

## UMCES Policies

### III-1.10 UMCES Policy and Procedures on Misconduct in Scholarly Work <sup>1</sup>

Policy approved by UMCES Administrative Council (6/29/90) and Faculty Senate (6/21/90); adopted by President Donald F. Boesch effective 1 September 1990.

#### I. POLICY

- A. It is the policy of UMCES, as a component institution of the University System of Maryland, to maintain high ethical standards in scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and resolve instances of alleged or apparent misconduct.
- B. As defined in guidelines set forth in USM policy<sup>2</sup>, misconduct in scholarly work shall include, but not be limited to, the following:
  - 1. *falsification of data*
  - 2. *improper experimental manipulation*
  - 3. *plagiarism*
  - 4. *improper assignment of credit*
  - 5. *abuse of confidentiality*
  - 6. *deliberate violation of regulations*
  - 7. *misappropriation of funds or resources.*
- C. In accordance with policy of the University System of Maryland, it is the policy of UMCES to terminate the employment and/or to take other disciplinary action against any individual found guilty of scholarly misconduct.
- D. UMCES shall not support the award of a degree to any student pursuing study under the supervision of its faculty if misconduct in scholarly work contributed to that degree, and will recommend revocation of such a degree by the granting institution if misconduct is discovered after its award.

#### II. PURPOSE

UMCES is a community of scholars and strives to maintain a collegial environment that encourages professional behavior that is consistent with the expectations and responsibilities of academic freedom. Professional misconduct on the part of faculty, students, or staff constitutes a threat to the integrity of

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<sup>1</sup> Formerly UMCES Policies & Procedures 111.7

<sup>2</sup> USM (Appendix III.10) Policy on Misconduct in Scholarly Work

this community and will not be tolerated. Frivolous allegations of professional misconduct are no less threat to that integrity. The Procedures that follow set forth rigorous processes for investigating such allegations and provides for administrative measures up to and including appointment termination should such charges prove to be accurate. The policy is also clear in establishing the rights of individuals so accused.

These policies and procedures were developed under authority set forth in the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty and are fully consistent with 11-1.00 USM policy. They also are intended to satisfy investigation and reporting requirements adopted by the U.S. Public Health Service, National Science Foundation, and other federal agencies.

### III. PROCEDURES

#### A. GENERAL PROCEDURES

1. The UMCES Policies and Procedures in this section have been adopted under authority established in the USM Policy on Appointment, Rank, and Tenure of Faculty.
2. In these policies and procedures, the words "academic misconduct" shall be used to represent "moral turpitude, professional or scholarly misconduct, incompetency, or willful neglect of duty" as set forth above.
3. Alleged academic misconduct is an extremely serious matter, and the President of UMCES shall be authorized to take appropriate administrative action against any individual making frivolous allegations, violating the confidentiality of due process, or otherwise threatening the academic freedom and ability of an UMCES faculty member, staff member, or student in residence to perform his/her professional duties under presumption of innocence.
4. Under exceptional circumstances, and following consultation with the Chair of the duly convened Faculty Board of Review, or with the Chair of the UMCES Faculty Senate, the President of UMCES may direct an appointee accused of scholarly misconduct to be relieved of some or all institutional duties, without prejudice, pending a final decision in the termination proceedings.
  - a. In case of emergency involving threat to life, the President may act to suspend temporarily prior to such consultation.
5. The appointee may elect to be represented by counsel of his or her choice throughout appointment termination proceedings.

#### B. PRELIMINARY INQUIRY INTO ALLEGED ACADEMIC MISCONDUCT

1. The President of UMCES shall decide, in the most fair and expeditious manner possible, whether any formal allegations of academic misconduct on the part of a faculty member are of

such a nature that the scholarly activity and academic freedom of the accused would be threatened or the purpose(s) of intra- and/or extramural support compromised without their investigation and resolution.

a. The President shall only act upon receipt of written allegations submitted in the form of confidential signed statement(s) from the individual(s) making the charges.

