



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES MANUAL

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INTRODUCTION

The UMCES faculty views education as a vital contributor to the quality of the Center's research programs. These policies provide a formal framework within which the faculty members exercise their responsibilities to this important aspect of the institutional mission.

Graduate education conducted by UMCES faculty members serves students who are formally enrolled in degree-granting programs offered by sister institutions of the University System of Maryland. These activities are implemented under the auspices of the UMCES Graduate Faculty by an UMCES Graduate Faculty Council.¹ The office of the Vice President for Education is responsible for day-to-day administration and coordination graduate education within the Center.

Undergraduate education at UMCES is restricted to advanced courses and supervision of independent study in support of courses of study offered by other institutions of the University System of Maryland. These activities normally are undertaken in response to specific program needs of the institutions involved.

UMCES also operates a Statewide network of Environmental Education activities for public school students and offers adult education and teacher recertification programs in the various regions of Maryland where its Laboratories are located.

These policies and procedures are established in accordance with institutional responsibilities as specified in the policies of the University System of Maryland and approved by the Board of Regents.

¹ Policy on Graduate Education in the UM System, approved by the Board of Regents 21 June 1990 [APPENDIX I-1].



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section I - 1

CONSTITUTION OF THE GRADUATE FACULTY

Section I - 1 sets forth the bases upon which graduate education is conducted at UMCES. It establishes the UMCES Graduate Faculty and Graduate Faculty Council, identifies the faculty ranks eligible for Graduate Faculty appointment, conveys the rights and privileges of Graduate Faculty status, and provides the procedures for amendment of this Graduate Faculty Constitution.



SCOPE AND OPERATION OF GRADUATE EDUCATION

- 1.1 This Constitution shall provide a procedural framework for the conducting and coordination of graduate education activities on a Center-wide basis in partial fulfillment of UMCES¹ mission in research, education, and service.^{1,2}
- 1.1.a Graduate education at UMCES shall encompass all courses of instruction for credit and supervised student thesis research leading to the award of the Master's (M.S.) and Doctor of Philosophy (Ph.D.) degrees, for which members of the UMCES Graduate Faculty bear direct and major responsibility.
- 1.1.b UMCES' graduate education shall operate in conjunction with Systemwide and departmental programs established on any institution having graduate degree-granting authority within the University System of Maryland.
- 1.1.b.1 UMCES shall not require a member of its Graduate Faculty to possess adjunct or other form of appointment at another institution within the University System of Maryland for participation on behalf of the Center in graduate education activities.
- 1 This policy shall not be interpreted to preclude requirements for such appointments according to established policies and procedures of departments outside of UMCES within the University System of Maryland.
- 1.1.c Graduate education at UMCES shall be consistent in all aspects to the education policies of the University System of Maryland.

1 Constitution of the UMCES Graduate Faculty based in part on Constitution of the Graduate Faculty, University of Maryland College Park. It was developed in response to recommendations contained in UMCES Education Committee Report (4/4/88), recommended for adoption by the UMCES Faculty and Faculty Senate (10/12/89), and instituted by Acting Director Thomas C. Malone, 12 October 1989.

2 Constitution revised by UMCES President Donald F. Boesch, effective 1 July 1999, upon recommendation of the UMCES Graduate Faculty Council (4/6/99) and UMCES Administrative Council (5/5/99).



ADMINISTRATION OF GRADUATE STUDIES

1.2 Organization and Administration¹

1.2.a Graduate education at UMCES shall be administered as a Center-wide activity under the auspices of the UMCES Graduate Faculty through the Office of the President of UMCES.

1.2.a.1 The Vice President for Education shall be responsible for the operation and coordination of graduate education activities.

-1 The Vice President for Education's responsibilities shall include, but not be limited to, the following specific activities:

- (a) implement all graduate education policies, such actions to be subject to review and approval by the UMCES Graduate Faculty Council and by the President;
- (b) coordinate teaching activities within UMCES and with the appropriate graduate programs offered by other institutions of the University System of Maryland;
- (c) respond to inquires, and, where appropriate, process and distribute student applications to potential faculty advisors and work with institutional program directors or other departmental representatives to facilitate the student admission process;
- (d) maintain records for all students pursuing advanced degrees under the direct supervision of UMCES' Graduate Faculty, including date of matriculation, advisor, degree candidacy and status, source(s) of support, thesis title, date of graduation and degree received, and post-graduation placement;
- (e) procure and maintain financial support for graduate education activities, both from sources within the University System and from extramural grants and gifts, and work with the UMCES Graduate Faculty Council, the Heads of Laboratory, and the President of UMCES in establishing priorities for the allocation of such support;
- (f) annually inform the UMCES Graduate Faculty Council and each Laboratory's Graduate Studies Coordinator of the appointment status and termination date of all Graduate Faculty members.

1.2.b The UMCES Graduate Faculty Council shall be a Center-wide body with authority to design and implement all aspects of graduate education activities, such activities subject to approval by the Graduate Faculty and the President of UMCES.

1.2.b.1 The Council shall be responsible for policy pertaining to student admissions and financial aid, and for the development of curricula and specific courses of study in which the faculty members participate.

¹ Organization and administration of graduate studies at UMCES developed at Faculty Senate/Administration Retreat, April 1989.



ADMINISTRATION OF GRADUATE STUDIES

- 1.2.c Each UMCES Laboratory shall have a Graduate Studies Coordinator who shall be a faculty member appointed by the unit's Head of Laboratory.
 - 1.2.c.1 The Graduate Studies Coordinator shall be responsible for the implementation of graduate education policy at his/her Laboratory unit, including the coordination of graduate education activities with those of the other UMCES Laboratories.
 - 1 The Coordinator shall employ any appropriate forum for discussing and coordinating Graduate education activities within his/her Laboratory unit.
 - 1.2.c.2 The Graduate Studies Coordinator normally shall serve a renewable term of 3 years, such term to coincide exactly with that of his/her membership on the UMCES Graduate Faculty Council.



GRADUATE FACULTY

1.3 UMCES Graduate Faculty^{1,2,3}

1.3.a Membership

1.3.a.1 Members of the UMCES Graduate Faculty shall be appointed by the UMCES Graduate Faculty Council.

- 1 Full-time faculty of the following ranks shall be eligible for appointment to the UMCES Graduate Faculty.

Assistant Professor / Agent
Associate Professor / Senior Agent
Professor / Principal Agent

Research Assistant Professor
Research Associate Professor
Research Professor.

1.3.a.2 *Initial appointment* to the UMCES Graduate Faculty shall be automatic and coincide with the beginning of the eligible individual's first faculty appointment at UMCES.

- 1 The faculty member shall submit a written request for such appointment to the Chair of the UMCES Graduate Faculty Council, such request to be accompanied by a current *curriculum vitae* that shows the individual's appointment and rank at UMCES and establishes his/her credentials as an independent scholar in the conduct of scientific research.
- 2 The request shall be accompanied by written endorsement from the individual's Laboratory Director.

1.3.a.3 All other appointments to the UMCES Graduate Faculty shall require evaluation and approval by the UMCES Graduate Faculty Council of a written nomination for membership submitted on behalf of an individual by any member of the UMCES Graduate Faculty.

- 1 Such nomination shall identify as specifically as possible the individual's demonstrated or anticipated contribution to the Center's graduate program.
- 2 The nomination shall be accompanied by the individual's current *curriculum vitae* that establishes the nominee's credentials as an independent scholar in the conduct of scientific research.

1 Organization of UMCES Graduate Faculty developed at Faculty Senate/Administration Retreat, April 1989.

2 Ranks eligible for Graduate Faculty appointment revised effective 1 February 1993 by President Donald F. Boesch, upon recommendation of UMCES Graduate Faculty Council (10/23/92), Faculty Senate (11/6/92), and Administrative Council (12/2/92).

3 The former distinction between "full" and "affiliate" Graduate Faculty membership was eliminated with the 7/1/99 revision of this document in response to similar actions by other USM institutions with graduate degree-granting authority.



GRADUATE FACULTY

1.3.a.4 Irrespective of status elsewhere in the University System of Maryland, all appointments to the UMCES Graduate Faculty shall be for a term of five (5) academic years.¹

- 1 All full appointments may be *renewed* by the UMCES Graduate Faculty Council, subject to demonstrated participation by the faculty member in UMCES' graduate education activities at any time during the period of previous appointment, such participation to include at least two (2) of the following:
 - (a) major responsibility for at least one (1) course at the graduate level, excluding thesis supervision, within the University System of Maryland;
 - (b) significant participation in at least three (3) graduate level courses, excluding seminars or thesis supervision, within the University System of Maryland;
 - (c) supervision as major professor of at least one (1) student pursuing graduate studies at UMCES;
 - (d) membership on at least three (3) examination/advisory committees, excluding those chaired as major professor, of graduate students within the University System of Maryland, at least one of whom must be pursuing studies at UMCES;
 - (e) service on the UMCES Graduate Council, on any committee formally appointed by the Council, or on any standing committee established for graduate education at an UMCES Laboratory.
- 2 Time spent on leave of absence normally shall *not* be considered as part of the five-year term.
- 3 The Vice President for Education shall act on behalf of the UMCES Graduate Faculty Council in notifying individuals as to the status of their membership on the UMCES Graduate Faculty, all such actions to be subject to review and approval by the Council.

1.3.b Rights and Privileges

1.3.b.1 UMCES shall permit members of its Graduate Faculty to participate in graduate education programs offered by any institution of the University System of Maryland, including the organization and teaching of graduate-level courses in all cooperating departments or programs within such institutions.

- 1 Subject to the policies of the appropriate degree-granting institution, a member of the UMCES Graduate Faculty may direct the course of study and research of both M.S. and Ph.D. candidates, and serve as a member the examination/advisory committees of candidates for any graduate degree.

¹ Term of Graduate Faculty Appointment revised to 5 years by President Donald F. Boesch, effective 11 July 1994, upon recommendation of CEES Faculty Senate (4/15/94) and CEES Administrative Council (4/6/94).



GRADUATE FACULTY

- 2 Subject to the policies of the appropriate degree-granting institution, any member of the UMCES Graduate Faculty shall be eligible to teach a graduate level course at member institution of the University System of Maryland.
- 3 An UMCES faculty member who is not a member of the UMCES Graduate Faculty may teach a course, provided that the course is taught with a member of the UMCES Graduate Faculty and that such arrangement is approved in advance by the appropriate Laboratory Director(s).

1.3.b.2

The UMCES Graduate Faculty shall convene as a single body at least once each academic year to consider matters arising or brought before it by the UMCES Graduate Faculty Council, and may also be convened upon notice from the Graduate Faculty Council or within 14 calendar days of receipt of a petition to convene from the President of the UMCES Faculty Senate.

- 1 The Vice President for Education shall act as Presiding Officer at such meetings.
- 2 Each member of the UMCES Graduate Faculty shall have one vote on matters arising or brought before the Faculty at such meetings.
- 3 A quorum shall be constituted by the voting members present, and all matters decided by simple majority vote with the Presiding Officer breaking all ties.

1.3.b.3

The UMCES Graduate Faculty shall reserve the right to review and approve all actions undertaken on its behalf by the UMCES Graduate Faculty Council.

1.3.b.4

All members of the UMCES Graduate Faculty shall be eligible to vote in the election of representatives to the UMCES Graduate Faculty Council at their respective Laboratory unit.

1.3.b.5

All actions of the UMCES Graduate Faculty shall be subject to review and approval of the President of UMCES.



GRADUATE FACULTY COUNCIL

1.4 UMCES Graduate Faculty Council

1.4.a Membership

1.4.a.1 The UMCES Graduate Faculty Council shall consist of the following members:

- 1 One (1) member and one (1) alternate from each UMCES Laboratory to be elected by simple majority vote of the Graduate Faculty at that unit.
- 2 One (1) member from each UMCES Laboratory who shall be the Graduate Studies Coordinator for that unit.
- 3 One (1) graduate student member and one (1) alternate from each UMCES Laboratory to be elected by the students pursuing graduate study at that Laboratory.
- 4 The Vice President for Education, who shall serve as Chair of the Council.
- 5 Two (2) *ex officio* members, such members to be the President of UMCES and the President of the UMCES Faculty Senate.

1.4.a.2 Each member of the UMCES Graduate Faculty Council shall have one vote, except that an alternate shall not vote at meetings attended by his or her unit's corresponding elected faculty or student member and the *ex officio* members shall not have voting privileges on formal Council decisions.

1.4.a.3 Faculty members shall serve for a term of three (3) contiguous academic years so arranged that the terms of each Laboratory's representatives normally are not scheduled to expire during the same academic year.

- 1 Student representatives shall serve for terms of one (1) academic year.
- 2 The term of an alternate shall expire at the same time as that of the corresponding elected representative from the same Laboratory unit.
- 3 Terms normally shall expire on the last day of the academic year, here defined as *30 June* of the calendar year.
- 4 Elected representatives shall be eligible for reelection to the Council upon expiration of their initial terms, except that an individual may not serve more than two contiguous terms of any total length, after which time he/she shall become ineligible for reelection for a period of one (1) academic year.
- 5 If an elected representative is unable to fulfill his/her obligations due to long-term leave of absence or other causes, the position shall be declared vacant shall be filled by the alternate for the duration of the unexpired term.



GRADUATE FACULTY COUNCIL

- 1.4.b The UMCES Graduate Faculty Council shall act on behalf of the UMCES Graduate Faculty in the development of all Center policies relating to graduate education.
- 1.4.b.1 The UMCES Graduate Faculty shall be notified of all policy decisions made by the Council, and shall reserve the right to review and approve such actions prior to their implementation.
- 1.4.b.2 The UMCES Graduate Faculty and/or graduate students may initiate action on any matter pertinent to graduate education matters.
- 1 Such actions shall be conveyed in writing to the Vice President for Education who shall include same on the agenda for the next meeting of the Council.
- 1.4.c The UMCES Graduate Faculty Council shall schedule at least one (1) regular meeting each semester.
- 1.4.c.1 The Vice President for Education, acting as Chair of the Council, may call additional meetings to consider matters requiring urgent attention.
- 1.4.c.2 Any five (5) voting members of the Council may petition the Chair to call the Council to meet, such meeting to take place within 14 calendar days of receipt of such petition by the Vice President for Education.
- 1.4.c.3 The Vice President for Education, with consensus of the Graduate Faculty Council members, may cancel any regularly scheduled meeting of the Council, provided that notice of such cancellation is served not less than 14 calendar days from the scheduled date of such meeting.
- 1.4.d At the beginning of each meeting the Vice President for Education shall summarize all activities taken by his/her office since the previous meeting.
- 1.4.e A quorum shall consist of the Chair plus at least two voting members from each UMCES Laboratory unit.
- 1.4.e.1 All decisions shall be the result of simple majority vote.
- 1 In the event of a tie vote, a motion shall be deemed defeated unless the Chair elects to place the matter before the UMCES Graduate Faculty, whose decision shall be binding on the Council.



GRADUATE FACULTY COUNCIL

1.4.f The Chair of the UMCES Graduate Faculty Council shall, subject to the approval of the Council members, appoint individuals to standing committees or to special *ad hoc* committees.

1.4.f.1 Each such committee may include any member of the UMCES Graduate Faculty as warranted by the individuals' expertise, provided that the committee chair shall be a member of the Council.

-1 Committee members shall serve for terms not to exceed three contiguous academic years, and these terms may be renewed by immediate reappointment.



AMENDMENT PROCEDURE

1.5 Constitutional Amendments

- 1.5.a Proposed amendments to UMCES Policies and Procedures, Section I-1, Constitution of the UMCES Graduate Faculty, shall be endorsed by at least five (5) members of that Faculty and addressed in writing to the UMCES Graduate Council.
- 1.5.a.1 A proposed amendment must be received by the Vice President for Education at least thirty (30) calendar days prior to the next scheduled meeting of the UMCES Graduate Faculty Council in order to be considered at that meeting.
- 1.5.b The Council shall review all such proposed amendments and, as necessary, refer each to an appropriate standing committee or establish an appropriate *ad hoc* committee for further review.
- 1.5.b.1 The committee shall return a recommendation for approval or disapproval, but it may not itself amend a proposed amendment.
- 1.5.b.2 If the committee recommends disapproval, the Graduate Faculty members who submitted the proposed amendment will be so notified, with written explanation, by the Vice President for Education.
- 1 If the individuals chose to change and resubmit the proposed amendment, the Council shall treat it as a new proposed amendment and it shall again be referred to committee for review.
- 2 If the individuals chose not to accept the recommendation for disapproval and resubmit the original proposed amendment, the Council shall submit same along with the committee recommendation to the full UMCES Graduate Faculty.
- 1.5.b.3 If the committee recommends approval, the Council shall submit same along with the committee recommendation to the full UMCES Graduate Faculty.
- 1.5.c Proposed amendments shall be adopted if passed by simple majority vote of members of the UMCES Graduate Faculty.
- 1.5.c.1 If there is no scheduled meeting of the UMCES Graduate Faculty prior to the end of the current academic year, and if there is at least thirty (30) days before the end of that year, the Council shall decide whether to submit the proposed amendment(s) to mail ballot or to convene the Graduate Faculty as a single body to consider the issue(s).



AMENDMENT PROCEDURE

- 1 If there is less than thirty (30) days prior to the end of the current academic year, the Council may elect to postpone consideration of the proposed amendment(s) until the next meeting of the UMCES Graduate Faculty.

1.5.d All amendments adopted by the UMCES Graduate Faculty shall be subject to review and approval by the President of UMCES.

1.5.d.1 Amendments so adopted and approved shall take effect on 1 July of the following academic year.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section I - 1

APPENDICES

APPENDIX I - 1

III-7.10 - UNIVERSITY SYSTEM OF MARYLAND POLICY ON GRADUATE EDUCATION



CARE AND USE OF VERTEBRATE ANIMALS IN GRADUATE STUDIES

The care and use of vertebrate animals in research at UMCES are conducted in full compliance with federal law under an Assurance filed with the Office of Laboratory Animal Welfare (OLAW), U.S. Public Health Service (PHS). This Assurance governs *all* activities involving vertebrate animals undertaken at any UMCES facility or under its auspices. Further, it is official UMCES policy that laboratory and manipulative experimental field studies of vertebrate animals are to be conducted only on finfish, amphibians and reptiles.

