System Policy of Conflicts of Interest, and apply to situations where an official or employees seek to hold an interest in, serve as an employee, director, or officer of, or maintain any other relationship (as defined herein) with an entity which:

A. Is engaged in or participates in research of development; or
B. Has a direct interest in the outcome of research or development.

Neither these procedures, nor the statute and System policy under which they have been adopted, exempt any official or employee of the System from any provision of the Public Ethics Law except as specifically provided in System's policy and these procedures.

II. General Procedure

A. An official or employee of Frostburg State University may have an interest in or serve as an employee, director, or officer of or maintain any other 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 if:

1. The interest, service, employment, or other relationship is disclosed on a form filed with the Director of Research and Sponsored Programs and maintained as a public record in the Office of Contracts and Grants. A copy of the form must also be filed with the State Ethics Commissions. An annual report shall also be required for any interest, service, employment or other relationship that lasts more than a year.

2. The relationship will not give improper advantage to the entity with which the relationship exists, 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.

3. The interest will not constitute a harmful interest as defined in these procedures or otherwise present an unacceptable conflict of interest.

4. The interest, service, employment, or other relationship with the entity is approved by the Frostburg State University President in accordance with these procedures.
B. If the requirements of these procedures are not met, the official or employee is not exempt from any of the provisions of the Ethics Law. Approvals granted under these procedures do no affect the application of other University System of Maryland and Frostburg State University policies, including Policies on Patents, Copyrights, and Professional Commitment of Faculty, or the obligation to adhere to the provisions of the Maryland Public Ethics Law relating to prohibited gifts. Notwithstanding any approval under these procedures, an official or employee may not (1) represent a party for contingent compensation in any matter before the System's Board of Regents or the State's Board of Public Works, or (2) intentionally misuse his or her position for personal gain or for the gain of another person.

III. Specific Procedures and Guidelines

A. Request and Disclosure Provision

1. Each official or employee who proposes to hold a relationship pursuant to these procedures is required to fill out the Research or Development Interest Form at the time approval of the relationship is requested, at such time(s) as the circumstances of the faculty member concerning the interest change, and annually beginning one year from the date of the initial approval under these procedures. Such forms shall be maintained as a public record at Frostburg State University. A copy of each form shall be filed with the Director of Research and Sponsored Programs.

2. The disclosure shall fully describe the relationship and provide such other information as may be required by the Director of Research and Sponsored Programs.

3. It is the responsibility of the faculty member to request approval of any relationship.

B. Review Process

The Director of Research and Sponsored Programs shall review the Research or Development Interest Form at the time of the initial request and at each subsequent filing to determine whether or not the disclosed interest represents a harmful interest, is an unacceptable conflict of interest, or is otherwise in violation of the policies, procedures, and best interest of the University. The Director of Research and Sponsored Programs may require that further information be disclosed and may recommend restrictions designed to manage, reduce, or eliminate any actual or potential conflict of interest. The Director may consult with the Maryland Department of Business and Economic Development and with other public and private agencies concerning the implementation of the System's policy and these procedures.

C. Approval Process

The President must approve each exemption in writing. Approval may not be granted unless the requirements of Section II.A of these procedures are met. The President's determination is final. The approval may be subject to such conditions or restrictions, as the President requires. Approval may be withdrawn if it is determined that the official or employee misrepresented the nature of his or
her interest in the entity, or if circumstances change in such a way as to create an unacceptable conflict of interest or a violation of University policy or other applicable legal requirements. The President shall file with the State Ethics Commission a copy of each disclosure form filed in support of an approved relationship.

D. **Additional Operating Guidelines**

1. Officials and employees with relationships approved under these procedures shall:

   a. ensure that their activities, statements, evaluations, recommendations, and judgments do not improperly give advantage to the outside entity;

   b. ensure that unauthorized statistics, documents, reports, comparison information, and other data are not disclosed which would improperly give advantage to the outside entity;

   c. be aware that legal restrictions regarding misuse of their position for personal gain or gain of another, solicitation or acceptance of improper gifts, and representing a party before the Board of Regents or the Board of Public Works a contingent fee, to apply, notwithstanding any approval under these procedures;

   d. continue to adhere to other University policies, including the System Policy on Professional Commitment of Faculty.

2. Where an exception under these procedures is sought by a President or Vice President or any individual holding a similar such position the person must comply with such procedures as established by the Board of Regents or Chancellor and the Board must find (1) 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.

IV. **University Reporting Procedures**

A. Frostburg State University shall submit quarterly reports to the Chancellor stating the number of approvals granted under these procedures and how these procedures have been implemented in the preceding year.

B. Frostburg State University shall develop a public file which will contain all the approved exemptions and applicable disclosure statements, and maintain such files for public review.

V. **Definitions**

A. "Harmful interest" means an interest which when examined under the review procedures is found to be so influential as to impair impartiality in the conduct of the research, the interpretation or the results of the research, and/or the determination of research or other professional and employment priorities.
B. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with any entity that would be prohibited by Title 15, 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.

C. "Research or development" means basic or applied research or development, and includes the development or marketing of university-owned technology, and acquisition of service of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

Procedures for Allegations of Misconduct in Scholarly Work
Approved by Faculty Senate, April, 1990 Approved by USM, August, 1990

These procedures implement the University System of Maryland Board of Regents' "Policy on Misconduct in Scholarly Work" (approved November 30, 1989) in accordance with the Regents' "Guidelines for Policies and Procedures Relating to Allegations of Misconduct in Scholarly Work" (approved November 30, 1989). These procedures and the University System policy they implement apply to all Frostburg State University faculty, staff, and students in the performance of scholarly and creative activity and research conducted at or in association with the University or as part of or in association with the responsibilities and incidents of their appointment or degree requirements.

Definitions

Days. Days shall mean calendar days, including Saturday, Sunday, and such other days as the University is officially closed.

Faculty Member. As used herein, the term faculty member shall include any person associated with Frostburg State University subject to this policy and set of procedures.

Mischievous Allegation. A mischievous allegation of scholarly misconduct is one that a person makes knowing it to be false or made with a reckless disregard for the truth.

Scholarly Misconduct. The examples of scholarly misconduct contained in the above referenced Guidelines are herein incorporated by reference, provided, however, that no one shall be deemed to have engaged in such misconduct unless it is determined by a preponderance of all relevant evidence that the conduct in question was done intentionally and with a desire to deceive.

Initiation

A written allegation or other evidence of scholarly misconduct to be considered must be delivered to the Provost. Anonymous complaints are unfair to an accused individual and need not serve as the basis for an inquiry. The allegation shall be delivered to the President if a conflict of interest or a potential conflict of
interest exists with the Provost. In such circumstances, the President shall exercise the obligations of the Provost as stated in Sections III, IV, V, and VI following.