1) The President's decision shall be based upon confidential discussions with the accused faculty member, and may in addition be based upon confidential discussions with the faculty member's Laboratory Director, the Vice President for Administration, and the individual(s) who have submitted the formal allegations.

(a) The President shall present the accused faculty member with a detailed written list of those allegations deemed serious enough to warrant investigation.

2) If the President concludes that the allegations can be dismissed without further investigation, he/she shall so notify in confidence all persons with whom the matter has been discussed.

(b) An inquiry shall be completed and its final decision recorded within sixty (60) calendar days from the date of receipt of the earliest formal written allegation.

3) If, in his/her best judgment, all matters surrounding the allegations can be resolved without recourse to a full investigation, the President of UMCES shall attempt to do so.

4) If the President concludes that the evidence obtained supports one or more of the allegations, that full investigation would be warranted, and that the matter is of such a nature that it cannot be resolved otherwise, he/she shall initiate proceedings for a formal investigation of those allegations pursuant to Section III-7.4 below.

5) The President shall maintain a formal record of each inquiry regardless of its resolution, such record to consist of all written correspondence, a summary of all conversations conducted, and a formal written report establishing the final decision of the inquiry.

(a) The formal record shall be confidential and not subject to inspection, except that it may be opened in the conduct of a subsequent investigation of the faculty member's alleged scholarly misconduct.

(b) The record may also be inspected on written request by authorized personnel from a state or federal agency having legal authority to do so.

(c) Such a record shall be maintained in the Office of the President of UMCES for not less than three (3) years from the date of the inquiry's final decision or the

date of the last formal inspection, whichever is the latest, after which time it shall be destroyed.

b. In the event of conflict of interest involving the President of UMCES, Vice President for Administration shall be authorized to conduct all stages of the preliminary inquiry.

#### C. Full Investigation Into Alleged Academic Misconduct

1. If the findings of the preliminary inquiry do not support dismissal of the allegations, and if the matter cannot be resolved otherwise, the President of UMCES, or the Vice President for Administration if so warranted, shall initiate a full investigation of those allegations within no longer than thirty (30) calendar days of the completion of the inquiry.

a. Full investigation of alleged academic misconduct shall not violate the presumed innocence of the accused.

1) An accused faculty member shall have the right to plead guilty to any or all accusations at any time during this investigation.

b. If the alleged academic misconduct involves the performance of externally funded research or other scholarly work, and if such action is required by law, the President of UMCES shall inform the sponsor that an investigation is being initiated.

2) Such notification shall provide sufficient information to satisfy the institution's obligations to the sponsor, but shall not provide details that would unjustly damage professional reputations or violate the presumed innocence of the accused.

c. The investigation shall proceed in strictest confidence.

d. The President shall inform the accused faculty member of the specific allegations, both in writing and confidential meeting, and invite him/her to assemble information in support of presumed innocence.

1) The President shall provide the faculty member with a complete copy of the UMCES Policies and Procedures on Misconduct in Scholarly Work, and shall inform the accused of his/her rights guaranteed therein.

2) The faculty member shall be permitted to seek the advice of legal counsel in assembling information in defense of presumed innocence.

2. The President shall inform the Chair of the UMCES Faculty Senate in writing that a full investigation of a faculty alleged scholarly misconduct is being initiated, identify the accused and accuser(s), identify the specific allegations to be investigated, and instruct him/her to appoint a committee to conduct the investigation, such committee to consist of not more than two (2) tenured UMCES faculty members competent to evaluate the particular allegations under consideration, plus at least one (1) member with similar expertise and rank at an institution other than UMCES within the University System of Maryland.

a. If either the President or the Chair of the UMCES Faculty Senate perceives that such action would involve a conflict of interest or otherwise prejudice the investigation, such shall be duly noted in writing and the Vice- Chair of the UMCES Faculty Senate shall appoint the committee.