Policy governing the care and use of vertebrate animals in research is contained in *Section VII-2* of the ***UMCES Policies and Procedures Manual***. The UMCES faculty considers it important that students conducting dissertation research under its supervision become familiar with federal law, laboratory and field procedures recommended by various professional societies, and ethical considerations in animal research as part of their professional training. The policies in this section have been developed in response to this commitment.



INSTITUTIONAL POLICY

2.1 Institutional Policy^{1,2}

- 2.1.a As set forth in *Section VII-2*, it is official UMCES policy that laboratory and manipulative experimental field studies of vertebrate animals are to be conducted only on finfish, amphibians and reptiles.
- 2.1.a.1 UMCES laboratory facilities may not be used in the conduct of any vertebrate animal research in violation of this policy.
- 2.1.a.2 A student who desires to pursue research involving vertebrate animal subjects other than finfish, amphibians or reptiles must do so under the following conditions:
- 1 The research must be conducted under the auspices of an institution other than UMCES, and no physical activity involving vertebrate animals shall be conducted at any UMCES facility.
 - 2 An UMCES faculty member shall not be the sole thesis advisor; however, an UMCES faculty member may be a co-advisor with a qualified individual at the institution under whose auspices the research is performed.
 - 3 The research shall fully comply with the vertebrate animal research policy of *both* the institution under whose auspices the research is being conducted and the University of Maryland institution at which the student is enrolled as a candidate for graduate degree.
- 2.1.b The UMCES Institutional Animal Care and Use Committee (IACUC) shall be responsible for developing vertebrate animal research protocol guidelines and for otherwise ensuring that student research complies with applicable federal regulations, including the Center's Assurance filed with the U.S. Public Health Service (PHS), and institutional policy.
- 2.1.b.1 The Committee shall be composed of five (5) individuals, as follows:
- 1 One faculty member from each UMCES Laboratory who shall be the Practicing Scientist representative on the UMCES Institutional Animal Care and Use Committee (IACUC).

1 Vertebrate animal research policy endorsed by the Faculty Senate (5/26/95) and Administrative Council (6/7/95), and adopted by President Donald F. Boesch effective 1 July 1995.

2 Policy revised by UMCES Institutional Animal Care and Use Committee (IACUC) and adopted by President Donald F. Boesch effective 7/1/97.



University of Maryland
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POLICIES AND PROCEDURES

Section I - 2.1

INSTITUTIONAL POLICY

- 2 One individual from outside of UMCES who shall be the Veterinarian on the IACUC.
- 3 A Vice President who is responsible for coordinating graduate education at UMCES, who shall be an *ex officio* member of the IACUC.

USE OF VERTEBRATE ANIMALS IN GRADUATE STUDENT RESEARCH

- 2.2 All student research projects involving vertebrate animal subjects shall be reported to and approved by the IACUC.
- 2.2.a The protocol for thesis research of each graduate student governed by this policy shall be reviewed *in advance* of the initiation of such research and receive formal approval by the student's thesis advisor(s), the appropriate Laboratory Director, and by the IACUC.
- 2.2.a.1 The protocol shall refer to compliance with UMCES research protocol guidelines wherever appropriate, and may attach standard operating procedures as have been developed by the appropriate research facility as approved by the IACUC.
- 1 Any exceptions to UMCES institutional guidelines or standard operating procedures must be noted in the proposed protocol, fully explained, and justified.
- 2.2.a.2 Any significant modifications of an approved research protocol must be submitted for IACUC approval prior to their implementation.
- 1 Each year, a student must certify to the IACUC that his/her research protocol has not significantly deviated from that originally approved by the IACUC or, if such deviation is anticipated, the revised protocol must be submitted for IACUC approval.
- 2.2.a.3 If an approved research protocol should extend for three (3) years without significant modification, the project will be subjected to a full review by the IACUC as specified for a faculty research project under the UMCES Assurance.
- 2.2.a.4 A copy of the approved protocol shall be retained by the IACUC and shall be filed with the following:
- 1 UMCES IACUC, which reserves the right under its authority to require modification of the protocol and/or to suspend the research at any time pending such modification;
 - 2 Office of the program or department in which the student is a candidate for degree;
 - 3 Graduate Program Office or equivalent administrative office in the degree-granting institution in which the student is enrolled;
 - 4 Graduate Student's thesis advisor(s);



University of Maryland
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POLICIES AND PROCEDURES

Section I - 2.2

USE OF VERTEBRATE ANIMALS IN GRADUATE STUDENT RESEARCH

-5 Graduate Student.

2.2.a.5

The IACUC shall retain a copy of the approved protocol for at least three (3) years after the date of award of degree.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section I - 3

POLICY ON APPROVAL OF COURSE OFFERINGS

The purpose of this policy is to provide for the coordination of courses offered by UMCES faculty members both between the Center's Laboratories and between UMCES and other UM System institutions. In addition, the policy establishes a method for appraising the commitment of Laboratory resources and faculty time required for classroom instruction in support the UMCES graduate education program. The resulting data permit evaluation of the scope of the teaching effort and provide for accurate reporting of that effort.



PROCEDURE FOR ADVANCE REPORTING OF COURSES

- 3.1 Each academic semester, all courses offered or proposed to be offered by UMCES faculty members shall be subject to review and approval *in advance* by the appropriate Laboratory Director.¹
- 3.1.a For the purpose of this policy, *in advance* shall be interpreted to mean submittal for approval by the following dates:
- 1 November** for courses proposed for the following **summer session(s)**
1 December² for courses proposed for the following **fall semester**
1 May for courses proposed for the following **spring semester**.
- 3.1.b The faculty member(s) responsible for the course shall provide the following information for each course to be offered, whether the course is a new offering or the repeat of a previously approved course taught periodically:
- Course program/department and number
 - Course title
 - Institution(s) awarding credit
 - Number of credits and anticipated enrollment
 - Faculty member(s) in charge
 - Year and semester
 - Location where taught, including all interactive video sites
 - Course description or catalog copy
- 3.1.b.1 The submittal shall identify any specific Laboratory or UMCES resources needed, including, but not limited to, classroom space [day(s) of week and length of time required], IVN time, teaching assistant(s), honoraria for guest lecturers, travel support, laboratory space, special apparatus, boat use, and field trips.
- 3.1.c Once a course has been approved, the Laboratory Director's Office shall make arrangements to reserve the required Laboratory classroom space, IVN site, and/or other meeting location, as necessary.
- 3.1.c.1 Teaching assistant assignments shall be coordinated with the Office of the Laboratory Director and the institution(s)-/program(s) under whose auspices credit will be awarded.

1 Recommended by UMCES Administrative Council (3/6/96) and UMCES Faculty Senate (2/20/96). Instituted by President Donald F. Boesch effective 1 May 1996.

2 Date advanced from 1 January upon recommendation by UMCES Graduate Faculty Council (4/4/99) and UMCES Administrative Council (5/5/99); instituted by President Donald F. Boesch effective 1 July 1999.



PROCEDURE FOR ADVANCE REPORTING OF COURSES

- 3.1.c.2 A syllabus or outline shall be provided to the Laboratory Director prior to the first class meeting of each approved course.
- 3.1.d The Laboratory Director shall have the prerogative to disapprove or cancel the offering of any course for which necessary resources are unavailable or deemed insufficient to meet anticipated class needs.
- 3.1.e A course which has not been approved, or has been otherwise canceled for whatever reason, shall not be credited to the instructional workload(s) of the faculty member(s) in charge.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section II

STUDENT LIFE POLICIES

INTRODUCTION

Section II includes policies specific to the privileges and obligations of students who are working at UMCES facilities and/or under the auspices of UMCES faculty members. Unless specifically provided for in this section or elsewhere in the UMCES *Policies and Procedures Manual*, students at UMCES continue to be governed by the policies of their institution of enrollment or employment. The UMCES faculty strives to maintain a collegial community in which student and mentor alike can pursue creative research in the true spirit of academic freedom.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section II - 1

AUTHORSHIP POLICY

This authorship policy has been adopted in recognition of the professional obligation UMCES faculty members have to the students who are studying under their direction as major professors. It is intended to be consistent with the expectations and practices of most scientific societies.



CONTRIBUTIONS TO ORIGINAL RESEARCH

- 1.1 Recognition of contributors to original research¹
 - 1.1.a UMCES faculty have a professional obligation to their students to ensure that contributions to original research are appropriately recognized in publications or other presentations resulting from such research.
 - 1.1.b UMCES students shall make every effort to honor their professional commitments to effect timely peer-reviewed presentation of the results of their dissertation research.
 - 1.1.b.1 Students shall be recognized as authors or co-authors on all presentations and peer-reviewed publications that primarily report the results of their dissertation research.
 - 1.1.c Differences of opinion concerning appropriate recognition of contributors shall be referred to the appropriate Laboratory Director(s) for resolution.

¹ Originally submitted by Student Life Committee of UMCES Graduate Faculty Council (10/18/91); endorsed by UMCES Faculty Senate (1/8/93 , revised 4/2/93) and Administrative Council (1/15/93) and adopted by President Donald F. Boesch 1 January 1994.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

ART DOCUMENT

POLICIES and PROCEDURES

for

APPOINTMENT, RANK, AND TENURE OF FACULTY

Approved by Chancellor John S. Toll
10 July 1989



POLICIES FOR APPOINTMENT, RANK, AND TENURE OF FACULTY

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FACULTY AND PERSONNEL

INTRODUCTION

Section III is concerned with policies and procedures affecting UMCES faculty and staff as members of a collegial academic community. Included are interpretations of formal policy established by University System of Maryland as well as Center-specific policies and procedures developed in response to guidelines issued by the Chancellor and the Board of Regents.

UMCES views a full-time appointment with the University System of Maryland as a full-time professional commitment. The components of research, education and student supervision, service, and administration are responsibilities of the position which may vary according to the particular talents of the faculty member, the needs of the individual's Laboratory unit, and the mission of the Center. These responsibilities are determined by the individual's Head of Laboratory and approved by the Director through the appointment and promotion process. UMCES strives to provide an atmosphere of complete academic freedom for its faculty and staff. These policies and procedures are provided at a level of detail believed sufficient to provide the necessary administrative framework for ensuring the protection of that freedom.

The Sections identified below constitute UMCES' policies on Appointment, Rank, and Tenure of Faculty as implemented under University System Policy (APPENDIX to Section III). These "ART" policies were approved by unanimous vote of the UMCES Administrative Council on 10 May 1989 and by unanimous vote of the UMCES Faculty Senate on 17 May 1989.

- Section III-1
- Section III-2
- Section III-3 subsections 3.1 - 3.4
- Section III-4 subsections 4.1 - 4.7
- Section III-5 subsections 5.1 - 5.11.



University of Maryland
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POLICIES AND PROCEDURES

Section III - 1

AFFIRMATIVE ACTION

This section formally identifies UMCES as an Affirmative Action Institution and sets forth the responsibility of the office of the Vice President for Administration in all Affirmative Action and Equal Opportunity matters.



AFFIRMATIVE ACTION POLICY

- 1.1 The University System of Maryland is an Equal Opportunity institution with respect to both education and employment.
 - 1.1.a The University System's policies, programs, and activities are in conformance with pertinent federal and state laws and regulations on nondiscrimination regarding race, color, religion, age, national origin, sex, and handicap.
- 1.2 Inquiries regarding compliance with Title VI of the Civil Rights Act of 1964, as amended, Title IX of the 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, or related legal requirements involving UMCES and any or all of its units should be directed to the Vice President for Administration.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 2

PERSONNEL ADMINISTRATION

This section establishes authority for faculty appointment, promotion, and granting of tenure within UMCES and provides for general personnel record keeping.



PERSONNEL APPOINTMENT AND RECORD KEEPING

- 2.1 Final authority for the faculty appointment, promotion, granting of tenure, fixing of salaries, and assignment of duties within UMCES resides with the President as chief executive officer of the institution.
- 2.2 The Office of the Vice President for Administration is responsible for general personnel matters within UMCES.¹
- 2.3 Personnel files and records for all UMCES employees are maintained by the Office of the Vice President for Administration.
 - 2.3.a These files and records are composed of original documents.
 - 2.3.a.1 UMCES laboratories may maintain personnel files for their employees, but these files cannot serve as a repository for original documents and records in lieu of the files maintained by the Office of the Vice President for Administration in Center Operations.
 - 2.3.b Personnel records are retained for not less than five (5) years after the appointment of an UMCES employee has terminated.
 - 2.3.b.1 For activities subject to audit, the retention period is automatically extended until all audit requirements have been satisfied.
 - 2.3.b.2 If personnel records contain information relating to one or more specific sponsored programs, the files are to be retained for a minimum of five (5) years after payment of the final voucher by the sponsor.

¹ Policy memorandum dated 24 November 1976, Director P. Wagner.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 3

SUMMARY OF UMCES FACULTY RANKS

This section identifies all faculty ranks that may be used at UMCES and provides the qualifications for appointment or promotion to each rank as established by the University System of Maryland policy on *Appointment, Rank, and Tenure of Faculty*. Appointments in ranks other than specified in this section or referenced therein to other sections of the *UMCES Policies and Procedures Manual* are not permitted.



SUMMARY OF UMCES FACULTY RANKS

	<i>Qualifications</i>	<i>Appointment</i>	<i>Promotion</i>
Tenure Track Faculty			
<i>Professorial Ranks:</i>			
Assistant Professor	III-3.1.a	III-4.2[c.2]	III-5.6
Associate Professor	III-3.1.b	III-4.2[c.3]	III-5.7
Professor	III-3.1.c	III-4.2[c.4]	Terminal Rank
<i>Field Faculty Ranks:</i>			
Associate Agent	III-3.2.a	III-4.2[c.1]	III-5.5
Agent	III-3.2.b	III-4.2[c.2]	III-5.6
Senior Agent	III-3.2.c	III-4.2[c.3]	III-5.7
Principal Agent	III-3.2.d	III-4.2[c.4]	Terminal Rank
<u>Non-Tenure Track Faculty</u>¹			
<i>Senior Research Faculty Ranks:</i>			
Research Assistant Professor	III-3.3.a.1	III-4.3	III-5.8
Research Associate Professor	III-3.3.a.2	III-4.3	III-5.8
Research Professor	III-3.3.a.3	III-4.3	Terminal Rank
<i>Research Support Faculty Ranks:</i>			
Faculty Research Assistant	III-3.3.b.1	III-4.4.a	III-5.9.a
Assistant Research Scientist	III-3.3.b.2	III-4.4.b	III-5.9.b
Associate Research Scientist	III-3.3.b.3	III-4.4.b	III-5.9.b
Senior Research Scientist	III-3.3.b.4	III-4.4.b	Terminal Rank

¹ Ranks established at UMCES Administration/Faculty Senate Retreat, April 1989; revised May-June 1992 with elimination of the rank of Research Associate and clarification of responsibilities of Support Faculty (Research Scientist) ranks.



SUMMARY OF UMCES FACULTY RANKS

	<i>Qualifications</i>	<i>Appointment</i>	<i>Promotion</i>
Additional Faculty Ranks			
Adjunct Appointments	III-3.3.c.1	III-4.5	
Affiliate Appointments	III-3.3.c.2	III-4.5	
Visiting Faculty	III-3.3.c.3	III-4.6	
Temporary Appointments		III-4.7	
Emeritus Faculty			
	III-3.4	III-6.1	



SUMMARY OF UMCES FACULTY RANKS

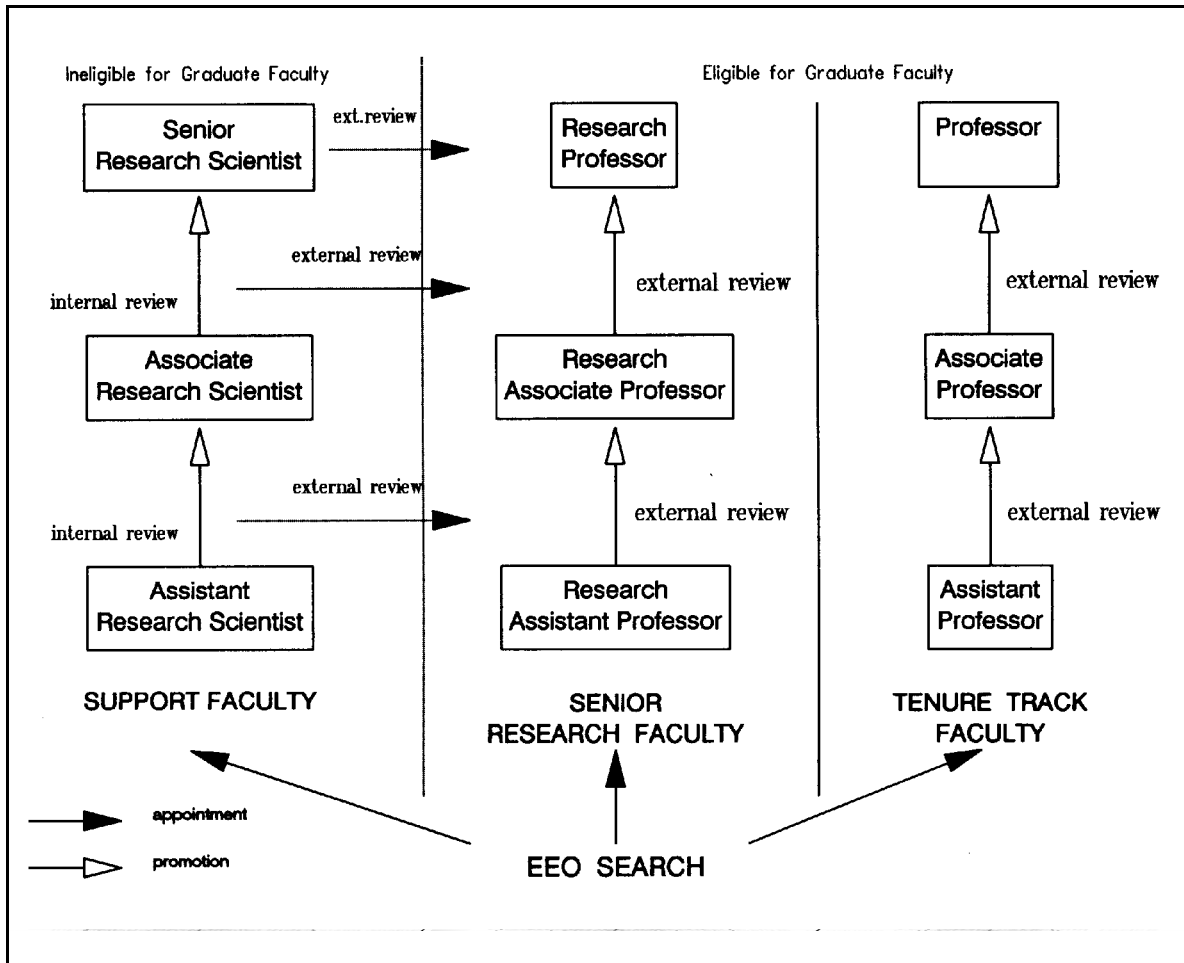


Figure 1. Summary of UMCES Ph.D.-level Faculty Ranks



PROFESSORIAL FACULTY RANKS

3.1 Tenure Track Professorial Faculty Ranks^{1,2}

3.1.a *Assistant Professor*

- 3.1.a.1 The appointee to the rank of Assistant Professor shall hold the highest earned degree normally associated with this rank (*i.e.*, Ph.D. or equivalent) in the field of specialization or have comparable academic and research experience, shall have demonstrated superior research abilities, and shall show potential for teaching and service commensurate with the mission of UMCES.
- 3.1.a.2 Appointees shall be qualified and competent to direct the work of others, including technicians, graduate students, and other research personnel.