The Provost shall appoint a Committee of Inquiry to initially consider a proper written and signed allegation of scholarly misconduct. This will be accomplished no later than 10 days after receipt of the complaint. The Provost is not required to take action on a complaint which in his/her judgment is frivolous, unreasonably vague, or known to be otherwise improper.

In the event the Provost determines to appoint a Committee of Inquiry, the accused individual shall be informed of the existence and nature of the complaint and, if applicable, of members of the Committee.

If at any stage of the process the Provost determines there is a risk to subjects, human or nonhuman, personnel, or the environment, or a potential misuse of state or federal funds, the Provost shall take the necessary steps to protect those whose interests are in jeopardy and notify immediately any sponsor of externally supported scholarly work.

**Committee of Inquiry**

The Committee of Inquiry shall consist of three Frostburg State University tenured faculty members of equal or senior rank to the accused faculty member and of the same or allied discipline, with at least one member being of the same discipline.

The Committee shall consider the allegation and conduct an inquiry to determine if there is a reasonable and sufficient basis to warrant a full and lengthier investigation.

The Committee shall prepare for the Provost a confidential written report of its preliminary findings within 60 days after the receipt of the allegation. The report shall also contain a recommendation for any further action. If a majority of the Committee determines that upon the information available to them it is reasonable to believe that an act of academic misconduct may have occurred, then the Committee shall recommend that a full investigation be conducted. If the Committee determines that it is not reasonable to believe an act of academic misconduct has occurred, it shall so inform the Provost and also determine whether the allegation was mischievously made.

The manner of the inquiry shall be informal and shall proceed in the fashion the Committee believes best serves to reach an initial informed assessment of the probability of the truth and accuracy of the allegations. It rests in the judgment of the Committee when and in what manner it will receive submissions or interview the accused faculty member, accusing party, or others. The Committee shall endeavor to work as confidentially as possible, recognizing that it may need to consult persons with relevant knowledge not on the Committee. The Committee shall maintain such confidential notes of its inquiry as it believes are reasonable to chronicle its activities and findings. It shall deliver them to the Provost in support of its report. The Provost shall keep these notes in a secure manner for a period of at least three years after the termination of the inquiry.

If the Committee fails to complete its inquiry within 60 days, the record of inquiry shall include documentation of the reasons for exceeding the 60-day period.
Upon receipt of the Committee’s report, the Provost may ask the Committee to undertake such additional initial inquiry as he/she believes will facilitate a threshold assessment.

Within seven days of the conclusion of the inquiry, the Provost will inform the accused faculty member of the final conclusions of the Committee and of his/her decision respecting the disposition of the case, including a decision to refer the matter to a Committee of Investigation.

Committee of Investigation

Upon consideration of the report of the Committee of Inquiry, if the Provost believes there is a reasonable basis to determine that an act of academic misconduct may have occurred, then he/she will appoint within 30 days a Committee of Investigation to thoroughly investigate the allegations against the faculty member and such ancillary matters as the Committee of Inquiry may have noted. The individual will be informed of the matter(s) to be investigated.

The Committee shall consist of senior, respected members of the academic, professional, or scientific community in the same or closely allied discipline as the accused individual. At least one member must be a person not otherwise associated with the University System of Maryland.

If practical, the Provost shall appoint a Committee with the necessary and appropriate expertise. The Provost will develop two lists of potential Committee members:

1. A list of at least six Frostburg State University faculty, of equal or senior rank to the accused individual;

2. A list of at least two persons not primarily associated with the University System of Maryland.

The accused individual shall be extended the option to strike one person from each list. The Provost shall appoint the Committee of five members from the remaining names, also appointing two alternates.

The responsibility of the Committee shall be to undertake a thorough analysis of the allegation and to obtain all reasonably available information, which it believes relevant to the charges. It shall reach a conclusion as to the truth and accuracy of the allegation, provided, however, that no determination of scholarly misconduct shall be made unless a majority of the Committee finds it to be supported by a preponderance of the credible evidence before it. The Committee may conduct the investigation in such a manner as it believes is most conducive to obtaining and evaluating relevant, probative information. As part of its investigation, the Committee may or may not choose to conduct hearings. It may obtain information and expert opinion from persons outside of the University if it deems it necessary to reach a firm decision. The Committee shall be accorded authority, responsibility, and resources judged reasonably necessary by the Provost to accomplish its duties and as are consistent with the law. The notes and report of the Committee of Inquiry shall be available to the Committee. The Committee shall extend to the accused faculty member and to the person making the complaint offers to meet with it to discuss the matter and answer such questions as the Committee may have.

Consistent with fulfilling its responsibilities, the Committee shall endeavor to maintain a strict confidentiality in the performance of its activities.
The Committee shall prepare for the Provost a confidential written report of its investigation, including a summary of the evidence, findings, and conclusions. The report shall also contain specific recommendations consonant with the nature of its determination. The Committee shall endeavor to complete its investigation, including its final written report, within 120 days. The report of the Committee shall be advisory.

Upon receipt of the Committee's report and, if applicable, additional materials submitted by the accused individual, the Provost may ask the Committee to undertake such additional investigation as he/she believes necessary.

The Committee shall maintain such confidential notes or other record of its investigation as it believes is reasonable to chronicle its activities and findings. It shall deliver them to the Provost in support of its report. The Provost shall keep these notes in a secure manner for a period of at least three years after the termination of the investigation. Within seven days, the Provost will provide the accused individual the Committee report. The Committee shall complete its investigation and report in all cases, even if the individual leaves the University.

**Disposition by the Provost**

If upon consideration of the report of the Committee of Investigation the Provost believes that an act of scholarly misconduct is supported by a preponderance of the credible evidence, then disciplinary and/or administrative action consistent with the faculty member's contract and University rules shall be initiated.

If the Provost believes that scholarly misconduct is not demonstrated by a preponderance of the credible evidence, then he/she shall undertake such actions to restore the reputation of the accused as are described in the Regents’ Guidelines as appear appropriate under all the circumstances and findings in the particular case.

**Disclosure to Outside Sponsors**

With the advice of counsel of the Office of the Attorney General of the State of Maryland, the Provost shall have the sole authority and responsibility of:

1. Determining the legal obligation of the University to inform an entity which is sponsoring scholarly work of the pendency and/or outcome of allegations of scholarly misconduct.