1) UMCES Faculty Senators shall not be informed of this investigation, except for those who might be appointed to the investigation committee or called to give testimony or deposition to such committee.

b. No committee member shall be party either to the accusation or defense of the individual in question, nor shall there be any other potential conflict of interest represented on the committee.

c. The Chair of the committee shall be appointed by the committee, and shall be a member of the UMCES faculty if such is represented on the committee.

d. The committee may hold hearings, at which the accused faculty member (who may be represented and/or advised by legal counsel) may be invited to testify, and it shall be authorized to seek expert opinion from within and without the University System of Maryland as necessary to reach firm conclusions regarding the dismissal or veracity of the allegations.

1) The committee may seek the advice of counsel from the State of Maryland Attorney General's Office in conducting the investigation, and such counsel may be present at any meeting or hearing conducted by the committee.

e. The committee shall also be charged with recommending specific actions relative to the severity of the allegations, including the redress of damaged reputations and the identification of specific announcements and disclaimers necessary to set the record straight.

1) If wrongdoing is confirmed, the committee may also recommend appropriate disciplinary actions.

f. The committee's findings and recommendations shall be contained in a written report submitted to the President of UMCES.

1) Such report shall be submitted whether or not the accused individual remains employed within the University System of Maryland.

2) The investigation shall be completed, and the final report submitted to the President of UMCES, in a time period not to exceed 120 days from the date of its initiation as defined in the letter convening the committee.

- 3) If the findings provide reasonable indication of possible criminal violations involving sponsored research or scholarly activity, and if such notification is required by law, the President shall notify the sponsor within 24 hours of reviewing such findings.

g. At the completion of the investigation, the President shall inform the accused faculty member and the Chair of the UMCES Faculty Senate of the findings in writing and shall offer the accused an opportunity to review and comment on them in a private meeting.

- 1) The accused faculty member shall be given ten (10) calendar days of official receipt of notification to respond in writing, after which time the rights of the accused to such review and comment shall be deemed to have been waived.
- 2) At the request of the accused, the Chair, or, if appropriate, the Vice-Chair, of the UMCES Faculty Senate, if involved in the appointment of the investigation committee, shall be invited to attend such meeting.
- 3) The President may be advised and assisted by legal counsel during such a meeting and in subsequent deliberations.
- 4) The accused faculty member and his/her legal counsel shall have the opportunity to make a personal presentation of information submitted in refutation of the allegations and findings.
- 5) Neither the President nor the accused faculty member shall call witnesses, nor shall such session include additional persons from within and without the University System of Maryland.
- 6) The President shall prepare a written summary of such a meeting for the official record.

3. The President of UMCES shall arrive at a final decision regarding dismissal or acceptance of each specific allegation, and the accused faculty member and the Chair of the UMCES Faculty Senate, if appropriate, shall be so informed in writing within fifteen (15) calendar days following notification of the conclusion of the investigation or following the private meeting, if any, for comment and refutation.

a. This decision shall be reached after review of all information obtained as a result of the investigation, as well as comment and information, if any, presented in refutation by the accused.

- 1) This decision may also be based upon the advisory opinions of legal counsel.

4. If the decision results in dismissal of all of the specific allegations, the exonerated faculty

member shall be so informed in writing and all records and evidence pertaining to the case shall be placed in a confidential file in the Office of the President.