3.1.b *Associate Professor*

- 3.1.b.1 In addition to the qualifications required of an Assistant Professor, an appointee to the rank of Associate Professor shall have had extensive successful experience in a research discipline and shall have demonstrated success in directing the work of others, including technicians, graduate students, and other research personnel.
- 3.1.b.2 Academic and research competence shall be thoroughly documented, and demonstrated by outstanding scholarly activity and other distinguished professional achievements, including a national recognition of the appointee's scholarly contribution to his/her discipline.
- 3.1.b.3 The appointee shall also show evidence of an ability to provide relevant and effective service to UMCES, the community, and the profession.
- 3.1.b.4 Appointment to this rank may carry tenure; promotion to this rank from a previous position at any University System of Maryland institution shall be with tenure.

1 Ranks as defined in UM System Policy on Appointment, Rank, and Tenure of Faculty.

2 Policy recommended by UMCES Administrative Council and Faculty Senate ; approved by President Donald F. Boesch, 10 May 1989.



PROFESSORIAL FACULTY RANKS

3.1.c ***Professor***

- 3.1.c.1 In addition to the qualifications required of an Associate Professor, an appointee to the rank of Professor shall have established an outstanding and continuing reputation for scholarly research contribution to his/her discipline within the national and international scientific communities.
- 3.1.c.2 The appointee shall also demonstrate a continuing ability to provide relevant and effective service to UMCES, the community, and the profession.
- 3.1.c.3 Appointment/promotion to this rank at UMCES shall carry tenure.



FIELD FACULTY RANKS

3.2 Tenure Track Field Faculty Ranks¹

3.2.a ***Associate Agent***

- 3.2.a.1 An individual appointed to the rank of Associate Agent shall possess a bachelor's or equivalent college degree, with an educational background related to the specific position.
- 3.2.a.2 Although no previous extension work experience is required, the individual shall demonstrate through interview and recommendation an ability to work with people, and provide evidence of creative ability to plan and implement appropriate extension programs.
- 3.2.a.3 Qualification for and willingness to pursue graduate study is highly desirable.
- 3.2.a.4 An individual at the rank of Associate Agent shall be employed on a yearly contract for a maximum of six (6) years.
- 3.2.a.5 An Associate Agent may be promoted to the Tenure Track rank of Agent upon receipt of a Master's Degree in a field of study appropriate to the duties and responsibilities of the position.

3.2.b ***Agent***

- 3.2.b.1 An individual appointed to the rank of Agent shall possess a master's or equivalent college degree.
- 3.2.b.2 Although no previous extension work experience is required, the individual must show evidence of scholastic ability and leadership skills, with an educational background appropriate to the specific responsibilities of the position.

¹ Ranks originally defined in University of Maryland Policies and Procedures, III-2.13.1.



FIELD FACULTY RANKS

3.2.c ***Senior Agent***

- 3.2.c.1 In addition to all of the qualifications of the Agent rank, an individual appointed to the rank of Senior Agent shall have demonstrated achievement in program development, and shown originality and creative ability in designing new programs, teaching effectiveness, and evidence of service to the community, University System of Maryland (or former institution), and profession.
- 3.2.c.2 Appointment/promotion to this rank may carry tenure.

3.2.d ***Principal Agent***

- 3.2.d.1 In addition to the minimum qualifications for the Senior Agent rank, an individual appointed to the rank of Principal Agent shall have demonstrated leadership ability and evidence of service to the community, University System of Maryland (or former institution), and profession.
- 3.2.d.2 The individual shall have received recognition for his/her contributions to field service programs by possessing a reputation among State, regional, and/or national colleagues backed by tangible evidence of distinguished achievement in creative program development.
- 3.2.d.3 Appointment/promotion to this rank at UMCES shall carry tenure.



SENIOR RESEARCH FACULTY RANKS

3.3 Non-Tenure Track Faculty

3.3.a *Senior Research Faculty* ranks recognize the need within UMCES for a senior, non-tenured career track defined specifically for research scientists who are established principal investigators on contracts and grants, and who will receive substantial (greater than 51 percent) salary support from those contracts and grants.¹

3.3.a.1 ***Research Assistant Professor***

- 1 Parallel in rank to tenure track Assistant Professor, appointees shall have demonstrated abilities sufficient to achieve full salary support through sponsored projects and to establish and maintain an independent research program.
- 2 The doctoral degree (*i.e.*, a Ph.D. or equivalent) in the field of specialization, or comparable academic and research experience, shall be a requirement for appointment to this rank.
- 3 Appointees shall be qualified and competent to direct the work of others, including technicians, graduate students, and other research personnel.
- 4 Appointment to this rank shall be for periods of up to three years and may be renewed.
- 5 Except in cases of terminal appointment without option for renewal, an individual at this rank shall be reviewed for promotion to the rank of Research Associate Professor not later than the sixth (6th) year of his/her appointment.

¹ Senior Research Faculty ranks originally defined in University of Maryland Policies and Procedures III-4.10; current definitions follow UM System Policy on Appointment, Rank, and Tenure of Faculty and qualifications established at UMCES Faculty Senate/Administration Retreat, April 1989.

SENIOR RESEARCH FACULTY RANKS

3.3.a.2

Research Associate Professor¹

- 1 Parallel in rank to tenure track Associate Professor, appointees to this rank shall have had, in addition to the qualifications of an Research Assistant Professor, extensive successful experience in preparing, developing, and managing sponsored research projects, and shall have demonstrated success directing the work of others, including technicians, graduate students, and other research personnel.
- 2 Academic and research competence shall be demonstrated by outstanding scholarly production and other distinguished professional achievements, as evidenced by national recognition of the appointee's research contribution to his/her discipline.
- 3 Appointment/promotion to this rank is in no way to be construed as conferring tenure, irrespective of length of service.
- 4 Appointment to this rank shall be for periods of not more than three (3) years, and may be renewed.

3.3.a.3

Research Professor²

- 1 Parallel in rank to tenure track Professor, appointees to this rank, in addition to the qualifications of a Research Associate Professor, shall have demonstrated an outstanding reputation for scholarly research contribution to his/her discipline within national and international scientific communities.
- 2 Appointees shall provide tangible evidence of sound scholarly production in research, publications, and other professional achievements and recognition.
- 3 Appointment to this rank shall be for periods of not more than five (5) years, and may be renewed.
- 4 Appointment to this rank is in no way to be construed as conferring tenure, irrespective of length of service.

1 Research Associate Professor was formerly Associate Research Scientist.

2 Research Professor was formerly Senior Research Scientist.



RESEARCH SUPPORT FACULTY RANKS

3.3.b *Research Support Faculty* ranks provide for the appointment of research personnel with specialized training sufficient to provide technical assistance on research projects and, at the advanced levels, to serve as collaborative researchers and co-Principal Investigators working under the direction or sponsorship of Tenure Track and Senior Research Faculty.¹

3.3.b.1 ***Faculty Research Assistant***^{2,3}

- 1 The appointee shall be capable of assisting in research under the direction of the Principal Investigator of a research project and normally shall have ability and training adequate to carry out the particular techniques required, to assemble data, and to use and care for any specialized apparatus.
- 2 The following rank levels shall be recognized in appointment and promotion of these Research Support Faculty members:

Rank level 1: Faculty Research Assistant – The individual shall possess a baccalaureate degree or its equivalent.

Rank level 2: Advanced Faculty Research Assistant – The individual shall possess a rank level 1 appointment for a minimum of four (4) years, or demonstrate equivalent experience at the time of appointment or promotion, or shall have a M.S. or equivalent degree in an appropriate field.

Rank level 3: Senior Faculty Research Assistant – An individual promoted to this rank level shall possess a rank level 2 appointment for a minimum of four (4) years, demonstrate an ability to exercise substantial research responsibilities, and enjoy a record of reliable, timely, and consistently exceptional task completion; an individual appointed to this rank level must demonstrate comparable experience and ability to provide technical support at the highest quality at a comparable scientific research institution.

Rank level 4: Advanced Senior Faculty Research Assistant – This rank level is reserved for individuals possessing or qualified for appointment to rank level 3 status who have demonstrated a high degree of specialty superior ability and leadership in their assignments and are deemed, as established through letters of evaluation and/or recommendation, qualified to supervise the activities of other Faculty Research Assistants comprising a technical support group.

1 Upon recommendation of UMCES Faculty Senate and Administrative Council, and approved by President Donald F. Boesch, the rank of Research Associate is no longer used at UMCES.

2 Rank qualifications derived in part from Policy Memorandum, 6/28/76; Director P. Wagner.

3 Rank levels unanimously recommended by UMCES Faculty Senate and UMCES Administrative Council, 8/10/95. Policy revision accepted by President Donald F. Boesch (10/18/96), approved for legal sufficiency by the Office of Attorney General (1/5/96), and accepted by UM System Chancellor Donald N. Langenberg (1/16/96).

RESEARCH SUPPORT FACULTY RANKS

3.3.b.2

Assistant Research Scientist

- 1 This rank provides for entry-level appointment of faculty with advanced training sufficient to develop collaborative research programs under sponsorship of an Associate Professor, Professor, Research Associate Professor, or Research Professor.
- 2 The appointee shall possess a Ph.D. or equivalent terminal degree in his/her field of specialization, and shall be capable of attracting full salary support by initiating and performing individual research in conjunction with the program(s) of his/her faculty sponsor(s).
- 3 The appointee shall be qualified and competent to direct the work of other Support Faculty at UMCES.
- 4 The appointee may initiate proposals and conduct research projects as a co-Principal Investigator with one or more Tenure Track or Senior Research Faculty at any UMCES Laboratory.
- 5 Subject to the availability of salary support from external grants and contracts, appointment to this rank shall expire at or before the end of the current fiscal year, and may be renewed.
- 6 Except in cases of terminal appointment without option for renewal, an individual at this rank shall be reviewed for promotion to the rank of Associate Research Scientist not later than the sixth (6th) year of appointment.

3.3.b.3

Associate Research Scientist

- 1 In addition to the qualifications for Assistant Research Scientist, an appointee to this rank shall have extensive successful research experience and shall be capable of managing major projects in conjunction with the research program(s) of Tenure Track and Senior Research Faculty of parallel equivalent or senior rank.
- 2 The appointee may initiate proposals and serve as a co-Principal Investigator on external grants and contracts awarded to UMCES and, under exceptional circumstances with advance approval by the appropriate Laboratory Director, may serve as an independent Principal Investigator on specified projects.
- 3 Subject to the availability of salary support from external contracts and grants, appointment to this rank shall expire at or before the end of the current fiscal year, and may be renewed.
- 4 Appointment to this rank is in no way to be construed as conferring tenure, irrespective of length of service.

3.3.b.4

Senior Research Scientist

- 1 In addition to the qualifications for Associate Research Scientist, an appointee to this rank shall have demonstrated a degree of proficiency sufficient to establish an excellent reputation for original and productive research within the national and international scientific community.



RESEARCH SUPPORT FACULTY RANKS

- 2 The appointee's research program shall be pursued in conjunction with that of a sponsoring Professor or Research Professor at the same UMCES Laboratory.
- 3 The appointee may initiate proposals and serve as a co-Principal Investigator on external grants and contracts awarded to UMCES and, with advance approval by the appropriate Laboratory Director, may serve as an independent Principal Investigator on specified projects.
- 4 Subject to the availability of salary support from external grants and contracts, appointment to this rank shall be for a term of up to three (3) years, and may be renewed.
- 5 Appointment to this rank is in no way to be construed as conferring tenure, irrespective of length of service.



ADJUNCT, AFFILIATE, VISITING FACULTY RANKS

3.3.c Additional Faculty Ranks

3.3.c.1 ***Adjunct Appointments***

- 1 The Adjunct title before any rank shall designate the appointment of outstanding persons simultaneously employed outside of UMCES, including those holding academic appointment on another campus, center, or institute within the University System of Maryland, and those employed in a professional capacity outside of the System.
- 2 The appointee shall have expertise in a discipline appropriate to the mission of UMCES and recognition and accomplishment sufficient to gain the endorsement of the preponderance of the members of the Laboratory unit to which he/she is appointed.
- 3 Subject to prior approval by the appropriate Laboratory Director, Adjunct appointees may submit proposals and serve as co-Principal Investigators on sponsored research projects with at least one regular UMCES faculty member at the Laboratory unit in which the appointment resides, and may derive a portion of salary support therefrom.
- 4 Irrespective of the individual's status outside of UMCES, Adjunct titles do not carry tenure within the Center.

3.3.c.2 ***Affiliate Appointments***

- 1 The Affiliate title officially recognizes the affiliation of a faculty member with an UMCES Laboratory or Center Operations when the faculty member's appointment and salary lie within another UMCES Laboratory unit.
- 2 Minimum requirements for affiliate appointment shall be current faculty status within UMCES, a terminal degree in the appointee's discipline, and expertise and interests appropriate to the programs and the mission of the UMCES unit to which the affiliate appointment is made.
- 3 The Affiliate appointment and the status of tenure shall be at the rank already held by the appointee within UMCES.

3.3.c.3 ***Visiting Faculty***

- 1 The prefix *Visiting*, which may be applied before any academic title, denotes a short-term, full-time appointment without tenure of a person who is normally permanently employed elsewhere, outside the University System of Maryland.
- 2 Subject to prior approval by the appropriate Laboratory Director, Visiting Faculty appointees may submit proposals and serve as co-Principal Investigators on sponsored research projects with at least one regular UMCES faculty member at the Laboratory unit in which the appointment resides, and may derive a portion of salary support therefrom.



ADJUNCT, AFFILIATE, VISITING FACULTY RANKS

- 3 Visiting faculty may be appointed to other Tenure Track and Non-Tenure Track faculty positions only through established search and appointment procedures that may be initiated only before or after the Visiting appointment period.
- 4 Upon mutual agreement of the faculty member and UMCES, years of service in a Visiting appointment may be taken into account in determining the time of a promotion and/or tenure review.



EMERITUS FACULTY

Emeritus Faculty

- 3.3.d Emeritus status is a distinct honor within the University System of Maryland which may be conferred upon faculty members or academic administrators who retire after years of outstanding research, teaching, or professional and University service.
 - 3.3.d.1 Emeritus appointments are not automatic upon retirement, but shall be based upon meritorious performance consistent with that expected of other senior members of the faculty and administration.
- 3.3.e Except under unusual circumstances, a faculty member being considered for Emeritus status shall have been a full-time member of the faculty for ten (10) or more years and shall have held the rank of Professor, Principal Agent, Senior Research Scientist, or senior academic administrator at time of retirement.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 4

FACULTY SEARCH AND APPOINTMENT

This section sets forth the required procedures for the search and appointment of faculty members in both Tenure Track and Non-Tenure Track ranks defined in Section III-3. It establishes important faculty rights and privileges and is therefore an important component of the UMCES *Faculty Handbook* as defined in Section III-4.1.d.2. Special appointment procedures, including the internal appointment of Emeritus Faculty, are provided in Section III-6.

GENERAL POLICIES FOR SEARCH AND APPOINTMENT

4.1 General Policies¹

- 4.1.a As a Center of the University System of Maryland, UMCES is an Affirmative Action/Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, age, national origin, sex, or handicap in its search, appointment, and promotion procedures.
- 4.1.a.1 All recommendations for appointment resulting from advertised positions shall be accompanied by a completed UMCES *Affirmative Action Recruitment Summary Form* (**EXHIBIT III-4-A**).
- 1 Failure to complete this *Form* shall be grounds for automatic denial of a recommended appointment.
- 4.1.a.2 All procedures of search and appointment at *any* rank shall be subject to review by the designated Affirmative Action Officer at the appropriate UMCES Laboratory.
- 4.1.b Final authority to approve *all* appointments made at the Center's Laboratories and Center Operations resides with the President of UMCES.
- 4.1.b.1 The President may delegate to the appropriate Laboratory Director authority to approve appointments to those positions having entire support from funds derived from external grant and contract awards.
- 4.1.c A term appointment is one which is made for a specific period of time.²
- 4.1.c.1 Full-time appointments *may* be term appointments, and part-time appointments are *always* term appointments.
- 4.1.c.2 Extension of the specified date of termination shall require formal approval by the President of UMCES and is *not* automatic or routinely assured.
- 4.1.d All faculty appointments shall be made to a designated rank effective on a specific date.
- 4.1.d.1 A standard *Letter of Appointment*, approved by the Office of the Attorney General for form and legal sufficiency in setting forth the conditions of employment, shall be signed by both the President or his/her authorized designee and the appointee.

1 Implementation of UM System Policy on Appointment, Rank, and Tenure of Faculty.

2 Definition of term appointment originally from University System of Maryland Policies and Procedures Manual, III-2.07-1 (old).



GENERAL POLICIES FOR SEARCH AND APPOINTMENT

- 1 Any appointment at less than full time shall be so designated, and the conditions pertaining thereto specified, in the signed Letter of Appointment.