2. Determining when any necessary notification should be made.

3. Notifying the sponsoring entity and thereafter communicating with it about the case.

4. Notifying the Attorney General of the State of Maryland and, if applicable, the sponsoring federal agency within 24 hours of obtaining reasonable indication of possible criminal violations.
FSU Policies and Procedures Concerning Scientific Misconduct in Sponsored Research

I. INTRODUCTION

Integrity in research and scholarly activities is the responsibility of the entire academic community. Scholars work in an environment in which there is an important sense of trust. Published material is assumed to have been obtained during the author's investigations. Falsification or fabrication of such data is intolerable. Frostburg State University (FSU) is responsible for promoting academic practices that discourage misconduct. Also, it is responsible for developing policies and procedures and for providing the necessary resources for dealing with allegations or other evidence of misconduct in scholarly work.

All members of the university community - students, staff, faculty, and administrators - share responsibility for developing and maintaining standards to assure ethical conduct of research and detection of abuse of these standards. Fraud or misconduct in carrying out academic activities undermines the integrity of the educational system and the scientific enterprise, and erodes the public trust in the university community to conduct research and communicate results using the highest standards and ethical practices. The responsibility to prevent and detect misconduct, however, must be assumed without creating an atmosphere that discourages the openness and creativity which are vital to scholarship and the research enterprise.

The Board of Regents of the University System of Maryland has adopted a "University System of Maryland Policy on Misconduct in Scholarly Work" (the "Misconduct Policy"), approved November 30, 1989, and "Guidelines for Policies and Procedures Relating to Allegations of Misconduct in Scholarly Work" (the "Guidelines"). Under the System's policies stated in the Misconduct Policy, misconduct in scholarly work by any USM employee is a breach of contract. Furthermore, misconduct in scholarly work by others associated with FSU (e.g., graduate students, volunteer faculty) will not be tolerated. It is the policy of FSU, as it is the policy of the System:

A. To maintain high ethical standards in science and other scholarly work, to prevent Academic Misconduct where possible, and to evaluate and to resolve promptly and fairly instances of alleged or apparent Academic Misconduct.

B. To take disciplinary action, which may include the termination of employment, against any individual found guilty of Academic Misconduct.

C. To award no degree if Academic Misconduct in science or other scholarly work contributed to that degree and, when warranted, to revoke such a degree if Academic Misconduct is discovered after its award.

The Policy and Procedures presented in this document affirm the Misconduct Policy, which charges FSU to prepare, implement and publicize appropriate policies and procedures intended to instill and to promote the principles of professional integrity, to prevent scholarly misconduct, and to discover...
and to deal with instances of scholarly misconduct if they occur. This policy (the "Policy") and the following procedures (the "Procedures" or "these Procedures") will apply to the investigation and resolution of alleged instances of Academic Misconduct.

The Policy and the Procedures apply primarily to faculty, staff and postbaccalaureate student research, scholarly writing, and the creation of works of art. They are not intended to address issues, such as the conduct of students in examinations and in fulfilling course requirements, which are covered by other policies. They are not intended to set up an alternative to existing procedures for resolving fiscal improprieties, issues concerning the ethical treatment of human or animal subjects, or criminal matters.

These procedures replace all other prior and existing policies and procedures of the Institutions for the handling of Academic Misconduct not excepted above.

The scope of this Policy and these Procedures is not limited to matters related to externally sponsored research but covers all research and scholarly activity, regardless of source of support. The Procedures are intended to comply with any and all federal regulations as pertinent to the specific case (including, but not limited to the Public Health Service Regulations and Assurances attached hereto as Appendix A), and may be modified as required by law - (and apply to all individuals who may be involved with a research project supported by the Public Health Service or for which an application has been submitted.)

II. DEFINITIONS

As used in the Procedures:

A. The following terms established as defined terms in Part I have the meanings indicated in that Part:

1. "Misconduct Policy"
2. "Guidelines"
3. "Policy"
4. FSU misconduct "Procedures"
5. "FSU"

B. "Complainant" means the individual or individuals making allegations of Academic Misconduct.

C. "Due Process" means the procedural guarantees granted to the Respondent during each stage of the Procedures, from the initial allegation to the final resolution of the charges. Specifically, the Respondent:

1. must be notified in writing of the specific allegation being considered under these Procedures, as set forth in Section IV herein;
2. must be given reasonable time to respond to the allegations at the Inquiry stage and to prepare a defense to the allegations at the Investigations stage;
3. must be permitted an opportunity to participate in the Inquiry and Investigation proceedings as outlined herein;
4. must be given access to documents, reports, summaries of witness testimony, and other evidence upon which the allegations of Academic Misconduct are based;
5. has the right to consult with counsel;
6. has the right to a decision based exclusively on the evidence presented;
7. has the right to a written statement of the decision and of the reasons for the decision, including the evidence relied upon for the decision.

D. "Inquiry" means information gathering and initial fact-finding to determine whether an allegation or apparent instance of Academic Misconduct warrants an investigation.

E. "Investigation" means the formal examination and evaluation of all relevant facts to determine if Academic Misconduct has occurred and its extent.

F. "Academic Misconduct" or "misconduct in scholarly work" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research or other scholarly work. Academic Misconduct also includes any form of behavior, inducing the making of allegations that involve frivolous, mischievous or malicious misrepresentation, whereby one's work or the work of others is seriously misrepresented. Academic Misconduct may take numerous forms including, but not limited to, those listed in Appendix B, attached hereto. Academic Misconduct does not include honest error or honest differences in interpretations or judgments of data.

G. "President" means the President of FSU

H. "Respondent" means the individual(s) against whom an allegation of Academic Misconduct is made.

I. "Responsible Official" means the office or academic administrator designated by the Senior Academic Administrator to assume responsibility for carrying out these Procedures with respect to any specific allegation of Academic Misconduct. The Responsible Official normally will be the Vice President for Academic Affairs.

J. "Senior Academic Administrator" means the concerned dean of an FSU professional school. If the Respondent is associated with more than one professional school at FSU, the President shall specify which of the affected deans shall act as the Senior Academic Administrator. In cases of actual or apparent conflict of interest, the President may specify a different individual to act as Senior Academic Administrator.

K. "Vice President" means the Vice President for Academic Affairs, Frostburg State University.

L. "VPAA" means the Vice President for Academic Affairs of FSU.
III. PRINCIPLES GOVERNING THE PROCESS FOR HANDLING ALLEGATIONS OF ACADEMIC MISCONDUCT

In the Inquiry and in the Investigation, which may follow allegations of Academic Misconduct, FSU shall focus on the substance of the issues and be guided by the following principles:

A. FSU must undertake examination of any allegation of Academic Misconduct according to these procedures.

B. The Respondent shall be granted due process during all stages of the Procedures. However, FSU is responsible for protecting the health and safety of research subjects, patients, students and staff. If, in any stage of the procedures, there is cause to believe that the health or safety of any of these persons is endangered or that there is a need to protect Federal Funds or equipment or individuals affected by the inquiry, or if there is reasonable indication of possible criminal violations, then the PHS Office of Research Integrity ("ORI") will be notified within 24 hours and interim administrative action may be taken by the Senior Academic Administrator or President prior to the conclusion of either the Inquiry or the Investigation. Such action may range from slight restrictions to complete suspension of the Respondent and notification of the research sponsors and will also probably be publicly reported. Appropriate interim administrative action may also be taken to protect Federal Funds and ensure that the purposes of the Federal financial assistance are being carried out.