- 1) This file shall be available for inspection only by the President or a legal representative of the University System of Maryland, or by the exonerated faculty member and his/her legal attorney upon written request to the President, or by an official representative of a state or federal agency with legal authority to do so upon written request to the President.
  - 2) Such file shall be retained for a period of three (3) years subsequent to the date of its last formal inspection, after which time it shall be destroyed.
  - 3) No record of the allegations, their review, and the outcome of the case shall be entered into the exonerated faculty member's personnel file except on receipt by the President of specific written request to do so from that individual.
  - 4) The President shall also submit a written report to the appropriate sponsor, if any, establishing that the investigation has fully exonerated the faculty member of all allegations of academic misconduct.
  - 5) The President shall take other steps deemed necessary under USM policy to restore any reputation(s) that might have been damaged.
5. If the decision is not to dismiss one or more of the allegations, the President shall have the authority to take appropriate administrative action, up to and including initiation of termination of the faculty member's appointment.
- 1) The President's letter to the faculty member shall set forth with reasonable particularity the allegation(s) accepted, the administrative action(s) being taken, and the specific reason(s) for such action(s).
  - 2) If appointment termination is being initiated, the letter shall also inform the faculty member of the right to a hearing before an impartial Hearing Officer appointed by the President of UMCES or before a Faculty Board of Review appointed by the UMCES Faculty Senate.
  - 3) The President shall inform the appropriate sponsor, if any, of the results of the investigation, identify those allegations which have been accepted, and specify those steps to be taken to protect the sponsor's contracted interest and to set the record straight.
  - 4) A confidential file containing all documents and records pertinent to the investigation shall be maintained in the Office of the President, and shall be available for inspection only by the President or a legal representative of the University System of Maryland, or by the faculty member and his/her legal attorney upon written request to the President,

or by an official representative of a state or federal agency with legal authority to do so upon written request to the President.

5) Such file shall be retained until three (3) years subsequent to the date of separation or retirement of the individual from UMCES.

6. A faculty member subjected to disciplinary action as a result of the decision by the President of UMCES following an investigation as described above shall have recourse to review by a duly constituted UMCES Faculty Grievance Board.

1) The decision by the Board in such instance shall be final and not provide for further appeal.

2) Such recourse shall not be available if the President has decided to initiate appointment termination of the faculty member.

#### D. INITIATION OF APPOINTMENT TERMINATION PROCEDURES

1. Upon receipt of notice of appointment termination for academic misconduct from the President of UMCES, the faculty member shall have thirty (30) calendar days to request a hearing before a Hearing Officer or a Faculty Board of Review.<sup>3</sup>

a. Such request shall be in writing and addressed to the President of UMCES.

1) The time limit for filing such a request shall not be extended.

2) If the President does not receive written request for a hearing within the time specified, the right to such a hearing shall be deemed to have been waived.

b. The requested hearing shall be set by mutual agreement between the faculty member and the Hearing Officer or Faculty Board of Review, and shall commence no sooner than thirty (30) nor later than ninety (90) calendar days after the date of receipt of the written request from the faculty member to the President of UMCES.

#### E. HEARING BEFORE FACULTY BOARD OF REVIEW <sup>4</sup>

1. President of UMCES shall transmit a faculty member's request for a hearing before a Faculty Board of Review to the Chair of the UMCES Faculty Senate.

a. The transmittal shall identify the faculty member, set forth the allegations accepted as cause for appointment termination, and specify the date by which the hearing shall have been convened.

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<sup>3</sup> University System of Maryland Policy II-1.00 on Appointment, Rank, and Tenure of Faculty; section I.C.7.

<sup>4</sup> Internal procedures approved (in part) by UMCES Faculty Senate (7/10/84), after University System of Maryland Policies and Procedures Manual, 2.16.6 (Old)