- 4.1.d.2 A copy of the relevant UMCES Policies and Procedures that set forth faculty rights and responsibilities, to which are appended all System-wide policies and procedures approved by the Board of Regents, shall be provided the appointee prior to his/her signing of the Letter of Appointment.
 - 1 These documents shall constitute the *UMCES Faculty Handbook*, so-called, and may be compiled and provided the appointee in handbook format, provided that such compilation identifies the *UMCES Policies and Procedures Manual* as the official statement of institutional policy.

- 4.1.d.3 The letter of appointment described in III-4.1.d.1 above, together with the policies reproduced in the designated portions of the *UMCES Faculty Handbook*, shall constitute a contractually binding Appointment Agreement between UMCES and the appointee.

- 4.1.e A term of service may be terminated by the appointee through resignation, but no resignation shall become effective until the termination of the appointment period in which the resignation is offered.
 - 4.1.e.1 Exceptions to this requirement shall require written agreement between the appointee and the President of UMCES or his/her designee.

- 4.1.f All appointments shall comply with the U.S. Immigration Reform and Control Act of 1986.¹
 - 4.1.f.1 The Office of the Vice President for Administration in Center Operations shall be responsible for verifying the right to work in this country of all persons hired by UMCES.
 - 1 The President of UMCES shall be authorized to terminate the appointment of an individual who does not secure a visa permitting continued employment with the institution.

¹ Immigration Reform Act compliance specified in UM Policy Memorandum (1/5/88), D.S. Sparks.



GENERAL POLICIES FOR SEARCH AND APPOINTMENT

- 4.1.f.2 UMCES shall not discriminate in recruiting, hiring, or discharging individuals on the basis of national origin or citizenship status.
- 4.1.g The appointment of any non-tenured faculty member, 50% or more of whose compensation is derived from sponsored research grants or contracts, shall be subject to termination upon expiration of such sources of compensation.
- 4.1.h Compensation for appointments is subject to modification in the event of reduction in State appropriations or in other income from which compensation may be paid.

TENURE TRACK FACULTY SEARCH AND APPOINTMENT

4.2 Tenure Track Professorial and Field Faculty Appointment

4.2.a Definition of position vacancies

4.2.a.1 The Laboratory Directors shall define the academic position vacancies of their respective units in terms of category, anticipated rank(s), and area(s) of professional expertise.

- 1 A Laboratory Director shall seek the advice of his/her faculty as part of this process.

4.2.a.2 All positions shall be consistent with the mission of UMCES, the program of the Laboratory in which each will be filled, and available financial resources.

- 1 Final approval of a defined position shall be made by the President of UMCES in consultation with the appropriate Laboratory Director.

4.2.a.3 Faculty positions which are vacated by resignation, retirement, or other personnel action are not necessarily filled by new appointees of the same category, rank, and discipline.

4.2.b Search Procedures¹

4.2.b.1 A Faculty Search Committee shall be appointed by the appropriate Laboratory Director for the purpose of identifying qualified candidates for each approved position.²

- 1 A Faculty Search Committee shall consist of at least two (2) faculty members from the searching Laboratory and at least one (1) faculty member from another UMCES Laboratory.
- 2 At the discretion of the Laboratory Director, a Faculty Search Committee may also include one or more individual(s) from another campus, center, or institute of the University System of Maryland, or from an institution or agency outside of the University System of Maryland.
- 3 Every effort shall be made to effect representation of female and minority UMCES faculty on any Faculty Search Committee.
- 4 At least one member shall be of academic rank equivalent or superior to the anticipated rank of the position occupant, and only members having this rank may chair a Faculty Search Committee.

¹ Search procedures originally established in UMCES Policy Memorandum (4/30/80), D.L. Taylor.

² Appointment of Faculty Research Committee recommended by UMCES Faculty Senate (4/11/88) and adopted by President Donald F. Boesch as part of ART Policy.



TENURE TRACK FACULTY SEARCH AND APPOINTMENT

- 5 The Faculty Search Committee shall include one or more individuals familiar with the discipline(s) of the search.
- 6 UMCES faculty may not serve on more than two (2) Faculty Search Committees at any one time and may chair only one (1) Faculty Search Committee at a time.

4.2.b.2 The Laboratory Director shall charge the Committee in writing, outlining the nature of the position, method and expected duration of search, and professional criteria to be applied in candidate evaluation.¹

- 1 The Charge to the Committee shall include a directive that Affirmative Action Policy of the University System of Maryland is to be followed throughout the search process.
- 2 The Charge to the Committee shall be accompanied by a copy of Section III-4.2 of the *UMCES Policies and Procedures Manual*.

4.2.b.3 The Faculty Search Committee shall act on behalf of the Laboratory Director in defining minimum qualifications and duties for an approved position, advertising that position, and compiling candidate application files.

- 1 The Faculty Search Committee shall be aware of and observe all Affirmative Action policies and procedures of the University System of Maryland, and may contact the Affirmative Action Officer of the appropriate Laboratory unit for current regulations.
- 2 At least one advertisement shall reach a nationwide audience of individuals having professional expertise in the desired discipline(s) for the position.
- 3 Notes on telephone and private conversations which enter into the Faculty Search Committee's deliberations shall be kept as part of the Committee's file on each candidate.
- 4 Records shall be kept of each meeting, including time, place, attendance, and topic(s) of discussion.
- 5 A Faculty Search Committee is not authorized to offer, formally or informally, a position to any nominee or candidate, although it may make the general conditions of an offer known so as to ascertain the likelihood of a candidate's interest in the position under consideration.

4.2.b.4 The application file of each candidate shall contain, at a minimum, the following documents before it is deemed complete:

¹ Charge to Faculty Search Committee recommended by UMCES Faculty Senate (4/11/88) and adopted by President Donald F. Boesch.



TENURE TRACK FACULTY SEARCH AND APPOINTMENT

- (a) current *curriculum vitae* stating the individual's professional qualifications and scholarly achievement;
- (b) list of publications (if not included in the above);
- (c) four (4) letters of recommendation from individuals, not related to the candidate, who are familiar with the candidate's professional qualifications, activities, and abilities;
- (d) transcripts of graduate school records or other verification of highest degree earned.

-1 Application files shall be strictly confidential.

-2 Subject to prior approval of the Laboratory Director, the Chair of the Faculty Search Committee may elect to make information from *all* application files available for examination by UMCES Laboratory faculty, such information to consist of the following documents, *if such have not been submitted in confidence*:

- (a) letter of application;
- (b) additional letters of elaboration or explanation submitted by applicants;
- (c) *curriculum vitae*.

4.2.b.5

At the conclusion of the advertised application period, the Faculty Search Committee shall evaluate the files of all applicants, and its Chair shall prepare a confidential summary of its nominations for interview to the appropriate Laboratory Director.

-1 Applicants shall be evaluated in terms of the quality of their scholarly activities as evidenced by performance of significant original research, quality and record of publications, evaluations by professional references, and other professional criteria which are defined in writing by the Laboratory Director in the Charge to the Faculty Search Committee.¹

-2 All nominees shall satisfy the minimum criteria for position category and rank as established in the appropriate subsection of Section III-3.

-3 If appropriate, the Faculty Search Committee or its Chair shall solicit opinions from UMCES Laboratory faculty members who have reviewed selected information from application files as provided under III-4.2.b.4.-2, above.

-4 The summary shall include a review of the Committee's commentary, identification of consensus (if any) of faculty opinion, supportive documentation, and complete files for each of the nominees.

¹ Guidelines for applicant evaluations provided in University System of Maryland Policy Memorandum (10/29/79), J.S. Toll.



TENURE TRACK FACULTY SEARCH AND APPOINTMENT

- 4.2.b.6 The Chair of the Faculty Search Committee shall meet with the Laboratory Director to determine candidates to be invited for interview, and the Committee shall conduct and coordinate the interview process.
- 1 The interview process shall include meetings with each of the members of the Faculty Search Committee, a meeting with the Laboratory Director, a tour of Laboratory facilities, and a professional seminar before Laboratory faculty and students, to which persons outside the UMCES community may be invited.
 - 2 It is desirable, but not required, that each candidate meet with the President of UMCES as part of the interview process.
- 4.2.b.7 After all interviews have been completed, the Chair of the Faculty Search Committee shall prepare a confidential written recommendation to the Laboratory Director, such recommendation to describe the perceived strengths and weaknesses of each invited candidate and to justify any ranking of candidates in order of preference.
- 1 The recommendation shall include a summary of the recruitment process, complete with copies of all advertised announcements and job descriptions.
- 4.2.b.8 The Laboratory Director shall also seek advice from Laboratory faculty concerning perceived strengths and weaknesses of the invited candidates.
- 1 Documents not submitted in confidence and included in the candidates' dossiers may be inspected by the faculty as part of this process.
- 4.2.b.9 The Laboratory Director shall reach a final decision regarding the offering of an appointment.
- 1 If the Laboratory Director decides that none of the candidates is suitable, he/she may recommend to the Chair of the Faculty Search Committee that one or more additional candidate(s) be invited for interview, re-open the search through appointment of a new Faculty Search Committee, or discontinue the search process altogether.
 - 2 A recommended appointment shall be subjected to open vote of the Laboratory Tenure Track and Senior Research Faculty at a regularly scheduled faculty meeting.¹

¹ Revised June 1992 by President Donald F. Boesch upon recommendation of UMCES Faculty Senate and Administrative Council.



TENURE TRACK FACULTY SEARCH AND APPOINTMENT

4.2.b.10 Before an appointment is offered to any candidate, the Laboratory Director shall make a final recommendation in writing to the President of UMCES.

- 1 The recommendation shall include appropriate supporting materials and the results of the Laboratory Faculty vote.
- 2 This recommendation shall be accompanied by a completed UMCES *Affirmative Action Recruitment Summary Form (EXHIBIT III-4-A)*, and it shall not be accepted in the absence thereof.
- 3 The President shall inform the Laboratory Director of final approval or disapproval of the recommendation.
- 4 If the recommendation is not approved, the Laboratory Director shall confer with the Chair of the Faculty Search Committee to establish future action(s) relative to the search and the remaining list of candidates.

4.2.b.11 The Chair of the Faculty Search Committee shall notify all unsuccessful applicants in writing of the status of their application in a timely and expeditious manner.

4.2.c Appointments

4.2.c.1 ***Associate Agent***

- 1 Appointment to the rank of Associate Agent shall terminate at the conclusion of the current fiscal year and may be renewed.
- 2 An individual may hold appointment at this rank for a maximum of six (6) years, but shall be eligible for promotion to the rank of Agent upon receipt of the M.S. degree in an appropriate field of specialization.

4.2.c.2 ***Assistant Professor or Agent***

- 1 Appointments to these ranks normally shall be for an initial period of three (3) years, except that if the appointment period is less than three (3) years the particular conditions shall be specified in the Letter of Appointment and such conditions shall be consistent with System-wide policy as approved by the Board of Regents.
- 2 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 individual is so notified by *1 March*.
- 3 Subject to the outcome of reviews during and after the probationary year, appointment at these ranks may be renewed for additional one-, two-, or three-year terms up to a total of six (6) consecutive years in rank.
- 4 An Assistant Professor or Agent whose appointment is extended to a full six (6) years shall be entitled, no later than the sixth year, to a formal review for tenure.



TENURE TRACK FACULTY SEARCH AND APPOINTMENT

- 5 A full-time appointee who has completed six (6) consecutive years of service at UMCES as an Assistant Professor or Agent, but who has not been granted tenure, shall be granted an additional and terminal one- (1-) year appointment.

4.2.c.3

Associate Professor or Senior Agent

- 1 Except as provided in III-4.2.c.3.-2 below, full-time appointments or promotions to the ranks of Associate Professor or Senior Agent shall carry immediate tenure.
- 2 Full-time appointments to these ranks without tenure may be for an initial period of two (2) to four (4) years, after which time they shall terminate unless the individual is notified in writing, following appropriate review during penultimate year of the appointment period, that he or she has been granted tenure.

4.2.c.4

Professor or Principal Agent

- 1 Full-time appointments to these ranks shall carry immediate tenure.



SENIOR RESEARCH FACULTY SEARCH AND APPOINTMENT

4.3 Senior Research Faculty Appointments¹

4.3.a Definition of Position Vacancies

4.3.a.1 The Laboratory Directors shall, as necessary and in consultation with the faculty at their respective Laboratory units, define these positions in terms of anticipated rank(s) and area(s) of professional expertise.

4.3.a.2 Positions vacated by resignation, retirement, or other personnel action do not have to be filled by new appointees, nor do they have to be filled by appointees of the same rank and discipline.

4.3.b Appointment Procedures^{2,3}

4.3.b.1 Appointments to these ranks shall be as a result of advertised search procedure or through transfer of qualified UMCES faculty members holding Research Scientist rank.

- 1 Search procedures for Senior Research Faculty shall be conducted by a Faculty Search Committee appointed by the Laboratory Director, and shall comply in all respects with the search and appointment procedures for Tenure Track Research and Field Faculty as set forth in *UMCES Policies and Procedures*, Section III-4.2.b.
- 2 Transfer of a Research Scientist to Senior Research Faculty rank shall require written nomination by the individual's faculty supervisor or sponsor, agreement to initiate the process by the appropriate Laboratory Director, and a favorable external review of the nominee conducted according to procedures specified in III-4.3.b.1-3 and -4, below.
- 3 An Evaluation Committee consisting of three (3) UMCES faculty members of Tenure Track or Senior Research Faculty rank equal or superior to that of the nominee, such Committee not to include the nominee's faculty sponsor, shall procure not less than five (5) written evaluations of the nominee's research, at least three (3) of which shall be from qualified individuals outside of UMCES, and submit a written recommendation to the appropriate Laboratory Director.
- 4 An Evaluation Committee's report may also identify the specific rank of any recommended appointment.
- 5 A recommended transfer of appointment shall be endorsed by a majority affirmative vote of the Laboratory's Tenure Track and

1 Search and appointment procedures originally provided in University System of Maryland Policies and Procedures Manual, II-4.10 .

2 Appointment procedures recommended by UMCES Administrative Council (11/16/88), approved at Senate/Administration Retreat (April 1989), and implemented by President Donald F. Boesch effective 1 November 1991.

3 Appointment procedures revised June 1992 by President Donald F. Boesch.



SENIOR RESEARCH FACULTY SEARCH AND APPOINTMENT

Senior Research Faculty obtained at a regularly scheduled faculty meeting.

4.3.b.2 Affirmative Action Policy of the University System of Maryland shall be followed throughout the search or promotion process.

4.3.b.3 The Laboratory Director shall review all pertinent information and reach a final decision regarding appointment or appointment transfer to Senior Research Faculty rank.

- 1 A positive recommendation shall be submitted in writing to the President of UMCES for approval, such recommendation to be accompanied by appropriate supporting materials and the results of the faculty vote.
- 2 If the appointment is the result of an advertised search, the written recommendation shall be accompanied by a signed *Affirmative Action Recruitment Summary Form (EXHIBIT III-4-A)*, and shall not be accepted in the absence thereof.

4.3.c Terms of appointment

4.3.c.1 Appointments at Senior Research Faculty ranks shall be for periods of up to three (3) years (*Research Assistant Professor, Research Associate Professor*) or five (5) years (*Research Professor*), subject to the availability of salary support from sponsored research projects.

- 1 Subject to the availability of salary support, appointments may be renewed.
- 2 An individual may be offered a terminal appointment or reappointment, without an option for renewal, provided that such appointment is for a period of at least one (1) calendar year.

4.3.c.2 An appointment cannot be made or renewed for a term that exceeds the end of the fiscal year in which salary support from sponsored project(s) awarded to the appointee is exhausted.

- 1 In the event that the appointee receives one or more additional sponsored awards providing salary support, the Laboratory Director may extend the period of appointment up to the maximum period allowed according to rank.
- 2 The proportion of salary support derived from State of Maryland General Funds shall not exceed 49% during any fiscal year.



SENIOR RESEARCH FACULTY SEARCH AND APPOINTMENT

- 4.3.c.3 Non-terminal appointees at these ranks, with continuing extramural salary support from contracts and grants, shall be reviewed for promotion/reappointment during the last full year of appointment.
- 1 If, as a result of such review, there is a decision not to renew the appointment, the individual shall be offered a terminal appointment for a specified period of at least one (1) additional calendar year from the expiration date of their current appointment, or until the projected termination of salary support from sponsored projects, whichever comes first.



FACULTY RESEARCH ASSISTANT APPOINTMENT

4.4 Research Support Faculty Appointments^{1,2}

4.4.a ***Faculty Research Assistant***

4.4.a.1 Positions at any rank level within this rank may be defined by the Principal Investigators of extramural contracts and grants, by the Laboratory Directors, or by the President and Vice President for Administration of UMCES.

4.4.a.2 The Laboratory Director shall act on behalf of the President in approving Faculty Research Assistant positions within his/her unit, and shall require written assurance from project Principal Investigator(s) as to availability of sufficient funds.

-1 Signature of the appropriate Laboratory Director and the President of UMCES on a proposal constitutes authorization for the filling of all such positions defined in the resulting award.

-2 In any single fiscal year, salaries for Faculty Research Assistants originally appointed to serve extramural grants and contracts shall not be derived wholly from State-appropriated General Funds.

4.4.a.3 It shall be the responsibility of the individual(s) who defined an approved position at these ranks to conduct a search for qualified candidates.

-1 Affirmative Action policies of the University System of Maryland shall be followed throughout the search and evaluation process.

-2 All such positions shall be advertised, and candidate selection shall be made from the resulting pool of qualified applications.

-3 Completed application files for all candidates shall, at the minimum, consist of the following documents:

- (a) current *curriculum vitae* providing the individual's professional qualifications;
- (b) if such exist, one or more examples of publications or abstracts;
- (c) two (2) letters of recommendation from individuals not related to the candidate who are familiar with the individual's professional qualifications, activities, and abilities;

1 Original FRA search and appointment procedures derived from UMCES Policy Memorandum (6/28/76), Director P. Wagner.

2 Revision unanimously recommended by UMCES Faculty Senate and UMCES Administrative Council (8/10/95); adopted by President Donald F. Boesch (10/18/95); approved for legal sufficiency by Office of Attorney General (1/5/96); accepted by UM System Chancellor Donald N. Langenberg 1/16/96.