C. The evaluation of allegations shall be kept confidential to the maximum extent possible. Unless and until a finding of Academic Misconduct is made by the Senior Academic Administrator, information about the allegations and about the examination of the allegations may be made available only to those who need to know, as determined by the Responsible Official in consultation with the Senior Academic Administrator. Generally, those who need to know include only the Respondent, individuals who are called upon to provide pertinent information or expert opinions, those conducting the evaluation, appropriate institutional officials, counsel, and recipients of reports to federal agencies as required by law.

D. The integrity of the process must be maintained by painstaking avoidance of conflict of interest and the appearance of conflict of interest. No decisions regarding the seriousness of allegations of Academic Misconduct should be made by anyone whose personal or professional interests may be involved. Thus, although allegations may first be reported to a collaborator, a coworker, a co-author, a faculty advisor, or a team leader, the allegations must then be reported to the Senior Academic Administrator for further investigation. If a Complainant believes that the Senior Academic Administrator cannot have an impartial involvement in the matter, the person may make the allegations directly to the President or, if the Complainant believes that the President cannot have an impartial involvement. If conflict of interest is claimed by a Complainant, the President shall make a determination with respect to that claim prior to designating a Senior Academic Administrator and a Responsible Official for the Academic Misconduct allegation. If conflict of interest claims relate to that President, it would be a conflict of interest for the Senior Academic Administrator, as an official involved in the review process, to counsel the individual alleged to have engaged in scientific misconduct, and will not do so.
E. The inquiry and any subsequent investigation should be as expeditious as practical.

F. Relevant facts ascertained at each stage of these procedures shall be documented in detail, and any material evidence gathered shall be retained as part of the Inquiry or Investigation record. It is a violation of this Policy for any person, including the Complainant and the Respondent, to destroy, remove from FSU, or suppress any documentary evidence or other information in any format relevant to the subject of allegations of Academic Misconduct.

G. Allegations shall be pursued within the scope of this policy without regard to whether related civil or criminal proceedings have been initiated or are underway. The Senior Academic Administrator may suspend any Inquiry or Investigation temporarily but is not under obligation to do so, as the academic integrity standards of FSU may differ from the standards of behavior imposed by civil and criminal law.

H. After resolving allegations of Academic Misconduct favorably or unfavorably to the Respondent, the Senior Academic Administrator shall communicate the results of these procedures internally, to all involved individuals, and externally, as appropriate in his determination, to the public, to the sponsors of the relevant research, to scientific and/or professional journals, and to the scientific and professional community.

I. Even if a Respondent leaves or has left FSU before the examination of the allegations is concluded, the examination will be pursued to its conclusion.

IV. REPORTING MISCONDUCT; THE INITIATION OF AN ALLEGATION OF ACADEMIC MISCONDUCT

A. Reporting Academic Misconduct in scholarly work is a responsibility shared by everyone at FSU. Frivolous, mischievous or malicious misrepresentation in alleging Academic Misconduct to FSU or other persons of entities will not be tolerated and will be subject to sanctions under these Procedures.

B. Allegations must be reported to the Senior Academic Administrator or the Vice President of Academic Affairs. If the Complainant believes that all of these parties have a conflict of interest, the allegations may be reported to the Provost or to the President.

C. Anonymous allegations are not encouraged. However, anonymous allegations will be acted upon to the extent practical. Anonymity of the individual making allegations cannot be assured.

D. If allegations under this Policy involve Respondents or Complainants associated with other campuses, centers, or institutes in the University System of Maryland, the Senior Academic Administrators of the Institutions shall meet and agree upon a division of responsibility for administering these Procedures.

E. If more than one Complainant has brought allegations relating to the same subject matter or underlying facts and circumstances, the allegations may be the subject of a combined inquiry and of combined proceedings under parts V and VI of these Procedures in order to avoid repetitious inquiry and Investigation and in order to accomplish expeditious resolution of all pending allegations.
V. INQUIRY PROCEDURES
The first step of the review process is the inquiry, which has as its purpose fact finding in an expeditious manner to determine only whether there is sufficient basis for the allegations to warrant a full Investigation and, if an Investigation is not wanted, to make any other necessary recommendations concerning the disposition of the case.

A. Consultation and Complainant
When allegations subject to this Policy have been made, the Responsible Official shall provide the Complainant with a copy of this document, shall advise the Complainant of the seriousness of proceedings under this Policy and the possible sanctions for inappropriate allegations of Academic Misconduct and shall review with the Complainant the policies and procedures to be used in reviewing the allegations. If, following this review, the Complainant wishes to proceed, or the Responsible Official has determined from information gathered that the allegations should be examined regardless of the wishes of the Complainant, the Responsible Official will initiate the inquiry process. In appropriate cases the Responsible Official will initiate the Inquiry process even if the person originating the allegations does not wish to be identified officially as the Complainant.

The inquiry may be divided into a Preliminary Review and the formal Inquiry, at the discretion of the Responsible Official.

B. Collection of Relevant Materials
At the outset of the Inquiry, the Responsible Official shall gather all original data and other original records relevant to the issues. It is the responsibility of the Complainant, the Respondent, and others holding relevant materials to provide them upon request. Under the Responsible Official's direction, copies of materials may be made for use of the Complainant and Respondent. Original materials will be available for use and examination by the Complainant and Respondent (under strict supervision), the Inquiry Committee, and the Investigation Committee. The original materials shall be maintained securely by the Responsible Official or his designee.

C. Preliminary Review of the Allegations
The Senior Academic Administrator and Responsible Official shall confer as necessary with other FSU officials and counsel to FSU to determine whether the allegations are allegations of Academic Misconduct subject to this Policy or are instead allegations falling under other policies and procedures, such as those relevant to employment grievances. In the latter case, the person making the allegations shall be referred to the alternative policies and procedures, or the allegations shall be referred to appropriate administrators for resolution.
If it is not apparent from the content of an allegation whether or not it relates to Academic Misconduct and/or warrants initiation of an Inquiry, the Responsible Official may conduct a Preliminary Review. The Responsible Officials shall determine whether to conduct a Preliminary Review or proceed directly to an Inquiry within ten (10) working days after receiving an allegation. If a Preliminary Review is undertaken, it shall be concluded within thirty (30) calendar days after it is commenced. In the Preliminary Review, the Responsible Official, or persons designated by the
Responsible Official, shall interview the Complainant (if known) and the Respondent (if identified in the allegation). Records of information gathered in this manner shall be made.