- b. The transmittal shall be accompanied by a full copy of this Policy and Procedures on Misconduct in Scholarly work.
2. Upon receipt by its Chair, through the President of UMCES, of a request for a hearing before a Faculty Board of Review, the UMCES Faculty Senate shall, either at a regularly scheduled meeting or at one specially called for the purpose, appoint such a Board.
  - a. The Faculty Board of Review shall consist of five (5) regular members plus first and second alternate members, who shall sit with the Board but join in deliberations and vote only in place of one or more of the five regular members in the event they become unavailable.
  - b. All members of the Faculty Board of Review shall be tenured faculty of the University System of Maryland.
    - 1) No person with an appointment in the same UMCES Laboratory unit as the accused faculty member shall be eligible to serve on the Board of Review.
    - 2) No person who has been involved in any way in the recommendation for termination or in the matters specified in the charges shall be eligible to serve on the Board of Review.
    - 3) No person who has participated in any previous hearings connected with the case shall be eligible to serve on the Board of Review.
  - c. The Faculty Board of Review shall elect its own Chairman.
  - d. The Faculty Board of Review shall be provided, by the University System of Maryland, with legal counsel who has had and will have no other connection with the case.
3. At the hearing conducted by the Faculty Board of Review, the case for appointment termination shall be presented by the President of UMCES.
4. Either of the parties may challenge a faculty member's participation on the Faculty Board of Review on grounds of partiality or conflict-of-interest.
  - a. The challenge may be accompanied by supporting evidence, but its acceptance is not automatic.
  - b. The Chair shall read the challenge and ask whether the challenged member chooses to exclude him or herself.
    - 1) An affirmative answer shall be accepted.
    - 2) In the event of a negative answer, the Chair shall decide whether or not the challenged individual will be excluded.
  - c. A member excluded by choice or vote shall be replaced by an alternate member.

5. The hearing shall be closed unless the accused faculty member requests an open hearing.

a. Reasonable notice of the time and place of hearings shall be provided both the faculty member and the President of UMCES.

b. Both the faculty member and the President of UMCES may be represented by legal counsel.

c. The parties shall have opportunity to present evidence, examine and cross-examine witnesses, file objections, exceptions, and motions, provided, however, that where a party is represented by counsel, all such submission of evidence, examination, cross-examination, and filing objections, exceptions, and

d. The accused faculty member shall have the right to examine and use any part of his/her personnel file as may be permitted under the law in the furtherance of his/her defense.

e. The faculty member has the right to call witnesses, including members of the University staff, in pursuance of his/her case.

f. Only evidence offered and made part of the record in the case shall be considered in the determination of the case.

1) Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.

2) Depositions may be received in evidence when both parties have been given opportunities to cross-examine the deponent.

g. The Faculty Board of Review, at its discretion, may set time limits for presentation of testimony.

h. The Faculty Board of Review cannot assure the presence of witnesses requested by either party; however, the Board shall lend its weight to the request by either party that witnesses appear.

i. Upon the request of either party, all persons to be called as witnesses shall be sequestered until their testimony is completed; except that notwithstanding this rule, the President's designate and his/her counsel, and the accused faculty member and his/her counsel, may at all times be present.

j. In case of serious delays caused by non-appearance of witnesses or other evidence, the Faculty Board of Review shall rule on whether to continue without delayed evidence.

1) The Board of Review shall not grant continuances except for extraordinary circumstances.

6. A record of the hearing, including all testimony and evidence, shall be maintained.
  - a. A copy of the record shall be kept on file by the President of UMCES and made available to both parties upon request.
  - b. If the hearings are closed, the file shall be confidential and available only to the parties, their designated representatives, and counsel.
7. The entire procedure shall be conducted in good faith by all persons.
8. After all evidence has been presented the Faculty Board of Review shall meet in closed session in order to prepare its report and recommendations to the President of UMCES.
  - a. Recommendations shall be determined by recorded majority votes.
    - 1) A recommendation to terminate the appointment of the faculty member must be supported by a preponderance of the evidence.
    - 2) All recommendations shall be based only on the evidence of record in the proceeding.
  - b. The Faculty Board of Review shall write a report that will be dated and that will include a list of the charges and specifications, a summary of the evidence presented, a summary of the arguments of the parties, the specific findings of the Board with respect to the acts alleged as specification, and the recommendations of the Board with respect to each charge.
    - 1) The report shall be signed by all participating members.
    - 2) Dissenting opinions, if any, shall be attached.
  - c. The report, including recommendations, shall be submitted to the President of UMCES within fourteen (14) calendar days of the close of the hearings as determined by the Chairman of the Faculty Board of Review.
    - 1) A copy of the report, including recommendations, shall be sent to the accused faculty member.
    - 2) A copy of the recommendations only shall be sent to the UMCES Faculty Senate in care of that body's Chair.
  - d. Inasmuch as the hearing before a Faculty Board of Review was initiated by action of the President of UMCES, he/she shall comply with the recommendations contained in the report, provided that such compliance does not violate legal statutes, official policy of the University System of Maryland, or official UMCES policies and procedures.