FACULTY RESEARCH ASSISTANT APPOINTMENT

- (d) transcript(s) of undergraduate and/or graduate school records which certify the highest degree earned.
 - 4 Candidates who reside or work in proximity to the UMCES Laboratory of the individual who defined the position may be invited for interview as part of the evaluation process.
 - 5 The documents in the completed application file, records of information gleaned from personal or telephone contact with previous employers, the impression of professional competence and expertise generated by personal interview (if any), and strength of background relative to the duties of the defined position shall constitute the principal bases of candidate evaluation.
 - 6 Candidates who are recommended for appointment shall meet the minimum criteria for these ranks.
- 4.4.a.4 In the case of positions that principally serve extramural contracts and grants, the project Principal Investigator(s) shall make written recommendations of candidates for appointment to the appropriate Laboratory Director for approval.
- 1 This recommendation shall be accompanied by a completed UMCES *Affirmative Action Recruitment Summary Form* (**EXHIBIT III-4-A**), and it shall not be accepted in the absence thereof.
 - 2 The recommendation shall state the project title and identification number, funding agency, name(s) of Principal Investigator(s), name and rank level of recommended candidate, salary, and funding initiation and termination dates.
- 4.4.a.5 In the case of positions that principally serve other UMCES functions, the Laboratory Director(s) shall forward written recommendations to the Vice President for Administration for approval.
- 1 This recommendation shall be accompanied by a completed UMCES *Affirmative Action Recruitment Summary Form* (**EXHIBIT III-4-A**), and it shall not be accepted in the absence thereof.
 - 2 The recommendation shall state the duties of the position, name of supervisor, name of candidate, rank level of appointment, salary, initiation date, and term of appointment.
- 4.4.a.6 All initial appointments shall be made for a term not to exceed the end of the fiscal year in which the appointment is made.
- 4.4.a.7 An incumbent shall be notified in writing of his/her reappointment status on an annual basis by the appropriate Laboratory Director or, if appropriate, by the Vice President for Administration.



FACULTY RESEARCH ASSISTANT APPOINTMENT

- 1 Such notification is not required if a particular appointment termination date is specified in the individual's Letter of Appointment.
- 2 Consideration for reappointment shall be based on merit, budgetary considerations, and program needs as defined by the program supervisor.
- 3 Reappointments shall not exceed the period of extramural support provided by the terms of the contract or grant under which the individual was hired, or the period of program support for those individuals serving other UMCES activities.

RESEARCH SCIENTIST APPOINTMENTS

4.4.b ***Assistant, Associate, and Senior Research Scientist***

- 4.4.b.1 Positions at these ranks shall be defined by Tenure Track and Senior Research faculty who are willing to sponsor a qualified appointee at the post-doctoral level through the sharing of resources, research space, and laboratory facilities.
- 1 Positions specifically identified as *post-doctorals* to be supported by Maryland State General Funds shall be agreed upon by a majority of a Laboratory's Tenure Track and Senior Research Faculty.
 - 2 All such positions must be endorsed by the appropriate Laboratory Director prior to the initiation of a search or promotion process.
- 4.4.b.2 Appointments to Research Scientist ranks shall be made as a result of an advertised search procedure.
- 1 The appropriate Laboratory Director shall approve the search procedures to be conducted by the faculty sponsor.²
- 4.4.b.3 Affirmative Action Policy of the University System of Maryland shall be followed throughout the search or promotion process.
- 4.4.b.4 The Laboratory Director shall submit written recommendation for appointment to Research Scientist rank to the President of UMCES for approval.
- 1 The written recommendation from the Laboratory Director to the President of UMCES shall be accompanied by a signed *Affirmative Action Recruitment Summary Form (EXHIBIT III-4-A)*, and shall not be accepted in the absence thereof.
- 4.4.b.5 Appointments at the ranks of Assistant and Associate Research Scientist shall be for periods not to exceed the current fiscal year, while those at the rank of Senior Research Scientist shall not exceed three (3) fiscal years.
- 1 Subject to the availability of salary support, such appointments may be renewed for periods not to exceed limits defined above.
 - 2 The proportion of salary support derived from State of Maryland General Funds shall not exceed 49% during any fiscal year, except

1 Revised May-June 1992 by UMCES President Donald F. Boesch after recommendations from Faculty Senate and Administrative Council.

2 Revision recommended by UMCES Administrative Council (6/29/90) and Faculty Senate (6/21/90); implemented effected 6 September 1990 by President Donald F. Boesch.



RESEARCH SCIENTIST APPOINTMENTS

those appointments specifically identified as *post-doctorals* to be supported by up to 100% State funds.

4.4.b.6 Appointment renewal shall require continued endorsement by a sponsoring faculty member and approval of the appropriate Laboratory Director.

- 1 Even if funding is available, if it is the intent not to renew an individual's appointment at Research Scientist rank the appointee shall be notified in writing by the Laboratory Director at least thirty (30) calendar days in advance of the expiration date established in the current Letter of Appointment.
- 2 Failure of such notification shall result in the individual being offered a terminal one- (1-) month reappointment.
- 3 Specific *post-doctoral* appointments may be renewed at up to 100% State support for a period normally not to exceed two (2) years, but under exceptional circumstances may be extended with this level of State support for an additional year.
- 4 The appointment of former *post-doctorals* may be renewed after expiration of 100% State support, but any such reappointment shall be subject to the limitations of State funding specified in III-4.4.b.5-2 above.



ADJUNCT AND AFFILIATE APPOINTMENTS

4.5 Adjunct and Affiliate Faculty Appointments

4.5.a Nominations of individuals for Adjunct or Affiliate faculty status shall be made in writing to the President of UMCES by the appropriate Laboratory Director.

4.5.a.1 Nominations shall have the demonstrated support of a majority of the Tenure Track and Senior Research Faculty at the Laboratory in which the position is to reside.

4.5.a.2 Nominees shall satisfy minimum qualifications for Adjunct or Affiliate status.

4.5.a.3 If nominations are approved by the President, the Laboratory Director shall be authorized to make the appropriate appointment.

4.5.b Term of Appointments

4.5.b.1 Appointments to Adjunct faculty status shall not extend beyond the fiscal year during which the appointment becomes effective.

-1 An Adjunct appointment may be renewed indefinitely by the Laboratory Director.

-2 The number of Adjunct appointments to the faculty of any UMCES Laboratory normally shall not exceed 50 percent (50%) of the number of tenured faculty at that facility.¹

4.5.b.2 Affiliate appointments are for two-year terms and normally expire at the end of the fiscal year following that of the initial appointment.

-1 An Affiliate appointment may be renewed indefinitely by the Laboratory Director, provided that the individual retains full-time faculty status within UMCES.

-2 The number of Affiliate appointments to the faculty of UMCES Laboratory shall not exceed 10 percent (10%) of the number of Tenure Track faculty at that facility.²

4.5.b.3 Each Laboratory Director shall inform the President of UMCES in writing of the status of all Adjunct and Affili-

1 Term limits on Affiliate Faculty appointments formerly UMCES Policy III-3.3.d.1-2.

2 Per cent limits on number of Affiliate Faculty Appointments formerly UMCES policy III-3.3.d.2-5 .



ADJUNCT AND AFFILIATE APPOINTMENTS

ate appointments for the following fiscal year by *1 June* of each fiscal year.¹

- 4.5.c Adjunct and Affiliate faculty are prohibited from appointment to tenure track ranks at the Laboratory of Adjunct or Affiliate appointment except through established search and appointment procedures.

¹ Annual notification to President derives from UMCES policy memorandum (6/10/88), I. Morris.



VISITING FACULTY APPOINTMENTS

4.6 Visiting Faculty Appointments

4.6.a A Visiting appointment is made by the Laboratory Director within which the position is to reside.

4.6.b A Visiting appointment shall be made for not more than one year, and normally terminates at the end of the fiscal year in which the appointment is made.

4.6.b.1 A Laboratory Director may renew a Visiting appointment for up to two (2) additional years.

- 1 The Visiting Faculty appointment shall terminate without further option for reappointment at the end of the period specified in the renewal.
- 2 If a Visiting appointment is renewed for any reason, the individual shall be notified in writing that tenure within the University System of Maryland cannot be obtained in this manner.

TEMPORARY FACULTY APPOINTMENTS

4.7 Temporary Appointments

4.7.a Acting appointments

4.7.a.1 The President of UMCES may appoint qualified members of the UMCES faculty to the position of Laboratory Director on an acting, temporary basis.

- 1 A copy of the letter of appointment from the President shall be provided to the Chancellor of the University System of Maryland at the time that the acting appointment becomes effective.

4.7.b "If and when needed" appointments¹

4.7.b.1 A Laboratory Director may authorize "if and when needed" appointments within his/her UMCES unit, subject to demonstrated need, budgetary considerations, and policies established by the University System of Maryland.

4.7.b.2 The appointment shall not exceed the fiscal year in which it becomes effective.

- 1 An "if and when needed" appointment may be renewed.
- 2 An "if and when needed" appointment may be terminated at any time by the Laboratory Director.

¹ "If and When Needed Appointments" derive from University System of Maryland Policies and Procedures Manual, III-2.19 .



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 4

EXHIBITS

EXHIBIT III - 4 - A

AFFIRMATIVE ACTION RECRUITMENT SUMMARY FORM

UNIVERSITY SYSTEM OF MARYLAND
 CENTER FOR ENVIRONMENTAL SCIENCE (UMCES)
 Office of Human Resources
AFFIRMATIVE ACTION RECRUITMENT SUMMARY

Date _____

Position: _____
 UMCES Location: _____
 Lab Director or PI: _____

1. Advertising Media:

A. List newspapers or other publications used and dates advertisement for position was published. Attach copy of ad.

<u>Publication</u>	<u>Date</u>	<u>Publication</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____

B. List other area institutions and/or locations where employment opportunity was listed or posted. NOTE: Position must be listed with MD State Employment Security Admin.

<u>Location</u>	<u>Date</u>	<u>Location</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____

2. Respondent Data: Indicate number of persons, by category and gender, responding to advertisement or other notice or publication.

Race/Ethnic Category	Male	Female	Gender Unknown	Total
01 American Indian				
02 Black				
03 Asian-Oriental				
04 Spanish surnamed				
05 White				
06 Other				
Unknown (racial or ethnic)				
Total Respondents				

If known, number of
 1) handicapped _____;
 2) veterans _____,
 responding.

3. Interview Data: Indicate number of persons, by category and gender, who were interviewed for this position.

Race/Ethnic Category	Male	Female	Total
01 American Indian			
02 Black			
03 Asian-Oriental			
04 Spanish surnamed			
05 White			
06 Other			
Unknown (racial or ethnic)			
Total Interviewed			

Number of:
 1) handicapped _____;
 2) veterans _____,
 interviewed for position.

4. Applicant selected for position: Race/Ethnic Category _____; Gender - Male ____, Female ____.



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POLICIES AND PROCEDURES

Section III - 5

FACULTY PROMOTION AND TENURE

This section sets forth the policies for promotion and, where relevant, tenure of UMCES faculty members. It also establishes important faculty privileges and obligations, particularly with regard to appeal of promotion and/or tenure denial. Along with the preceding Section it is a major component of the UMCES *Faculty Handbook* as defined in Section III-4.1.d.2.



GENERAL PROMOTION AND TENURE POLICIES

- 5.1 General Policies¹
 - 5.1.a All actions involving promotion and tenure shall comply with Affirmative Action Policy of the University System of Maryland.
 - 5.1.b Promotion from one academic rank to another shall be based upon meritorious performance.
 - 5.1.b.1 Achievements which were used to justify an individual's original appointment, or to justify subsequent promotion, must be complemented in substantial ways to merit promotion to a higher rank.
 - 5.1.b.2 *Promotion in rank, and the award of tenure, is in no case automatic.*
 - 5.1.c Decisions relating to promotion and tenure shall involve the participation of professional colleagues in offering appraisals and in making recommendations.
 - 5.1.d The President of UMCES shall exercise final authority over promotion and tenure decisions within any UMCES unit.
 - 5.1.e Tenure Track Field Faculty ranks shall be governed by the same policies and procedures as the corresponding Tenure Track Research Faculty ranks.
 - 5.1.e.1 Adjustments in salary or advancement in rank may be made under the terms of any currently effective Appointment Agreement between UMCES and the individual 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.

¹ Implementation of University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty.

RANKS ELIGIBLE FOR TENURE

5.2 Tenure Eligibility by Rank

5.2.a Appointment to the following ranks may render the individual eligible for tenure:

Assistant Professor
Agent

Associate Professor
Senior Agent

Professor
Principal Agent.

5.2.b Except as provided below, promotion from the rank of Assistant Professor to Associate Professor, or from the rank of Agent to Senior Agent, shall confer tenure on the individual.

5.2.b.1 Such a promotion may be made without conferring tenure if, by no later than the sixth (6th) year of continuous full-time service to UMCES following initial appointment as an Assistant Professor or Agent, the faculty member receives a formal review for tenure pursuant to III-5.6.c.1.

5.2.b.2 If promotion does not confer tenure, the exception shall be made in writing at the time of appointment to the advanced rank, and the year of tenure review established pursuant to III-4.2.c.3.

5.2.c Appointment to the following ranks or categories *do not* render the individual eligible for tenure:

Associate Agent

Research Assistant Professor
Research Associate Professor
Research Professor

Assistant Research Scientist
Associate Research Scientist
Senior Research Scientist

Faculty Research Assistant

Adjunct Appointment at any rank
Affiliate Appointment at any rank
Visiting Appointment at any rank.

PROMOTION AND TENURE COMMITTEES

5.3 UMCES Promotion and Tenure Committees¹

5.3.a *Promotion/Tenure Committee or Promotion Committee*

5.3.a.1 A Promotion/Tenure Committee (for promotions involving award of tenure) or Promotion Committee (for promotions of tenured Tenure Track Faculty, Senior Research Faculty, or Research Support Faculty in Research Scientist ranks) shall assemble and examine all documentation and other information pertinent to the promotion review of a faculty member and shall formulate a written decision as a result of its deliberations.

- 1 A separate Committee shall be convened by a Laboratory Director in initiating each mandatory faculty review or in response to each decision to initiate early faculty review for promotion/tenure.
- 2 A Committee shall not confer with the faculty member under review, and its composition and activities shall remain confidential.

5.3.a.2 A Committee shall be composed of at least three (3) tenured faculty from the University System of Maryland.

- 1 At least one member shall be from the same UMCES Laboratory as the individual being reviewed.²
- 2 If the candidate has been reassigned to a different program pursuant to procedures as set forth in *Section VI-1.2* of the UMCES *Policies and Procedures Manual*, after having served for at least three (3) calendar years in an immediately preceding program assignment, at least one member shall be from the preceding program unless said program has been discontinued.³
- 3 In the case of a Research Scientist being reviewed for promotion, the candidate's Faculty Sponsor shall be a member of the Committee.⁴
- 4 At least one member shall be from a different UMCES Laboratory, or from another campus, center, or institute of the University System of Maryland.
- 5 All members shall be of superior rank to the faculty member under review.

1 Promotion and Tenure Committees defined in part in UMCES Policy Memorandum (12/22/83), I. Morris, Director. Policy amended by President Donald F. Boesch upon recommendation of UMCES Administrative Council (4/8/86).

2 Composition of Promotion/Tenure Committee revised by President Donald F. Boesch following recommendation of UMCES Faculty (4/12/88).

3 Representation of a faculty member's program on Promotion/Tenure Committee instituted by UMCES President Donald F. Boesch, 18 October 1995, approved for legal sufficiency by Office of the Attorney General (1/5/96), and accepted by UM System Chancellor Donald N. Langenberg (1/16/96)

4 Inclusion of Faculty Sponsor on a candidate's Promotion Committee instituted June 1992 by President Donald F. Boesch.

PROMOTION AND TENURE COMMITTEES

- 6 At least one member of a Committee shall be a full-time member of the UMCES Faculty.
- 7 The Chair, normally an UMCES Faculty member, shall be appointed by the Laboratory Director who has convened the Committee.
- 8 In the case of a Research Scientist being reviewed for promotion, the candidate's Faculty Sponsor shall *not* serve as Chair of the Committee.
- 9 Laboratory Directors and the President of UMCES shall not serve on any Promotion/Tenure or Promotion Committee.

5.3.b *Appeals Panel*¹

- 5.3.b.1 The promotion/tenure Appeals Panel shall be appointed by the President of UMCES on or before **1 February** of each fiscal year.
- 5.3.b.2 The Appeals Panel shall consist of one tenured faculty member at the rank of Professor or Principal Agent from each UMCES Laboratory.
 - 1 Laboratory Directors and the President may not serve on an UMCES Appeals Panel.
 - 2 Faculty appointment to an UMCES Appeals Panel shall *terminate* on **31 January** of the fiscal year following that of appointment.
 - 3 A faculty member may serve on consecutive Appeals Panels only if circumstances limit the availability of qualified individuals within his/her Laboratory unit.
 - 4 Members of an Appeals Panel shall elect their own Chair.
- 5.3.b.3 The Appeals Panel shall review all appeals cases originating from promotion/tenure decisions made during the fiscal year in which it was appointed.
- 5.3.b.4 All deliberations of the Appeals Panel shall be strictly confidential.

¹ Appeals Panel policy adopted 9/1/88 (in part) under UMCES Policy Memorandum from Acting Director T. Malone.

PROMOTION AND TENURE REVIEW SCHEDULES

5.4 Promotion and Tenure Review Schedules¹

5.4.a Mandatory reviews

5.4.a.1 Mandatory reviews for UMCES Faculty shall take place on a *fiscal year* basis at times specified in the Appointment Agreement between UMCES and the appointee.

- 1 The standard mandatory review schedule for Assistant Professors and Agents is as follows:
 - (a) probational review during the *first year* of appointment;
 - (b) intermediate review during the *third year* of appointment;
 - (c) promotion/tenure review during the *sixth year* of appointment.
- 2 An Associate Professor or Senior Agent who is appointed without tenure shall receive a mandatory review for tenure not later than the fiscal year *prior* to that in which the appointment is scheduled to terminate.
- 3 A mandatory promotion review of a Research Associate shall take place not later than the individual's sixth (6th) year of appointment at this rank, except that such review shall not take place if the individual is under terminal appointment without option for renewal.

5.4.a.2 There shall be no mandatory promotion review for tenured faculty to the rank of Professor and Principal Agent.