Based on the result of the Preliminary Review, the Responsible Official shall decide either (1) to proceed with an Inquiry, or (2) subject to the concurrence of the Senior Academic Administrator, to close the file. The Responsible Official may close a file only if the Preliminary Review indicates (a) that there is no evidence to support the allegation; (b) that the allegation involves matters which are beyond the scope of Academic Misconduct; or (c) that the allegation involves minor or insignificant matters that do not warrant initiation of an Inquiry.

D. The Inquiry

Upon deciding to proceed with an Inquiry, the Responsible Official shall appoint as expeditiously as possible, but in all cases within thirty (30) calendar days following the Senior Academic Administrator's determination to proceed with an Inquiry, an Inquiry Committee composed of tenured faculty with no conflict of interest or appearance of conflict of interest, with no appointment in the departments of either the Complainant or the Respondent, and with appropriate expertise for evaluating the information relevant to the case. The number of committee members shall be three (3), and one of these members shall be named as chair of the committee by the Responsible Official. Records made during the Preliminary Review shall be provided to the Inquiry Committee and to the Respondent.

The Responsible Official shall notify the Respondent formally, in writing, of the allegations and of these Procedures, providing the Respondent with a copy of this document and calling attention to the Respondent's due process rights under these Procedures. Further, the Respondent (and the Complainant, if applicable) will be informed of the proposed membership of the Inquiry Committee for the purpose of identifying in advance any conflict of interest issues. If the Respondent raises such issues, they shall be addressed and resolved by the Responsible Official.

The Inquiry Committee shall arrive at a judgment as expeditiously as possible. An Inquiry must be completed within sixty (60) calendar days of its initiation unless circumstances clearly warrant a longer period. If this deadline cannot be met, a request for extension which includes a report of reasons for the request, a description of the progress to date and an anticipated schedule for completing the Inquiry shall be filed with the Responsible Official, and all involved persons shall be informed by the Responsible Official.

The inquiry report shall contain the following information: (1) The name and position of the respondent(s); (2) A description of the allegations of research misconduct; (3) The PHS support involved, including, for example, grant numbers, grant applications, contracts, and publications listing PHS support; (4) The basis for recommending that the alleged actions warrant an investigation; and (5) Any comments on the report by the respondent or the complainant.

Where the Complainant seeks anonymity, the Inquiry Committee shall operate in such a way as to maintain that anonymity to the degree compatible with accomplishing the fact-finding purpose of the Inquiry. As stated above in IV. A., anonymity cannot be assured.
In fact, anonymity of the Complainant is neither desirable nor appropriate where the testimony or evidence of the Complainant is important to the substantiation of the allegations.

The Inquiry Committee has the Authority to collect all information as described below. The Inquiry Committee also may call meetings with individuals whom they believe to be able to provide information pertinent to the fact-finding charge.

When information, expert opinions, records, and other pertinent data are needed, the Inquiry Committee shall obtain this evidence from or through the Responsible Official. The Responsible Official may request information, expert opinions, records and other pertinent data. However, the Responsible Official has neither subpoena power nor any other compulsory process, and the cooperation of the Respondent (beyond production of relevant materials and data, as described in Part B above) shall be entirely voluntary. If the Inquiry Committee determines that information voluntarily submitted to it is insufficient to determine that the allegations of Academic Misconduct are ill-founded, it may recommend the implementation of an Investigation in an effort to resolve the issues.

The Respondent is free to consult legal counsel, at his/her own expense. Timely access to all documents reviewed by the Inquiry Committee will be assured to the Respondent. All material will be considered confidential and shared only with those with a need to know.

Records of the Inquiry, including copies of all documents and related communications, are confidential and shall be kept secure in the office of the Responsible Official or a place directed by the Responsible Official. Sufficiently detailed documentation of the Inquiry will be kept to permit a later assessment of the reasons for determining that an Investigation is or is not warranted.

The conclusions of the Inquiry Committee will be conveyed to the Responsible Official. The Committee's written report shall state what evidence was reviewed, summarize relevant interviews, and include the findings and conclusions of the Inquiry. The Respondent and the Complainant shall be given a copy of the report of the Inquiry Committee by the Responsible Official and shall have fifteen (15) calendar days to comment on the report. If the Respondent or Complainant comments on the report, those comments shall be made part of the record.

If the Inquiry takes longer than sixty (60) calendar days to complete, the record of the Inquiry shall include documentation of the reasons for exceeding the sixty (60) calendar day period.

If FSU plans to terminate any Inquiry for any reason without completing all relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to the ORI.

E. Inquiry Report and Subsequent Actions
The final report of the Inquiry will be limited to the issue of whether to proceed to an Investigation. The report will be conveyed by the Responsible Official to the Senior Academic Administrator, who will consider it and may consult with the Vice President of Academic Affairs and the appropriate officials of FSU. In addition, the Senior Academic Administrator shall consult with legal counsel. The
Senior Academic Administrator shall determine within fifteen (15) calendar days of receiving the Inquiry Committee’s report from the Responsible Official whether to proceed to an Investigation. That decision shall be based upon the information contained in the report of the Inquiry Committee. In determining that an Investigation is warranted, the Senior Academic Administrator determines only that sufficient basis exists for conducting an Investigation. The decision to proceed to an Investigation is not a determination of fault and establishes no presumptions of fault.

If no investigation is recommended, the Responsible Official should indicate whether, in his judgment and, if reported, in the judgment of the Inquiry Committee, the allegations appear to have been made in good faith and, if not, whether it appears that bringing the allegations may have been Academic Misconduct under this Policy or other conduct warranting sanction. The Responsible Official will report such recommendations to the Senior Academic Administrator for further action at the discretion of that individual. In such instances this Policy shall be implemented before any sanctions are applied against the Complainant.

If allegations are not confirmed by the Inquiry, the FSU will undertake diligent efforts, as appropriate to restore the reputations of persons alleged to have engaged in misconduct.

If the outcome of the Inquiry does not indicate the need for an Investigation, but does suggest alternative action(s), such actions may be taken or directed by the Senior Academic Administrator. For example, the Senior Academic Administrator or the Inquiry Committee may determine that a correction of the literature is required, but no further action is indicated. Even if the Inquiry report does not recommend corrective action, the Responsible Official is free to recommend, and the Senior Academic Administrator to take, such action.

FSU will undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations of scientific misconduct.