- 1) Within seven (7) calendar days of receipt of the report, the President shall notify the accused faculty member and the Faculty Senate in care of that body's Chair of all actions to be taken as a result of the recommendations.

#### F. HEARING BEFORE A HEARING OFFICER <sup>5</sup>

1. Upon receipt of a timely request from an accused faculty member for a hearing before a Hearing Officer, the President of UMCES shall inform the Chair of the UMCES Faculty Senate, who shall duly appoint such an individual.
  - a. The Hearing Officer shall be a disinterested and impartial individual who shall have no formal connection with the University System of Maryland, its Board of Regents, and the State Board of Higher Education.
  - b. The Hearing Officer shall be an attorney in good standing, and shall be familiar with administrative law and procedures.
  - c. The Hearing Officer shall have full responsibility and authority over the scheduling of all hearings, the conduct of the hearing, and of those persons and parties present, the determination of procedural and evidentiary issues, and all matters necessary in the Hearing Officer's discretion to effectuate a proper and efficient hearing of the case.
2. At the hearing conducted by the Hearing Officer, the case for appointment termination shall be presented by the President of UMCES.
3. Rules of procedure for the hearing shall be as follows:
  - a. The hearing shall be de novo.
  - b. The hearing shall be closed to the public unless a public hearing is specifically requested by the accused faculty member.
  - c. Each party may be represented by counsel.
  - d. A record of the hearing, including all testimony and exhibits, shall be maintained by the Hearing Officer.
    - 1) A copy of the record shall be kept on file by the President of UMCES and made available to both parties upon request.
    - 2) If the hearings are closed, the file shall be confidential and available only to the parties, their official representatives, and counsel.

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<sup>5</sup> Hearing Officer Policy derived in part from University System of Maryland Policy III-2.16-4 (Old).

e. Each party shall have an opportunity to make an opening statement, present written evidence, present witnesses, cross-examine witnesses, offer personal testimony, and such other evidence as is relevant to the charges.

f. The hearing shall be conducted in the following order:

- 1) opening statement of UMCES;
- 2) opening statement of the faculty member;
- 3) presentation of evidence by UMCES;
- 4) presentation of evidence by the faculty member;
- 5) closing argument of UMCES;
- 6) closing argument of the faculty member.

(a.) The Hearing Officer may at his/her discretion set time limits upon the opening statements and the closing arguments.

g. The Hearing Officer shall have the authority to and shall request the attendance, as a witness, of any person(s) employed by the University System of Maryland upon the expressed desire of either party, provided, however:

- 1) that such desire is expressed in writing to the Hearing Officer five (5) calendar days in advance of the hearing; and,
- 2) that the Hearing Officer at his/her discretion may decline to summon such person(s) if it reasonably appears that the person(s) testimony is likely to be incompetent, irrelevant, immaterial, or unduly repetitious.

(b.) The non-availability for testimony of a University System of Maryland employee whose presence was not requested in writing in a timely manner shall not be grounds for postponing, delaying, or otherwise continuing the hearing.

h. It shall be the sole responsibility of each party to arrange for the presence at the hearing of any person whom he/she wishes to call as a witness who is not an employee of the University System of Maryland.