- 1 Candidates for review for promotion to the rank of Professor and Principal Agent shall be identified in written nomination addressed to the appropriate Laboratory Director according to procedures established for early promotion, below.

5.4.b Exceptions to mandatory review schedules

5.4.b.1 *Early review* for promotion and tenure at any rank is regarded as exceptional and normally is based upon prior service in rank at another academic institution and/or superior research productivity.

- 1 Any member of the UMCES Faculty, including the candidate, the Laboratory Directors, and the Director, may nominate an individual for early promotion/tenure.
- 2 Nominations shall be made in writing and addressed to the Laboratory Director for consideration and action.

¹ Review schedules implemented by Director I. Morris upon recommendation of UMCES Administrative Council, 8 April 1986.



PROMOTION AND TENURE REVIEW SCHEDULES

- 3 A nominee for early promotion/tenure may remove himself/herself from consideration at any time before or during the review process, if such be initiated.
- 4 Evaluation of a nomination for early review shall be based on the quality of work performed at a previous institution and/or UMCES, and *not* on the length of time spent in rank at a previous institution.¹
- 5 Because of the exceptional nature of early promotion review, potential nominees are urged to consult with their respective Laboratory Directors prior to permitting initiation of this process.

5.4.b.2 Under extraordinary circumstances, and by mutual agreement between the individual, the appropriate Laboratory Director, and the President of UMCES, a promotional review involving consideration for tenure may be deferred for a specified period of time.

- 1 Such agreement, in writing, shall fully explain the reasons for deferral and establish a date upon which the deferred review is to commence.
- 2 An original copy of the agreement, signed by the appointee, the Laboratory Director, and the President of UMCES, shall be placed in the individual's personnel file.
- 3 Further deferment of tenure consideration beyond the mutually agreed upon date shall not be permitted.

5.4.b.3 For appointments commencing later than 30 September, the time of mandatory review for promotion normally shall be deferred by one full fiscal year beyond the normal year of mandatory review for such an appointment.²

5.4.b.4 Whether or not authorized leave time granted to an untenured faculty member is to be counted within the time of service shall be established by mutual consent between the appointee and the appropriate Laboratory Director.

- 1 A written record of the arrangement shall be signed by both parties and entered into the faculty member's personnel file no later than the date on which the leave commences.
- 2 If no agreement is established and recorded, leave time shall not be counted as fulfilling the time requirement for promotion review.

5.4.b.5 Other exceptions to mandatory review schedules shall require mutual written consent of the individual in question and the appropriate Laboratory Director.

1 Criteria for early promotion/tenure review established in UMCES Policy Memorandum, 18 June 1987, Director I. Morris.

2 Conditions leading to deferral of mandatory review established by University System of Maryland Policies and Procedures, III-2.07.



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POLICIES AND PROCEDURES

Section III - 5.4

PROMOTION AND TENURE REVIEW SCHEDULES

- 1 Such consent, signed by the principals, shall describe in detail the reasons for the exception and the date for initiation of review, and shall be placed in the individual's personnel file until the review has been initiated.



ASSOCIATE AGENT PROMOTION

5.5 Associate Agent: Promotion

5.5.a Upon recommendation of the individual's Laboratory Director and approval by the President of UMCES, an Associate Agent shall be promoted to Agent upon receipt of a master's or equivalent degree.

5.5.a.1 This promotion shall not be construed in any way as conferring tenure upon the individual.

5.5.a.2 The length of service at the Associate Agent rank shall not be counted as part of time toward mandatory tenure review.

ASSISTANT PROFESSOR AND AGENT PROMOTION

5.6 Assistant Professor and Agent: Review and Promotion¹

5.6.a Probationary review

5.6.a.1 Review of an Assistant Professor or Agent during the first year of appointment shall be performed by the individual's Laboratory Director and shall conform in all aspects to the Affirmative Action Policy of the University System of Maryland.

- 1 The Laboratory Director shall consult with other UMCES Faculty of superior rank regarding their perceptions of the individual's research and contribution to the UMCES academic community.

5.6.a.2 The President of UMCES shall be informed in writing of the decision regarding continuation of an Assistant Professor's or Agent's appointment prior to notification of the individual under review.

5.6.a.3 The deadline for *written* notification from a Laboratory Director to an Assistant Professor or Agent shall be **1 March** of the fiscal year of the review.²

- 1 If an individual is not notified in writing by this deadline, UMCES shall not terminate his/her appointment at the end of the probationary year, except that an initial *terminal* appointment shall terminate as stipulated.
- 2 Written notification of intent *not* to renew an initial appointment *after* the first year shall be made not less than one (1) year prior to the date of termination.
- 3 A copy of the written notification shall be placed in the individual's personnel file.
- 4 If an individual receives timely notification of intent *not* to continue the term of appointment, said appointment shall terminate at the end of the fiscal year of the probationary review.

5.6.b Intermediate review

5.6.b.1 If an individual's initial appointment is continued beyond the probationary year, the intermediate review normally shall take place during the *third fiscal year* of appointment unless a different time has been specified in the Appointment Agreement between UMCES and the appointee.

1 Procedures for review/promotion of Assistant Professor/Agent included in UMCES ART upon recommendation by UMCES Administrative Council, 8 April 1986.

2 Notification deadline changed from previous **1 April** deadline, as now specified in new University System of Maryland ART policy.



ASSISTANT PROFESSOR AND AGENT PROMOTION

- 1 The appointee shall be notified by **30 June** of the *second* fiscal year of appointment if it is the intention of UMCES *not* renew the appointment, thereby obviating the need for an intermediate review.
- 2 The term of an individual so notified shall automatically expire on the date specified in the current Appointment Agreement.
- 3 If an individual is notified of the intention of UMCES *not* to renew his or her appointment after **30 June** of the *second* fiscal year of appointment, the term of appointment shall be extended automatically for one additional year and shall terminate at the end of that additional year.

5.6.b.2

Intermediate review of an Assistant Professor or Agent shall be conducted by the individual's Laboratory Director and shall conform in all aspects to the Affirmative Action Policy of the University System of Maryland.

- 1 In addition to assessing the individual's performance relative to the minimum criteria established as requirements for the position, intermediate reviews shall also assess the individual's potential for an effective long-term professional association with UMCES and the University System of Maryland.
- 2 The Laboratory Director shall confer privately with the faculty member under review, and with every tenured Tenure Track and Senior Research Faculty member having superior equivalent rank within the Laboratory unit, concerning the appointee's professional achievement, his/her prospects as an active and contributing member of the UMCES academic community, and any perceived obstacles which might be addressed in facilitating the development of his/her career at UMCES.
- 3 The Laboratory Director may seek confidential professional evaluations from other colleagues of superior academic rank within and without the appointee's Laboratory unit and UMCES.

5.6.b.3

The President of UMCES shall be informed in writing of the decision regarding renewal of an Assistant Professor's or Agent's appointment prior to notification of the individual under review.

5.6.b.4

The deadline for *written* notification from a Laboratory Director to an Assistant Professor or Agent regarding reappointment or non-reappointment after an intermediate review shall be **30 June** of the fiscal year of the review.

- 1 The written notification shall provide a summary of the perceived strengths and weaknesses of the individual and, in the case of reappointment, provide constructive suggestions to foster the development of the strongest academic program possible.
- 2 A copy of the written notification shall be placed in the individual's personnel file.
- 3 Failure to notify the individual in writing by this deadline shall result in automatic reappointment for an additional one-year term.



ASSISTANT PROFESSOR AND AGENT PROMOTION

- 5.6.b.5 Pursuant with policy set forth in III-5.6.b.1-3, above, the appointment of an Assistant Professor or Agent, who has been notified of non-reappointment after an intermediate review, shall be extended automatically for an additional year and shall terminate at the end of that year.



PROMOTION AND TENURE REVIEW DEADLINES

IMPORTANT DEADLINES FOR PROMOTION/TENURE and PROMOTION REVIEWS

- | | |
|------------|---|
| 1 July | Normal anniversary of faculty appointments;

Beginning of State of Maryland fiscal year, start of annual promotion review cycle. |
| 1 October | All candidates identified for review during current fiscal year shall have received written notification from their respective Laboratory Directors. |
| 1 November | Each Promotion/Tenure and Promotion Committee shall have been convened and received written charge from Laboratory Director;

Laboratory Director shall have received information submitted by candidate accompanied by letter of transmittal to his/her Committee. |
| 1 February | President of UMCES appoints Appeals Panel to hear all appeals of promotion/tenure decisions made during current fiscal year. |
| 1 March | Recommendation of each Promotion/Tenure and Promotion Committee shall have been received by Laboratory Director; |
| 1 April | President of UMCES shall have received all recommendations for promotion and tenure, plus pertinent review materials, from the Laboratory Directors. |
| 30 June | All candidates shall have received written notification of a decision from their respective Laboratory Directors;

Close of State of Maryland fiscal year and finish of annual promotion review cycle. |

PROMOTION/TENURE REVIEW PROCEDURES

- 5.6.c ***Promotion/Tenure Review of Assistant Professor or Agent, and Tenure Review of Associate Professor or Senior Agent***
- 5.6.c.1 Subject to the possibility of early review or to exceptions provided in Section III-5.4, review of an Assistant Professor or Agent for promotion/tenure shall be mandatory during the *sixth year* of appointment at these ranks.
- 1 Mandatory tenure review of an untenured Associate Professor or Senior Agent shall take place during the penultimate year of initial appointment at these ranks.
- 5.6.c.2 The review process shall conform in all aspects to the Affirmative Action Policy of the University System of Maryland.
- 5.6.c.3 The Laboratory Directors shall be responsible for initiating and coordinating this process by identifying all Assistant Professors and Agents who will be undergoing mandatory or early promotion/tenure review.
- 1 Not later than **1 October** of the fiscal year of the review, each Laboratory Director shall notify in writing all identified candidates for review prior to formal initiation of the formal review process, such notification to include the following:
 - (a) statement that a review is to be initiated;
 - (b) invitation to meet prior to initiation of the review to discuss the process, the materials which may be submitted by the candidate for transmittal to the Promotion/Tenure Committee, and identification of professional colleagues who may be contacted for evaluation;
 - (c) copy of Section III-5.6 of the *UMCES Policies and Procedures Manual* pertaining to promotion and tenure.
 - 2 Candidates are urged to discuss all aspects of the review in private meeting with their respective Laboratory Directors after notification has been received.
 - 3 In order to maintain confidentiality of the review process, the Laboratory Director may solicit materials and documents to be forwarded to a Promotion/Tenure Committee.
- 5.6.c.4 Not later than **1 November**, the Laboratory Director shall convene a Promotion/Tenure Committee for each candidate for promotion/tenure or tenure within his/her unit, and appoint a Chair for each Committee.
- 1 The Laboratory Director shall formally charge each Promotion/Tenure Committee in writing, such charge to include or be accompanied by the following:



PROMOTION/TENURE REVIEW PROCEDURES

- (a) the name of the individual to be reviewed, and the purpose of the review relative to promotional rank and award of tenure;
- (b) a statement establishing confidentiality of the Committee's membership and of the entire review procedure;
- (c) guidelines to ensure that the review conforms to the Affirmative Action Policy of the University System of Maryland, along with the name of the Laboratory unit's Affirmative Action Officer who may be contacted for the most recent regulations;
- (d) copies of Section III-5.6 of the *UMCES Policies and Procedures Manual* pertaining to promotion and tenure;
- (e) a statement regarding the importance of scholarly credentials as primary criteria for promotion/tenure in the context of the mission of UMCES;
- (f) guidelines for identification of additional criteria which may be considered regarding the candidate's role as a contributing member of the UMCES academic community, including, but not limited to, instances of professional leadership, performance of graduate student training and the offering of courses, participation in cooperative programs with other UMCES Laboratories and University System of Maryland campuses, centers, and institutes, development of special service activities, *etc.*;
- (g) materials provided by the candidate for transmittal to the Committee.

-2 The Charge to the Promotion/Tenure Committee shall be included in each candidate's review dossier.

5.6.c.5

The Promotion/Tenure Committee shall obtain and compile all information pertinent to the evaluation of a candidate for promotion/tenure.

-1 The following documents *must* be obtained:

- (a) complete *curriculum vitae* certified by the candidate as true and correct;
- (b) written statement, signed by the candidate, identifying significant strengths, activities, professional interests, present and future research/service programs, and any other information believed to be of value to the Committee in its deliberations -- such statement may be in the form of a letter of transmittal accompanying materials provided to the Committee by the candidate [see Section III-5.6.c.5-3, below];
- (c) copies of all annual merit ratings and statements;
- (d) five (5) confidential letters of evaluation obtained from professionals outside of UMCES, at least two (2) of these submitted by individuals not professionally associated with the University System of Maryland;
- (e) confidential letters of evaluation obtained as the result of requests to all tenured faculty, of rank superior to that of the candidate under review, at the candidate's UMCES Laboratory unit.



PROMOTION/TENURE REVIEW PROCEDURES

- 2 The Promotion/Tenure Committee may seek additional confidential information from knowledgeable individuals of superior academic rank (or non-academic equivalent) within and without UMCES and the University System of Maryland.
- 3 The faculty member under review may provide to the Laboratory Director not later than **1 November**, for transmittal to the Promotion/Tenure Committee, additional pertinent information as he/she may wish to have considered, including, but not limited to, the following:
 - (a) letter of transmittal [see Section III-5.6.c.5-1, above];
 - (b) copies of books, articles, reviews, or other published work, and lists of references made to the candidate's research and publications;
 - (c) list of activities performed in public service, and activities performed in service to UMCES and the University System of Maryland;
 - (d) evaluations of graduate student supervision and list of placement of graduate students trained under his or her supervision;
 - (e) list or examples of other significant professional awards and/or accomplishments.

5.6.c.6

After assembling pertinent information, the Promotion/Tenure Committee shall evaluate the candidate for promotion/tenure.

- 1 Criteria for evaluation include those delineated in the written Charge to the Committee from the Laboratory Director.
- 2 The Committee shall also establish that the candidate satisfies all minimum qualifications associated with the rank, if any, to which promotion is being considered.
- 3 The Committee shall also ensure that all deliberations are consistent with the Affirmative Action Policy of the University System of Maryland.
- 4 All deliberations of the Committee, including any votes taken, and all records of such deliberations and votes, shall be confidential.

5.6.c.7

The Promotion/Tenure Committee shall arrive at a final recommendation for or against promotion/tenure of the candidate.



PROMOTION/TENURE REVIEW PROCEDURES

- 1 The recommendation of the Promotion/Tenure Committee shall be provided in a written report prepared by its Chair, such report to be received by the appropriate Laboratory Director not later than **1 March** of the fiscal year of the review.
- 2 The report shall contain a thorough explanation of the Committee's recommendation, a summary of the perceived strengths and weaknesses of the candidate's case for promotion/tenure, and, if the decision is not unanimous, it shall include a similar explanation and summary in the form of an unsigned minority statement prepared by the dissenting Committee member(s) and certified by the Chair.
- 3 The report shall be accompanied by all written correspondence associated with the review, including all letters of evaluation received, all records of information obtained through interviews and telephone conversations, visits, *etc.*, and the original Charge to the Committee.
- 4 Once the report of a Promotion/Tenure Committee has been submitted to the appropriate Laboratory Director, no new information shall be introduced into the review process at any level, and the Committee shall be formally disbanded.

5.6.c.8 If the Promotion/Tenure Committee recommends *against* promotion and tenure by unanimous vote of its members, the Laboratory Director shall so inform the candidate in writing and the review process shall be terminated.

- 1 If the Promotion/Tenure Committee recommends against promotion and tenure by *other than* unanimous vote of its members, the Laboratory Director shall not so inform the candidate at that time, and the review process shall continue.

5.6.c.9 The Laboratory Director shall formulate a separate written recommendation for each candidate receiving a positive recommendation for promotion/tenure from his/her Laboratory, or for whom the promotion/tenure review process is otherwise to continue.

5.6.c.10 The Laboratory Director shall forward his/her recommendation, the written recommendation of the Promotion/Tenure Committee, and the candidate's complete review dossier to the President of UMCES by **1 April** of the fiscal year of review.

5.6.c.11 The President shall review each case and formulate a recommendation based upon all materials forwarded by the Laboratory Director.

5.6.c.12 The President shall inform the appropriate Laboratory Director in writing regarding a final decision for or against promotion/tenure.



PROMOTION/TENURE REVIEW PROCEDURES

- 5.6.c.13 The Laboratory Director shall promptly notify the candidate in writing of the final promotion/tenure decision and terminate the review process.
- 1 A candidate for promotion/tenure shall be notified in writing of a decision on or before **30 June** of the fiscal year of the review.
 - 2 Procedural errors which result in a candidate not receiving written notification of the decision to grant or deny tenure by this date shall result in an automatic grant of tenure to the individual.¹
- 5.6.c.14 A full-time appointee who has completed six (6) years of service at the rank of Assistant Professor/Agent, but who has not been granted tenure, shall be given an additional and terminal one year renewal of appointment.
- 1 Only exceptional circumstances shall render the individual eligible for further consideration for promotion/tenure.²

¹ "Timely Tenure Review revision approved by UMCES Faculty Senate (3/22/91) and by Administrative Council (4/3/91); implemented effective 1 April 1991 by President Donald F. Boesch.

² Eligibility for further consideration for promotion/tenure is defined in University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty.