At the close of an Inquiry, all materials provided to the Inquiry Committee by the Responsible Official and other parties and all records of the Inquiry Committee will be delivered to the Responsible Official for safekeeping and disposition in accordance with this policy. In cases where the Inquiry determines that an Investigation is not warranted detailed documentation of the Inquiry shall be maintained for at least three years and will be provided to authorize H.H.S. personnel upon request.

VI. INVESTIGATION

When the Senior Academic Administrator determines that an investigation is warranted, he/she shall inform the Responsible Official, who shall initiate an Investigation and notify the appropriate state and federal government agencies as required by law. FSU will inform ORI on or before the date the Investigation begins.

The Responsible Official shall appoint an investigation Committee with three (3) or five (5) members within thirty (30) calendar days after the Senior Academic Administrator determines that an Investigation should be undertaken and, on or before the date when the investigation begins, send
the inquiry report and the written determination to the ORI. Upon a request from ORI we shall promptly send them: (1) a copy of our institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges for the investigation to consider.

We shall promptly provide to ORI after the investigation: (1) A copy of the investigation report, all attachments, and any appeals; (2) A statement of whether the institution found research misconduct and, if so, who committed it; (3) A statement of whether the institution accepts the findings in the investigation reports; and (4) A description of any pending or completed administrative actions against the respondent.

The Investigation Committee shall be composed entirely of tenured full professors or professors emeritus at least one of who shall not be associated with the University System of Maryland. Members of the Investigation Committee are to have no real or apparent conflict of interest, to hold no appointment in the department of either the Complainant or the Respondent, and to have appropriate expertise for evaluating the information relevant to the allegations. The Responsible Official shall name one member of the Investigation Committee as its chair.

The Respondent (and the Complainant, if applicable) will be informed of the proposed membership of the Investigation Committee for the purpose of identifying in advance any conflict of interest issues. If the Respondent raises such issues, they shall be addressed and resolved by the Responsible Official.

The purpose of the Investigation is to explore further the allegations, to determine whether the Committee finds that the evidence supports the allegations, and to determine the extent of any Academic Misconduct. In addition to evaluating the allegations, the Investigation Committee may recommend to the Responsible Official appropriate sanctions if the allegation of Academic Misconduct appears to be well founded.

A. The Investigation

Investigation Committee meetings and hearings are confidential and will be closed by request of the Respondent or the Complainant or by action of the Committee. Written notification of meeting and hearing dates and copies of all relevant documents will be provided to the Respondent by the Responsible Official at least seventy-two (72) hours in advance of scheduled meetings. Proceedings will be recorded, and copies of the tapes shall be made available to the Respondent, the Complainant, or members of the Committee upon request.

The Responsible Official will provide to the Investigation Committee all information gathered during the Inquiry. The Investigation normally will include examination of all documentation including, but not necessarily limited to, relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. In conducting all investigations, the Investigation Committee shall: (1) Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations; (2) Interview each respondent, complainant, and any other available places
person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of investigation; (3) Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion.

The Investigation must be sufficiently thorough to permit the Investigation Committee to reach a firm decision about the validity of the allegations and the scope of the wrongdoing or to be sure that further investigation could not alter an inconclusive result. The Responsible Official shall secure, upon the Investigation Committee's request, necessary and appropriate expertise to carry out the Investigation if the Investigation Committee's membership does not include all required expertise. In the course of an Investigation, additional information may emerge that may justify broadening the scope of the Investigation beyond the initial allegations. Should this occur, the individuals affected shall be informed in writing of significant new directions in the investigation.

All members of the FSU community are obliged to cooperate in a timely fashion by producing any additional data requested for the investigation. Copies of all materials obtained by the Committee shall be provided to the affected individuals following any deletions required to protect confidentiality of persons making allegations of Academic Misconduct. Original materials obtained by the Committee shall be stored securely along with other materials collected by the Responsible Official.

The Respondent shall have an opportunity to address the charges and evidence in detail, both in writing and at a hearing before the Investigation Committee. The Respondent shall have the right to present evidence and to call and question witnesses. The Respondent is free to seek the assistance of legal counsel at his/her own expense. Legal counsel may accompany and speak for the Respondent when meeting with or being heard by the Responsible Official and/or Investigation Committee.

If there is cause to believe that the health or safety of research subjects, patients, students, or staff is endangered or that the integrity of sponsored research is endangered, the Investigation Committee shall immediately report significant developments during the course of the Investigation to the Responsible Official, who may report to the research sponsor. Additionally, actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing for closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously require approval, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

An Investigation shall be completed within one hundred twenty (120) calendar days of the formation of the Investigation Committee, unless the deadline is extended by the Responsible Official. This includes conducting the Investigation, preparing the report of findings, conveying the report to the Responsible Official, making that report available for comment by the subjects of the Investigation, notifying the Respondent of a decision as to the ultimate outcome of the Investigation.
and recommendations, if any, and submitting the report to the ORI. If the Responsible Official after receiving a request from the Investigation Committee to extend its deadline and after consulting with the Investigation Committee, determines that the Investigation Committee will not be able to complete the investigation before one hundred twenty (120) calendar days, he/she shall consider the request. At such time the Investigation Committee must submit to the Responsible Official an interim report on the progress to date and an estimate of the date of completion of the report and other necessary steps. An extension request will also be submitted to ORI. Such request to ORI will include an explanation for the delay, an interim report on the progress to date, an outline of what needs to be done, and an estimated date of completion. If FSU plans to terminate any Investigation for any reason without completing all relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to ORI.

Any consideration for an extension must balance the need for a thorough and rigorous examination of the facts against the interests of the subject(s) of the investigation, FSU and research sponsors in a timely resolution of the matter. It is the intent of this Policy that extensions should be avoided, and should not be granted for unreasonable lengths of time. If the request is granted, the Responsible Official must document in writing the reasons and provide in writing an extension with a new deadline. If FSU plans to terminate any Investigation for any reason without completing all relevant requirements, a report of such planned termination including a description of the reasons for such termination, shall be made to ORI.

After all evidence has been received and hearings completed, the Investigation Committee shall meet in closed sessions to deliberate, and prepare its findings and recommendations. In its deliberations, the Investigation Committee shall apply the preponderance of evidence standard to the evidence it considers.