- 1) The non-availability of such person shall not be grounds for postponing, delaying, or otherwise continuing the hearing.

i. Upon the written request of either party to the Hearing Officer, all persons to be called as

witnesses shall be sequestered until their testimony is completed.

- 1) Notwithstanding this rule, the President's designate and his/her counsel, and the faculty member and his/her counsel, may be present at all times.

j. Upon the request of either party, a witness shall testify under oath or affirmation.

k. The formal rules of evidence shall not apply to the hearing, and the Hearing Officer shall admit all matters in evidence which reasonable and prudent individuals accept as having probative value in the conduct of their affairs, except that the Hearing Officer:

- 1) shall exclude incompetent, irrelevant, immaterial, and unduly repetitious matters;
- 2) shall give effect to the rules of privilege and confidentiality recognized by law; and,
- 3) shall exclude written statements proffered solely in lieu of testimony of persons who are reasonably available to testify.

(a.) The Hearing Officer may receive documentary evidence in the form of copies or excerpts or by incorporation by reference.

l. A request from a party for a continuance shall not be granted by the Hearing Officer except under the most exceptional circumstances.

- 1) Request based on avoidable delay in obtaining counsel, schedule conflicts, transportation difficulties, and routine problems of case preparation shall not ordinarily be granted.
- 2) The Hearing Officer may in his/her discretion require independent verification (such as certification by a physician) in support of a continuance request.
- 3) Failure of a party to attend a scheduled hearing shall not be grounds for delaying the hearing.

m. The Hearing Officer may take such action as is necessary in his/her determination to facilitate the orderly, expeditious, and fair conduct of the hearing so long as such actions are not inconsistent with the procedures set forth herein.

4. The Hearing Officer shall write a signed report that will be dated and that will include a list of the charges and specifications, a summary of the evidence presented, a summary of the arguments of the parties, the specific findings of the hearing with respect to the acts alleged as specification, and recommendations with respect to each charge.

a. The report shall be submitted to the President of UMCES within fourteen (14) calendar days of the close of the hearing.

1) A copy of the report, including recommendations, shall be sent to the accused faculty member.

b. Inasmuch as the hearing before a Hearing Officer was initiated by action of the President of UMCES, he/she shall comply with the recommendations contained in the report, provided that such compliance does not violate legal statutes, official policy of the University System of Maryland, or official UMCES policies and procedures.

1) Within seven (7) calendar days of receipt of the report, the President shall notify the accused faculty member and the Faculty Senate in care of that body's Chair of all actions to be taken as a result of the recommendations.

#### G. COMPLETION OF APPOINTMENT TERMINATION PROCEDURES

1. The President of UMCES shall review the report and act upon the recommendations submitted by the Faculty Board of Review or Hearing Officer the continuation of appointment termination procedures.

a. Either party to the hearing may request an opportunity for oral argument before the President prior to action on the recommendations.

1) Such request must be received by the President not later than seven (7) calendar days from the date of the termination of the hearing.

2. Within seven (7) calendar days of official receipt of the report submitted by the Faculty Board of Review or Hearing Officer, the President of UMCES shall promptly inform in writing the accused faculty member of the acceptance or rejection of each specific recommendation.

a. In each case, the President shall specify the administrative action(s) to be taken.

3. If the initiated appointment termination is continued as a specified administrative action, the faculty member may appeal this decision to the Board of Regents prior to the specified date of appointment termination.

a. The Board of Regents shall render a final resolution according to whatever procedures it or the University System of Maryland may establish for such matters.

4. If the appointment is terminated as the result of procedures described in the preceding sections of this Policy, the President of UMCES may, at his/her discretion, relieve the faculty member of assigned duties immediately or allow the faculty member to continue in the position for a specified period of time.



- a. The faculty member's compensation may continue for a period not to exceed one (1) year commencing on the date which the faculty member receives notice of termination.
- b. 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 of UMCES or, if appropriate, the Board of Regents.