ASSOCIATE PROFESSOR AND SENIOR AGENT PROMOTION

5.7 Associate Professor and Senior Agent: Review and Promotion

- 5.7.a Initiation of review of an Associate Professor or Senior Agent for promotion to Professor or Principal Agent shall require nomination made by or on behalf of the faculty member.
- 5.7.a.1 Nominations shall be in writing and shall be addressed to the nominee's Laboratory Director for a decision and initiation of action.
- 5.7.a.2 Nominations may be submitted by any member of the UMCES Faculty, including the candidate, the Laboratory Directors, and the President of UMCES.
- 5.7.a.3 A nominee for promotion may remove himself/herself from consideration at any time before or during the review process, if such be initiated.
- 5.7.b Not later than **1 October** of the fiscal year of review, each Laboratory Director shall notify in writing all candidates prior to formal initiation of the formal review process, such notification to include the following:
- (a) statement that a promotion review is to be initiated;
 - (b) invitation to meet prior to initiation of the review to discuss the process, the materials which may be submitted by the candidate for transmittal to the Promotion Committee, and identification of professional colleagues who may be contacted for evaluation;
 - (c) copy of Section III-5.7 of the UMCES *Policies and Procedures Manual* pertaining to faculty evaluation for promotion of tenured faculty.
- 5.7.b.1 Candidates for promotion are urged to discuss all aspects of the review in private meeting with their respective Laboratory Directors after notification has been received.
- 5.7.b.2 In order to maintain confidentiality of the review process, the Laboratory Director may solicit materials and documents for forwarding to a Promotion Committee.
- 5.7.c Not later than **1 November**, each Laboratory Director shall convene a Promotion Committee for each candidate for promotion to Professor or Principal Agent within his/her unit, and appoint a Chair for each Committee.
- 5.7.c.1 The Laboratory Director will formally charge each Promotion Committee in writing, such charge to include or be accompanied by the following:



ASSOCIATE PROFESSOR AND SENIOR AGENT PROMOTION

- (a) the name of the individual to be reviewed, and the purpose of the review relative to promotion to terminal faculty rank;
- (b) a statement establishing confidentiality of the Committee's membership and of the entire review procedure;
- (c) guidelines to ensure that the review conforms to the Affirmative Action Policy of the University System of Maryland, including the name of the Laboratory unit's Affirmative Action Officer who may be contacted for the most recent regulations;
- (d) copies of Section III-5.7 of the *UMCES Policies and Procedures Manual* pertaining to evaluation procedures for tenured faculty promotion;
- (e) a statement regarding the importance of scholarly credentials as primary criteria for promotion in the context of the mission of UMCES, with special consideration given to evidence of scholarly leadership both within and beyond the UMCES academic community;
- (f) guidelines for identification of additional criteria which may be considered regarding the candidate's role as a leading contributor to national and international scientific communities including, but not limited to, examples of professional recognition, placement and quality of graduate students trained under his/her supervision, innovative teaching and/outreach programs, etc.
- (g) materials provided by the candidate for transmittal to the Committee.

5.7.c.2 The Charge to the Promotion Committee shall be included in each candidate's review dossier.

5.7.d The Promotion Committee shall obtain and compile all information pertinent to the evaluation of the Associate Professor or Senior Agent as a candidate for promotion.

5.7.e

5.7.e.1 The following documents *must* be obtained:

- (a) complete *curriculum vitae* certified by the candidate as true and correct;
- (b) written statement, signed by the candidate, identifying significant strengths, activities, professional interests, present and future research/service programs, and any other information believed to be of value to the Committee in its deliberations -- such statement may be in the form of a letter of transmittal accompanying materials provided to the Committee by the candidate [see Section III-5.7.d.3, below];
- (c) copies of all annual merit ratings and statements;
- (d) six (6) confidential letters of evaluation obtained from professionals outside of UMCES, at least four (4) of these submitted by individuals not professionally associated with the University System of Maryland;

ASSOCIATE PROFESSOR AND SENIOR AGENT PROMOTION

- (e) confidential letters of evaluation obtained as the result of requests to all Professors, Principal Agents, and Senior Research Scientists at the candidate's UMCES Laboratory unit.
- 5.7.e.2 The Promotion Committee may seek additional confidential information from individuals holding terminal faculty ranks (or their non-academic equivalents) within and without UMCES and the University System of Maryland.
- 5.7.e.3 The faculty member under review may provide to the Laboratory Director not later than **1 November**, for transmittal to the Promotion Committee, additional pertinent information as he/she may wish to have considered, including, but not limited to, the following:
 - (a) letter of transmittal [see Section III-5.7.d.1, above];
 - (b) copies of books, articles, reviews, or other published work, and lists of references made to the candidate's research and publications;
 - (c) list of activities performed in public service, and activities performed in service to UMCES, the University System of Maryland, and the national and international scientific communities;
 - (d) evaluations of graduate student supervision and list of placement and performance of graduate students trained under his/her supervision;
 - (e) list or examples of other significant professional recognition, awards, and/or accomplishments.
- 5.7.f After assembling pertinent information, the Promotion Committee shall evaluate the candidate for promotion.
 - 5.7.f.1 Criteria for evaluation include those delineated in the written Charge to the Committee from the Laboratory Director.
 - 5.7.f.2 The Committee shall also establish that the candidate satisfies all minimum qualifications associated with the rank of Professor or Principal Agent.
 - 5.7.f.3 The Committee shall also ensure that all deliberations are consistent with the Affirmative Action Policy of the University System of Maryland.
 - 5.7.f.4 All deliberations of the Committee, including any votes taken, and all records of such deliberations and votes, shall be confidential.
- 5.7.g The Promotion Committee shall arrive at a final decision for or against promotion of the candidate.



ASSOCIATE PROFESSOR AND SENIOR AGENT PROMOTION

- 5.7.g.1 The decision of the Promotion Committee shall be provided in a written report prepared by its Chair, such report to be received by the appropriate Laboratory Director not later than **1 March** of the fiscal year of the review.
- 5.7.g.2 The report shall contain a thorough explanation of the Committee's decision, a summary of the perceived strengths and weaknesses of the candidate's case for promotion and, if the decision is not unanimous, it shall include a similar explanation and summary in the form of an unsigned minority statement prepared by the dissenting Committee member(s) and certified by the Chair.
- 5.7.g.3 The report shall be accompanied by all written correspondence associated with the review, including all letters of evaluation received, all records of information obtained through interviews and telephone conversations, visits, *etc.*, and the original Charge to the Committee.
- 5.7.g.4 Once the report of a Promotion Committee has been submitted to the appropriate Laboratory Director, no new information shall be introduced into the review process at any level, and the Committee shall be formally disbanded.
- 5.7.h If the Promotion Committee recommends *against* promotion by unanimous vote of its members, the Laboratory Director shall so inform the candidate in writing and the review process shall be terminated.
 - 5.7.h.1 If the Promotion Committee recommends against promotion by *other than* unanimous vote of its members, the Laboratory Director shall not so inform the candidate at that time, and the review process shall continue.
- 5.7.i The Laboratory Director shall formulate a separate recommendation for each Associate Professor and Senior Agent who has received a positive recommendation for promotion in his/her Laboratory, or for whom the promotion process is otherwise to continue.
- 5.7.j The Laboratory Director shall forward his/her recommendation, the recommendation of the Promotion Committee, *and* the candidate's entire review dossier to the President of UMCES not later than **1 April** of the fiscal year of review.



ASSOCIATE PROFESSOR AND SENIOR AGENT PROMOTION

- 5.7.j.1 The President shall review the entire case and formulate a recommendation based upon all materials forwarded by the Laboratory Director.
- 5.7.k The President of UMCES shall inform the appropriate Laboratory Director in writing regarding a final decision for or against promotion.
 - 5.7.k.1 The Laboratory Director shall promptly notify the candidate in writing of a final decision to promote or not promote and terminate the review process.
- 5.7.l A candidate for promotion shall be notified in writing of a decision on or before **30 June** of the fiscal year of the review.
 - 5.7.l.1 Procedural errors which result in an individual not being so notified by this deadline shall result in automatic promotion of the candidate.
- 5.7.m If promotion is denied, the individual's tenured appointment shall continue at his/her present rank.

SENIOR RESEARCH FACULTY PROMOTION

5.8 Senior Research Faculty: Reviews and Promotion¹

- 5.8.a Senior Research Faculty at all ranks shall be subject to automatic reappointment review during the fiscal year in which their current appointment is scheduled to expire.
- 5.8.a.1 At the ranks of Research Assistant Professor or Research Associate Professor, these may also constitute reviews for promotion in rank.
- 1 The schedules for promotional reappointment review shall approximate those for promotion in rank for parallel Tenure Track Faculty.
- 5.8.a.2 At the rank of Senior Research Scientist, or in other situations where promotion is not involved, these shall constitute a review of the individual's research program(s) relative to the established priorities of the appropriate UMCES Laboratory unit.
- 5.8.a.3 Exceptions to the automatic reappointment review schedule shall be as follows:
- 1 An individual whose appointment has been extended, commensurate with III-4.3.c.2-1, as the result of procurement of additional salary support from one or more sponsored projects, shall have the scheduled review automatically postponed until the last fiscal year of the new appointment term.
- 2 There shall be no review initiated if the individual has a terminal appointment without the option for appointment renewal.
- 5.8.b Reappointment reviews involving promotion in rank
- 5.8.b.1 Not later than **1 October** of the fiscal year of the review, each Laboratory Director shall notify in writing all identified candidates for promotional reappointment prior to initiation of the formal review process, such notification to include the following:
- (a) statement that a promotional reappointment review is to be initiated;
- (b) invitation to meet prior to initiation of the review to discuss the process, the materials which may be submitted for transmittal to the candidate's Promotion Committee, and identification of professional colleagues who may be contacted for evaluation;

¹ Senior Research Faculty review and promotion policy originally derived from University System of Maryland Policies and Procedures III-4.10-2. Policy revised by Acting Director T. Malone following UMCES Senate/Administration retreat, April 1989.

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(c) copy of Section III-5.8 of the *UMCES Policies and Procedures Manual* pertaining to promotion of Senior Research Faculty.

- 1 Senior Research Faculty candidates for promotion are urged to discuss all aspects of the review in private meeting with their respective Laboratory Directors after notification has been received.
- 2 In order to maintain confidentiality of the review process, the Laboratory Director may solicit materials and documents for forwarding to a Promotion Committee.

5.8.b.2

Not later than **1 November**, each Laboratory Director shall convene a Promotion Committee for each candidate for promotional reappointment to Research Associate Professor or Research Professor within his/her unit, and appoint a Chair for each Committee.

- 1 The Laboratory Director shall formally charge each Promotion Committee in writing, such charge to include or be accompanied by the following:
 - (a) the name of the individual to be reviewed, and the purpose of the review relative to promotional rank, and the minimum qualifications of the advanced rank for which the candidate is being considered;
 - (b) a statement establishing confidentiality of the Committee's membership and of the entire review procedure;
 - (c) guidelines to ensure that the review conforms to the Affirmative Action Policy of the University System of Maryland, including the name of the Laboratory unit's Affirmative Action Officer who may be contacted with the most recent regulations;
 - (d) copy of Section III-5.8 of the *UMCES Policies and Procedures Manual* pertaining to reappointment and promotion of Senior Research Faculty;
 - (e) a statement regarding the importance of research productivity and recognized leadership within the national and/or international scientific community as primary criteria for reappointment and promotion of Senior Research Faculty;
 - (f) materials provided by the candidate for transmittal to the Committee.
- 2 The Charge to the Promotion Committee shall be included in each candidate's review dossier.

5.8.b.3

The Promotion Committee shall obtain and compile all information pertinent to the evaluation of the Research Assistant Professor or Research Associate Professor as a candidate for reappointment with promotion.

- 1 The following documents *must* be obtained:

SENIOR RESEARCH FACULTY PROMOTION

- (a) complete *curriculum vitae* certified by the candidate as true and correct;
 - (b) written statement, signed by the candidate, identifying present and future research programs, significant professional activities, academic interests, and any other information believed to be of value to the Committee in its deliberations -- such statement may be in the form of a letter of transmittal accompanying materials provided to the Committee by the candidate [see Section III-5.8.b.3-3, below];
 - (c) copies of all annual merit ratings and statements;
 - (d) four (4) confidential letters of evaluation obtained from professionals *outside of UMCES*, at least three (3) of these submitted by individuals not professionally associated with the University System of Maryland;
- 2 The Promotion Committee shall also invite confidential letters of evaluation from UMCES Faculty of superior Tenure Track and Senior Research Faculty rank at the candidate's Laboratory unit.
- 3 The faculty member under review may provide to the Laboratory Director not later than **1 November**, for transmittal to the Promotion Committee, additional pertinent information as he/she may wish to have considered, including, but not limited to, the following:
- (a) letter of transmittal [see Section III-5.8.b.3-1, above];
 - (b) copies of books, articles, reviews, or other published work, and lists of references made to the candidate's research and publications;
 - (c) evaluations of graduate student supervision and list of placement and performance of graduate students trained under his/her supervision;
 - (d) list or examples of other significant professional recognition, awards, and/or accomplishments.

5.8.b.4

After assembling pertinent information, the Promotion Committee shall evaluate the candidate for reappointment with promotion.

- 1 Criteria for evaluation shall focus on those delineated in the Laboratory Director's Charge to the Committee, especially on the candidate's research program and its contribution to the mission of UMCES, to the University System of Maryland as a public institution, and to the advancement of knowledge within the national and/or international scientific communities.
- 2 The Committee shall also establish that the candidate satisfies all minimum qualifications associated with the rank of Research Associate Professor or Research Professor.
- 3 The Committee shall ensure that all deliberations are consistent with the Affirmative Action Policy of the University System of Maryland.



SENIOR RESEARCH FACULTY PROMOTION

- 4 All deliberations of the Committee, including any votes taken, and all records of such deliberations and votes, shall be confidential.

5.8.b.5

The Promotion Committee shall arrive at a final decision for or against a decision to reappoint the candidate with promotion in rank.

- 1 The decision of the Promotion Committee shall be provided in a written report prepared by its Chair, such report to be received by the appropriate Laboratory Director not later than **1 March** of the fiscal year of the review.
- 2 The report shall contain a thorough explanation of the Committee's decision, a summary of the perceived strengths and weaknesses of the candidate's case for reappointment with promotion and, if the decision is not unanimous, it shall include a similar explanation and summary in the form of an unsigned minority report prepared by the dissenting Committee member and certified by the Chair.
- 3 The report shall be accompanied by all written correspondence associated with the review, including all letters of evaluation received, all records of information obtained through interviews and telephone conversations, visits, *etc.*, and the original charge to the Committee.
- 4 Once the report of a Promotion Committee has been submitted to the appropriate Laboratory Director, no new information shall be introduced into the review process at any level, and the Committee shall be formally disbanded.

5.8.b.6

If the Promotion Committee unanimously recommends against *reappointment*, the Laboratory Director shall so inform the candidate and the President of UMCES in writing and the review process shall be terminated.

5.8.b.7

If the Laboratory Director concurs with a negative majority recommendation of the Promotion Committee, he/she shall so convey that opinion in the form of a decision in writing to the candidate and the President of UMCES, and the review process shall be terminated.

5.8.b.8

If the Laboratory Director does *not* concur with the majority recommendation of the Promotion Committee, or if the unanimous or majority recommendation of the Committee is positive, or if the agreed upon recommendation involves reappointment *without promotion*, he/she shall formulate a separate recommendation and forward both documents, along with the candidate's complete review dossier, to the President of UMCES.

- 1 The President shall review all materials and establish a final decision regarding both reappointment and, if appropriate, promotion in rank.



SENIOR RESEARCH FACULTY PROMOTION

- 5.8.b.9 -2 The President's final decision shall be conveyed in writing to the Laboratory Director, who shall then inform the candidate in writing and terminate the review process.
- 5.8.b.9 The Laboratory Director promptly shall convey the final decision to the candidate by **30 June** of the fiscal year of review.
- 5.8.b.10 -1 Failure to meet this deadline shall result in automatic promotion of the candidate with automatic reappointment, with option for appointment renewal, to the end of the following fiscal year.
- 5.8.b.10 If either reappointment or promotion is denied, the former candidate may be offered appointment renewal at his/her present rank.
- 5.8.b.11 -1 If *reappointment* is denied, the offer shall be for a terminal appointment of at least one (1) additional year, or until the projected expiration of salary support from sponsored programs, whichever comes first.
- 5.8.b.11 -2 The appointment of a Research Assistant Professor who has not been recommended for promotion by the end of the sixth (6th) year at this rank shall terminate at the end of the following fiscal year, or at the expiration of extramural salary support, whichever comes first.
- 5.8.b.11 No promotion to Research Associate Professor or Research Professor is to be construed as awarding tenure to any individual holding Senior Research Faculty rank.
- 5.8.c Reviews not involving promotion in rank
- 5.8.c.1 Review of a Senior Research Faculty member that does not involve promotion in rank shall be conducted by the Laboratory Director in consultation with the tenured faculty at the individual's Laboratory unit.
- 5.8.c.1 -1 This review shall concentrate on the continuing effectiveness of the individual's research activities to the established mission and research program of the UMCES Laboratory unit.
- 5.8.c.2 The review shall commence with formal written notification from the Laboratory Director to the individual stating the purpose of the review and the date on or before which the results will be transmitted.
- 5.8.c.2 -1 The notification shall invite submission of information on behalf of the individual, such information to include, but not be limited to, the following:
- 5.8.c.2 (a) complete *curriculum vitae* certified by the individual as true and correct;



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- (b) written statement, which may be included in a letter of transmittal, identifying present research, anticipated changes in research activities, and the relationship of these to the Laboratory's established goals and planned program development;
 - (c) copies of publications and reports made since any previous review or, if appropriate, since initial appointment;
 - (d) names of professional colleagues, including those outside of the University System of Maryland, who may be contacted for an evaluation of the individual's research activities;
 - (e) evaluations prepared by graduate students supervised, and a list of placement and performance of graduate students trained under the individual's supervision.
- 2 The Laboratory Director shall meet with the individual in person to discuss the review, outline Laboratory program priorities, and otherwise provide information pertinent to a continuing Senior Research Faculty appointment with UMCES.
- 5.8.c.3 The Laboratory Director shall make all transmitted materials available for confidential inspection by the tenured faculty at his/her Laboratory unit.
- 5.8.c.4 The Laboratory Director shall meet with the tenured faculty in closed session to review each individual case for reappointment and develop a consensus decision for the Laboratory unit.
- 1 If a consensus cannot be achieved, the conflicting opinions shall be summarized by appropriate individuals and these opinions shall be forwarded, along with the candidate's review dossier, to the President of UMCES for a binding decision.
- 5.8.c.5 The Laboratory Director shall convey the final decision in writing to the candidate, and offer appropriate reappointment, no later than **30 June** of the fiscal year of the review.
- 1 Failure to so notify the individual by this deadline shall result in the offering of reappointment, *with option for renewal*, to the end of the following fiscal year or until the termination of salary support from sponsored research, whichever comes first.