B. Investigation Report

Upon completion of the Investigation, the Investigation Committee shall submit to the Responsible Official a full report, which details the Committee's findings and recommendations. The recommendations shall specify actions appropriate for the seriousness of the findings. These recommendations shall address actions to restore damaged reputations, if necessary, and shall identify specific retractions, disclaimers and announcements necessary to clarify the record. The Committee may recommend sanctions if Academic Misconduct is found. If Academic Misconduct is not found the Committee shall indicate whether or not the allegations appear to have been made in good faith and, if not, whether the bringing of the allegations appears to be Academic Misconduct or other misconduct warranting sanction by the Institution. The Responsible Official will send the Investigation Committee's report to the Respondent. If the Complainant can be identified, he/she shall be provided with those portions of the report that address his/her role and opinions in the Investigation. The Respondent and the Complainant will be allowed fifteen (15) calendar days to comment in writing upon the Investigation Committee's report. The report and the response, if any, of the Complainant and Respondent will be provided to the Senior Academic Administrator by the Responsible Official.
At the conclusion of the Investigation Committee's work, all materials provided to the Inquiry Committee by the Responsible Official and other parties and all records of the Investigation Committee will be delivered to the Responsible Official for safekeeping and disposition in accordance with this Policy. Documentation to substantiate the Investigation's findings will be prepared, maintained and made available to the Director, ORI.

The Respondent shall be informed of the appeals process, as described in paragraph VIII herein, when he/she is notified of the Committee's findings and when the Senior Academic Administrator's decision regarding application of sanctions is communicated to the Respondent. If the sanctions involve a recommendation for termination of employment, the policies of the System and FSU concerning termination of academic appointments or other employment will be invoked.

VII. RESOLUTION OF ALL ALLEGATIONS OF ACADEMIC MISCONDUCT
The final report of the Investigation Committee, conveyed to the Senior Academic Administrator by the Responsible Official, will be considered by the Senior Academic Administrator, who may consult with other academic officers as appropriate. The Senior Academic Administrator also shall consult with legal counsel. The SAA shall make a determination as to the presence or absence of Academic Misconduct within thirty (30) calendar days of receiving the Investigating Committee's report from the Responsible Official. This thirty (30) calendar day period may be extended by the President for an additional thirty (30) calendar days for good cause. Otherwise the proceedings shall be considered terminated with no finding adverse to the Respondent.

A final report describing the policies and procedures under which the Investigation was conducted, how and from whom information was obtained relevant to the Investigation, the findings and the basis for the findings, and including the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions taken by FSU will be submitted to ORI.

A. Finding of Absence of Academic Misconduct

All research sponsors and others initially informed of the Investigation should be informed in writing by the Senior Academic Administrator that allegations of Academic Misconduct were not supported.

Consideration shall be given as to what actions may be needed to restore the reputations of persons alleged to have engaged in Academic Misconduct when allegations are not confirmed. In publicizing the finding of no Academic Misconduct, the Senior Academic Administrator shall be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, such a decision will rest with the person who was wrongly accused. Consideration also shall be given as to what efforts are required to protect the positions and reputations of those persons who, in good faith, made allegations, whether or not those allegations were confirmed.
If the allegations, however incorrect, are deemed by the Senior Academic Administrator to have been in good faith, no disciplinary measures shall be taken against the Complainant and efforts shall be made to prevent retaliatory actions.

If the allegations are deemed by the Senior Academic Administrator not to have been made in good faith, appropriate procedures for disciplinary actions shall be initiated against the person(s) who made the allegations. Such a finding may constitute an allegation of Academic Misconduct on the Complainant’s part. In such instances, these Procedures shall be implemented before any sanctions are applied against the Complainant.

B. Finding Of Academic Misconduct

When there is a finding of Academic Misconduct, the Senior Academic Administrator shall determine whether sanctions will be imposed and the nature of those sanctions. The Senior Academic Administrator shall consult with legal counsel and with the Attorney General's Office, and may consult with the Responsible Official and any other individuals necessary before reaching a decision as to appropriate action. The Responsible Official or other campus officials designated by the Senior Academic Administrator will implement those sanctions approved by the Senior Academic Administrator. The sanctions will be appropriate for the seriousness of the Academic Misconduct, and may include, but are not necessarily limited to, the following:

- Removal from particular project;
- Special monitoring of future work;
- Letter of reprimand;
- Probation for a specified period with conditions specified;
- Suspension of rights and responsibilities for a specified period;
- Financial restitution;

- Termination of employment or other actions affecting employment or faculty appointment (if formal termination proceedings are instituted, such proceedings must be in accordance with System and Institution termination policies and procedures);
- Any other disciplinary actions available as corrective action in a case of inappropriate behavior by a student or a faculty member or other employee.

In addition to imposing appropriate sanctions, FSU shall do everything it can to clarify the record, such as:

- Formal notification of sponsoring agencies, funding sources, coauthors, co-investigators, collaborators, departments, campus and university publications, editors of journals in which fraudulent research was published, state professional licensing boards, other institutions, sponsoring agencies, funding sources with which the individual has been affiliated, and professional societies;
- Public announcements;
- Published retractions and disassociation with published papers;
- Formal withdrawal of pending application for research support.
VII. APPEAL
The Respondent may appeal the findings of the Investigation Committee and the conclusions of the Senior Academic Administrator to the President following a determination of Academic Misconduct by the Senior Academic Administrator. A written statement of the grounds for the appeal must be submitted to the President within thirty (30) days of written notification of the Senior Academic Administrator's final determination. Grounds for appeal include, but are not limited to, new unconsidered evidence not previously available, recommended sanctions not in keeping with the findings, conflict of interest not previously known among those involved in the Investigation, failure to disclose to the Respondent in a timely manner evidence considered supportive of the allegation, failure to consider relevant information proffered by the person who was the subject of the allegation, prejudicial lapses in providing the Respondent due process as defined by these Procedures and failure to follow these Procedures.

Upon receipt and consideration of a written appeal and such other information as the President may request of the Senior Academic Administrator or the Responsible Official, the President shall determine, in his/her sole discretion, information on specific points, or to affirm the action of the Senior Academic Administrator. The President's decision shall be reported to all involved in a timely fashion. The President will endeavor to reach a decision within sixty (60) days after the appeal is received by the President.

Frostburg State University will cooperate fully and on a continuing basis with ORI during its oversight reviews of this institution and its research misconduct proceedings and during the process under which the respondent may contest ORI findings of research misconduct and proposed HHS administrative actions. This includes providing, as necessary to develop a complete record of relevant evidence, all witnesses, research records, and other evidence under our control or custody, or in the possession of, or accessible to, all persons that are subject to our authority. We will report to ORI any proposed settlements, admissions of research misconduct, or institutional findings of misconduct that arise at any stage of a misconduct proceeding, including the allegation and inquiry stages.

IX. RECORDS OF PROCEEDINGS
If it is determined that an investigation is warranted, the Inquiry records shall be maintained in a secure manner for a period of at least three (3) years after the termination of the subsequent investigation, and, upon request, may be provided to authorized federal agencies. If no reason to proceed to an Investigation is found, records of an Inquiry shall be destroyed three (3) years after completion of an Inquiry unless otherwise required by law or directed by the Senior Academic Administrator.

Records of a completed Inquiry are confidential and shall be maintained by the Office of the Vice President of Academic Affairs or any other Office designated by the Senior Academic Administrator. The records of the Inquiry are to be passed on to an Investigation Committee if an Investigation is initiated. Records of an Inquiry may be provided to federal or state agencies as required by federal or state law.
Records of an Investigation, including copies of all documents and related communications, are confidential and shall be kept secure in the Office of the Responsible Official, or any other Office designated by the Senior Academic Administrator, for at least seven (7) years. Records of the Investigation may be provided to federal or state agencies as required by federal or state law.

Upon destruction of Inquiry or Investigation records, any original research data or materials in the records shall be returned to the investigator(s) from whom the materials were obtained.

X. EXAMPLES OF ACADEMIC MISCONDUCT
These examples are taken from the Guidelines and from recommendations of a task force on Institutional Policy for the Handling of Academic Misconduct, which included in its membership faculty from FSU. They are not intended to be exhaustive.

A. FALSIFICATION OF DATA: Ranging from fabrication to deceptive, selective reporting of findings and omission of conflicting data, or willful suppression and/or distortion of data.

B. PLAGERISM: The appropriation of the language, ideas, or thoughts of another and representation of them as one's own original work.

C. IMPROPRIETIES OF AUTHORSHIP: Improper assignment of credit, such as excluding others by knowingly not citing their work; misrepresentation of the same material as original in more than one publication.

D. MISAPPROPRIATION OF THE IDEAS OF OTHERS: An important aspect of scholarly activity is the exchange of ideas among colleagues. Improper or nonattributive use of information acquired in this process constitutes Academic Misconduct. New ideas gleaned from such exchanges can lead to important discoveries. Scholars also acquire novel ideas during the process of reviewing grant applications and manuscripts. However, improper use of such information or wholesale appropriation of such material constitutes Academic Misconduct.

E. VIOLATION OF GENERALLY ACCEPTED RESEARCH PRACTICES: Serious deviation from accepted practices in proposing or carrying out research, improper manipulation of experiments to obtain biased results, deceptive statistical or analytical manipulations, or improper reporting of results.

F. DELIBERATE VIOLATION OF REGULATIONS: For example, failure to comply with regulations concerning the use of human subjects, the care of animals, health and safety of individuals and the environment, new devices, investigational drugs, recombinant products, or radioactive, biologic or chemical materials.

G. INAPPROPRIATE BEHAVIOR IN RELATION TO Academic Misconduct: Including bad faith accusation of Misconduct; failure to report known or suspected Academic Misconduct; withholding or destruction of information relevant to a claim of Academic Misconduct; and retaliation against persons involved in the allegation or investigation of Academic Misconduct.
H. MISAPPROPRIATION OF FUNDS OR RESOURCES: For example, the misuse of funds for personal gain.

I. ABUSE OF CONFIDENTIALITY: For example, improper use of information gained by privileged access, such as information obtained through service on peer review panels and editorial boards.

**Office of Research and Sponsored Programs**

The Office of Research and Sponsored Programs assists faculty and administrators in seeking externally sponsored grants, contracts, fellowships, and other agreements. Technical assistance is provided regardless of the amount of proposed award, type of agency (federal, state, or private), or the purpose of the proposed project (instructional improvement, research, or community/university service). All proposals for externally sponsored projects must be delivered to the Office of Research and Sponsored Programs at least five working days before the mailing deadline to insure time for administrative review. The Office of Research and Sponsored Programs is located in Room 511 of the Library.

The following services are available:

1. Information on funding sources through reference materials and Grantsline.
2. Individual searches for funding opportunities.
3. Assistance in proposal preparation and budget development.
4. Coordination and support for visits to federal funding agencies.
5. Assistance with internal review and securing authorizing signatures.
6. Duplication and mailing of proposals to funding agencies.
7. Assistance in grants acceptance and administration.
Miscellaneous
Athletic Activities

All faculty members are invited to participate in the intramural program and attend intercollegiate sporting events. An employee ID card will admit the faculty member and his/her family members to all athletic events in the Bobcat Arena (volleyball and men's and women's basketball teams), Bobcat Stadium (football and men's and women's track and field programs), the Bob Wells baseball field, softball complex, soccer complex, field hockey/lacrosse field, and Cordts Tennis complex. Faculty members may also use their employee ID cards for admittance to the swimming pool; racquetball, handball, and squash courts; golf/baseball practice room; and weight and cardiovascular rooms.

An assigned locker in the Cordts Physical Education Center dressing room area is available for a fee to be paid to the University Billing Office. Faculty members are to bring the receipt to the Equipment/Issue Room in the P.E. Center for locker assignment.

Counseling Center

The Counseling Center facilitates academic, career, and personal counseling. Services are provided without charges to students at the University by appointment. The staff consists of licensed psychologists and experienced master's level counselors.

Emergencies

The Department of Public Safety, located in the Public Safety Building on Loop Road, has personnel on duty 24 hours a day. For emergency services the University Police can be contacted at 687-4222; for non-emergency services call 687-4223.

Health Center

Brady Health Center is accredited by Accreditation Association for Ambulatory Health Care, Inc. (AAAHC) and a member of the American College Health Association (ACHA). The Center specializes in the diagnosis and treatment of college health problems. Its mission is to provide students with timely, convenient, high quality, cost effective care, including health promotion and education. Any student enrolled for the current semester, whether full-time or part-time, may use the Health Center.

As a courtesy, the Center will take an occasional blood pressure or weight check for an employee. Unfortunately, it is not able to provide allergy injections or other medical services for faculty and staff.

ID Cards

Shortly after the beginning of the academic year, the Office of Human Resources will notify each new employee of how he/she may obtain an ID card.
Parking

On-campus parking facilities are provided for University employees. Vehicle registration is required annually. The parking permit is a "Hang-Tag". The tag must be hung from the rearview mirror of any vehicle of the registrant's choice. Registration occurs prior to, or during the first week of each fall semester. A parking regulations booklet is issued to each registrant at the time of vehicle registration.

Postal Services

Mail is delivered and picked up daily at the various departments on campus. Faculty members who use the University as their personal mailing address should realize that there is no service on Saturday or Sunday, nor on state or federal holidays.

Outgoing parcel post facilities are also available at the mail room in the Hitchins Administration Building (first floor). Faculty members must pay the postage for personal mail.

Scheduling of Events (Room Reservations)

The use of building space other than for classes is scheduled through the FSU Room Scheduling System found at https://schedule.frostburg.edu/emswebapp
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