FACULTY RESEARCH ASSISTANT PROMOTION

5.9 Research Support Faculty: Review and Promotion¹

5.9.a ***Faculty Research Assistant***²

- 5.9.a.1 A Faculty Research Assistant shall be considered for promotion to the next appropriate Rank Level not later than the individual's 4th year of appointment at UMCES, and at not longer than 4-year intervals thereafter.
- 1 Consideration of promotion based on partial (50%-100% time) employment shall be considered on a case-by-case basis.
 - 2 The review process shall conform in all aspects to the Affirmative Action Policy of the University System of Maryland.
- 5.9.a.2 Promotion of a Faculty Research Assistant from Rank Level 1 to Rank Level 2, and from Rank Level 3 to Rank Level 4, shall be based on a recommendation to do so from the individual's faculty supervisor.
- 1 All such promotions shall require approval by the appropriate Laboratory Director.
- 5.9.a.3 Promotion of a Faculty Research Assistant from Rank Level 2 to Rank Level 3 shall require a formal review process conducted under the auspices of a *Classification Review Committee*.
- 5.9.a.4 Early review for promotion from Rank Level 2 to Rank Level 3 is regarded as exceptional and normally is based upon prior service in rank at another academic institution and/or superior research productivity or a significant change in job responsibilities.
- 1 A written request for early review must be endorsed by the individual's faculty supervisor and transmitted to the Laboratory Director not later than 15 September prior to the Classification Review Committee appointment.
 - 2 Evaluation of a Faculty Research Assistant nomination for early review shall be based on the quality of and comprehensiveness of work performed and on job responsibilities.
 - 3 The appropriate Laboratory Director shall decide whether or not to proceed, and, if affirmative, shall be responsible for initiating and coordinating any early review process.

¹ Research Support Faculty Promotion procedures adopted 9/1/88 under UMCES Policy Memorandum, Acting Director T. Malone. Policy revised June 1992 by UMCES President Donald F. Boesch.

² Faculty Research Assistant promotion review policy unanimously recommended by UMCES Faculty Senate and Administrative Council, 8/10/95. Policy implemented 18 October 1995 by President Donald F. Boesch, approved for legal sufficiency by Office of Attorney General 1/5/06, and accepted by UM System Chancellor Donald N. Langenberg 1/16/96.



FACULTY RESEARCH ASSISTANT PROMOTION

5.9.a.5

The *Classification Review Committee* shall assemble and examine all documentation and other information pertinent to the promotion review of a Faculty Research Assistant from Rank Level 2 to Rank Level 3 and shall formulate a written decision as a result of its deliberations.

- 1 A separate Committee shall be appointed at each Laboratory by the Laboratory Director not later than 1 February of the current fiscal year.
- 2 This Committee shall review all Faculty Research Assistants eligible for promotion from Rank Level 2 to Rank Level 3 during the following fiscal year, 1 July through 30 June.
- 3 The Committee shall be composed of three (3) members, at least two (2) of whom shall be faculty members and one (1) of whom may be a senior Faculty Research Assistant of either Rank Level 3 or Rank Level 4.
- 4 All members shall be from the same UMCES Laboratory as the individual being reviewed.
- 5 The faculty members of the Committee shall not supervise a Faculty Research Assistant who will be reviewed for promotion during the same fiscal year.
- 6 The Committee's senior Faculty Research Assistant member shall not be subject to review for promotion during the same fiscal year.
- 7 The Chairperson shall be appointed by the Laboratory Director.

5.9.a.6

Not later than 1 October of the fiscal year of the review, the appropriate Laboratory Director shall notify in writing all identified candidates for review at his/her UMCES Laboratory, as well as their faculty supervisors prior to initiating the formal review process, such notification to include the following:

- (a) statement that a review is to be initiated;
 - (b) a description of the review process and the materials which may be submitted by the candidate for transmittal to the Promotion Committee;
 - (c) copy of Section III-5.9 of the UMCES Policies and Procedures Manual pertaining to Research Support Faculty Review.
- 1 Candidates are urged to discuss all aspects of the review in private meeting with their respective supervisor after notification has been received.

5.9.a.7

The Laboratory Director shall formally charge the Classification Review Committee in writing, such charge to include or be accompanied by the following:



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- (a) the name of the individual to be reviewed, and the purpose of the review relative to promotional rank;
- (b) a statement establishing confidentiality of the Committee's membership and of the entire review procedure;
- (c) guidelines to ensure that the review conforms to the Affirmative Action Policy of the University System of Maryland, along with the name of the Laboratory unit's Affirmative Action Officer who may be contacted for the most recent regulations;
- (d) copies of Section III-5.9 of the UMCES Policies and Procedures Manual pertaining to Research Support Faculty review and promotion;
- (e) guidelines for identification of additional criteria which may be considered regarding the candidate's role as a contributing member of the UMCES academic community, including, but not limited to, instances of professional leadership, performance of graduate student training and the participation in offering of courses, participation in cooperative programs with other UMCES Laboratories and University System of Maryland institutions, participation in development of special service activities, *etc.*;
- (f) materials provided by the candidates for transmittal to the Committee.

-1 The Charge to the Classification Review Committee shall be included in each candidate's review dossier.

5.9.a.8

The candidate is responsible for the submission of all pertinent materials for evaluation to the Classification Review Committee not later than 1 March of the fiscal year of review.

-1 The following documents must be obtained:

- (a) complete *curriculum vitae* certified by the candidate and supervisor as true and correct;
- (b) written statement, signed by the candidate, identifying significant strengths, activities, professional interests, present and future research/service programs, and any other information believed to be of value to the Committee in its deliberations -- such statement may be in the form of a letter of transmittal accompanying materials provided to the Committee by the candidate;
- (c) copies of all annual merit ratings and statements since last Classification Review;
- (d) at least one (1) confidential letter of evaluation obtained from research faculty or faculty staff; for promotion to any senior Faculty Research Assistant rank level, 1 additional confidential letter of evaluation obtained from a professional at any UMCES Laboratory unit.

-2 The candidate's supervisor will contribute the following:

- (a) signature on all of the candidate's submitted annual merit evaluations, indicating total involvement with and approval of these ratings;



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(b) letter of evaluation requested by the candidate.

- 3 The Promotion Committee may seek additional confidential information from knowledgeable individuals of superior academic rank (on non-academic equivalent) within and outside of UMCES and the University System of Maryland.

5.9.a.9

After assembling the candidate's submitted information, the Classification Review Committee shall perform its evaluation.

- 1 Criteria for evaluation include those delineated in the written Charge to the Committee from Laboratory Director.
- 2 The Committee shall also establish that the candidate satisfies all minimum qualifications associated with the rank, if any, to which promotion is being considered.
- 3 The Committee shall also ensure that all deliberations are consistent with the Affirmative Action Policy of the University System of Maryland.
- 4 All deliberations of the Committee, including any votes taken, and all records of such deliberations and votes, shall be confidential.

5.9.a.10

The Classification Review Committee shall arrive at a final recommendation for classification of the candidate.

- 1 The recommendation of the Classification Review Committee shall be provided in a written report prepared by its Chair, such report to be received by the appropriate Laboratory Director not later than 1 April of the fiscal year of the review.
- 2 The report shall contain a thorough explanation of the Committee's classification recommendation, a summary of the perceived strengths and weaknesses of the candidate's qualifications and, if the decision is not unanimous, it shall include a similar explanation and summary in the form of an unsigned minority statement prepared by the dissenting Committee member(s) and certified by the Chair.
- 3 The report shall be accompanied by all written correspondence associated with the review, including all letters of evaluation received, all records of information obtained through interviews and telephone conversations, visits, *etc.*, and the original Charge to the Committee.
- 4 Once the report of a Classification Review Committee has been submitted to the appropriate Laboratory Director, no new information shall be introduced into a candidate's review process.

5.9.a.11

After reviewing the report of the Classification Review Committee, the Laboratory Director shall arrive at a final decision regarding promotion of the individual based on all the facts available to him/her.

- 1 If the Classification Review Committee recommends no classification changes by *unanimous* vote of its members, the Laboratory Director shall accept that recommendation.

RESEARCH SCIENTIST PROMOTIONS

5.9.a.12 The Laboratory Director shall promptly notify the candidate and supervisor in writing of the final classification decision and terminate the review process.

- 1 A candidate for review shall be notified in writing of a decision on or before 30 May of the fiscal year of the review.

5.9.a.13 A Faculty Research Assistant shall have recourse to review by a duly constituted UMCES Faculty Grievance Board in the event of alleged procedural errors in the promotion review process.

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

5.9.b ***Research Scientist Ranks: Reviews and Promotion***

5.9.b.1 In addition to general programmatic review conducted by the appropriate Laboratory Director as part of the appointment renewal process, appointees at these ranks shall be subject to comprehensive review every three (3) years.

- 1 In the case of appointees at the ranks of Assistant Research Scientist and Associate Research Scientist, these comprehensive reviews may include consideration for promotion.
- 2 An Assistant Research Scientist shall receive a promotional review not later than the sixth (6th) year of appointment at this rank.
- 3 Comprehensive/promotional review shall not be required if the conditions of the current Appointment Agreement specify terminal appointment without option for renewal.

5.9.b.2 Comprehensive reviews involving promotion in rank

- 1 Not later than **1 October** of the fiscal year of the review, each Laboratory Director shall notify in writing all identified candidates for promotional reappointment and their respective Faculty Sponsors prior to initiation of the formal review process, such notification to include the following:
 - (a) statement that a promotional reappointment review is to be initiated;
 - (b) invitation to meet prior to initiation of the review to discuss the process, the materials which may be submitted in support of promotion, and identification of professional colleagues who may be contacted for evaluation;
 - (c) copy of Section III-5.9 of the UMCES *Policies and Procedures Manual* pertaining to promotion of Research Scientist appointees.



RESEARCH SCIENTIST PROMOTIONS

- 2 Candidates for promotion are urged to discuss all aspects of the review in private meeting with their respective Laboratory Directors and Faculty Sponsors after notification has been received.
- 3 Not later than **1 November**, the Laboratory Director shall convene a Promotion Committee for each candidate, appoint a Chair, and charge each such Committee by providing the following in writing:
 - (a) the name of the individual to be reviewed, the purpose of the review relative to promotional rank, and the minimum qualifications of the advanced rank for which the candidate is being considered;
 - (b) guidelines to ensure that the review conforms to the Affirmative Action Policy of the University System of Maryland, including the name of the Laboratory unit's Affirmative Action Officer who may be contacted;
 - (c) a copy of Section III-5.9 of the *UMCES Policies and procedures Manual* pertaining to reappointment and promotion of Support Faculty;
 - (d) materials provided by the candidate for transmittal to the Committee.
- 4 The Laboratory Director shall assemble and transmit to the Promotion Committee a dossier of information pertinent to the individual's candidacy for promotion, such dossier to contain, at the minimum, the following documents:
 - (a) complete *curriculum vitae* certified by the candidate as true and correct;
 - (b) written statement, signed by the candidate, identifying present and future research programs, significant professional activities, academic interests, and any other information believed to be of value to the review process;
 - (c) copies of books, articles, reviews, and other published work, and lists of references made to the candidate's research publications;
 - (d) copies of all annual merit ratings and statements;
 - (e) at least three (3) letters of evaluation, one prepared by the candidate's Faculty Sponsor, and the remainder submitted in confidence by individuals familiar with the candidate's research, including one or more from professionals outside of UMCES;
- 5 At the request of the Promotion Committee, the Laboratory Director shall solicit and transmit confidential written opinion from other UMCES Faculty members of superior Tenure Track and Non-Tenure Track rank.
- 6 The Promotion Committee shall discuss the appointee's case for promotional reappointment and arrive at a final recommendation based on the candidate's performance as a researcher, contribution to the sponsor's research program(s), support of the Laboratory's goals and objectives, and potential for continued professional growth.



RESEARCH SCIENTIST PROMOTIONS

- 7 The Promotion Committee shall submit a written report to the Laboratory Director not later than *1 March* of the following calendar year, in which it recommends for or against promotion of the candidate.
- 8 A positive recommendation for promotion shall be endorsed by majority vote of Tenure Track Faculty present at a scheduled Laboratory Faculty meeting prior to written notification of the final decision from the Laboratory Director to the candidate.
- 9 If the final decision is against promotion, the candidate may be offered reappointment at current rank.
- 10 Failure to so notify the individual by this deadline shall result in the offering of reappointment, *with option for renewal*, to the end of the following fiscal year or until the termination of salary support from sponsored research, whichever comes first.
- 11 An Assistant Research Scientist denied promotion in the sixth (6th) year of appointment at this rank shall be offered reappointment without option for renewal for a period not to exceed six (6) months from the termination date specified in the current Appointment Agreement or the expiration of salary support from sponsored projects, whichever comes first.

5.9.b.3

Comprehensive reviews not involving promotion

- 1 The appropriate Laboratory Director shall conduct this review in consultation with the appointee's Faculty Sponsor.
- 2 The appointee shall be notified of the review process in writing and invited to submit a signed *curriculum vitae* and written statement identifying past achievements, present and future research priorities, and other information pertinent to his/her service to UMCES and the Laboratory's goals and objectives.
- 3 The Laboratory Director and Faculty Sponsor shall review the above material and any additional information they may choose to obtain, then meet privately to arrive at a final decision regarding continuation of the individual's appointment based on performance as a researcher, contribution to the sponsor's research program(s), and support of the Laboratory's goals and objectives.
- 4 Recommendation for continued appointment shall be endorsed by majority vote of Tenure Track Faculty present at a scheduled Laboratory Faculty meeting prior to offering the candidate reappointment.



IMMEDIATE TENURE

5.10 Policy on Immediate Tenure¹

5.10.a Appointments at the ranks of Professor and Principal Agent shall carry tenure at the time of employment with UMCES.

5.10.b The President of UMCES is authorized, in those instances where it is deemed desirable, to grant tenure effective with the initial appointment of those new appointees at the ranks of Associate Professor and Senior Agent whose special circumstances warrant the granting of immediate tenure.

5.10.b.1 Circumstances which warrant such action include those instances in which the appointees have held tenure at other major universities at or above the ranks of Associate Professor and Senior Agent or their academic equivalents.

¹ Policy derived from University System of Maryland Policies and Procedures Manual, III-2.02.

APPEAL OF PROMOTION OR TENURE DENIAL

5.11 Promotion/Tenure Appeals Procedures¹

5.11.a When a candidate receives written notification that tenure and/or promotion has been denied, the individual may appeal the decision by requesting in writing that the President of UMCES transmit his/her complete review dossier to the Appeals Panel for review.

5.11.a.1 The Appeals Panel shall review all records associated with the individual's promotion or promotion/tenure review to establish whether or not there is valid cause for appeal, based on one or more of the following grounds:

- (a) procedural error;
- (b) due process violation;
- (c) failure to follow published UMCES guidelines;
- (d) violation of University System of Maryland Affirmative Action Policy.

5.11.a.2 The Appeals Panel shall not introduce any new information into the candidate's review dossier, nor may it consider any new information regarding the candidate's qualifications that was not available to the Promotion/Tenure or Promotion Committee.

5.11.b If the Appeals Panel finds that the procedure of review was improper based on one or more of the grounds listed above, and, if, in the best judgement of the majority of its members, such impropriety could have prejudiced significantly the outcome of the original review, it shall recommend to the President of UMCES that a new Promotion/Tenure or Promotion Committee be convened.

5.11.b.1 The President shall review the recommendation of the Appeals Panel and shall decide whether to accept, accept with modification, or reject such recommendation.

- 1 If the President accepts a recommendation that a new Promotion/Tenure or Promotion Committee be convened, he/she shall appoint such a Committee, provide written notification to the individual, and, subject to limitations provided below, the appeals process shall continue as a review for promotion/tenure.

¹ Appeal procedures adopted in part from University System of Maryland Policies and Procedures Manual, II-2.05-7. Complete policy adopted 9/1/88 under UMCES Policy Memorandum, Acting Director T. Malone.



APPEAL OF PROMOTION OR TENURE DENIAL

- 2 Any decision made by the Director, including, but not limited to partial acceptance or modification of an Appeals Panel recommendation, or a decision not to continue the appeal process, shall be fully explained through written notification to the individual of the action to be taken.
- 5.11.b.2 The President shall charge the new Committee with correction of any error(s) identified by the Appeals Panel.
- 5.11.b.3 The new Committee may not solicit new or additional information regarding the candidate, except as required to rectify any error(s) identified in the Charge from the President.
- 5.11.c The remainder of the appeals process shall be conducted according to review procedures given in that portion of Section III-5 appropriate to the rank of the individual.
 - 5.11.c.1 The role of the President of UMCES in appointing and convening an Appeals Panel, and acting on the Panel's recommendations, shall not preclude his/her participation in the new review process, should such be initiated.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III

ART APPENDICES

APPENDIX III - ART

II-1.00 **UNIVERSITY SYSTEM OF MARYLAND POLICY ON** **APPOINTMENT, RANK, AND TENURE OF FACULTY**



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 6

SPECIAL FACULTY APPOINTMENTS

Section III-6 is concerned with the definition of special faculty ranks and the appointment of individuals to those ranks. No rank may be used that is not specifically identified in the University System of Maryland Policy on the Appointment, Rank, and Tenure of Faculty, nor may procedures be employed that are at variance with that policy.



EMERITUS FACULTY APPOINTMENT

- 6.1 Emeritus Faculty Review and Appointment^{1,2,3,4}
- 6.1.a Procedures leading to possible award of an Emeritus appointment may be initiated and completed prior to retirement of the individual being considered for such recognition.
- 6.1.a.1 Under no circumstances shall an Emeritus appointment be awarded to an individual prior to his/her official retirement from the University System of Maryland.
- 6.1.a.2 Award of an Emeritus appointment shall not be made later than two (2) years following the official date of the individual's retirement.
- 6.1.b Procedures leading to possible award of an Emeritus appointment normally shall be initiated by the Laboratory Director at the UMCES unit of the individual's employment at the time of retirement.
- 6.1.b.1 The procedures shall be initiated upon receipt of a written nomination submitted on behalf of the individual by any UMCES faculty member employed at the unit, including the Laboratory Director him/herself.
- 6.1.b.2 If the individual is a retiring Laboratory Director or an academic administrator in Center Operations, procedures shall be initiated by the President of UMCES.
- 6.1.c The Laboratory Director or, if appropriate, the President of UMCES, shall appoint an Emeritus Faculty Review Committee to assemble documents and information pertinent to the evaluation of the candidate.
- 6.1.c.1 The Committee shall consist of three (3) or more faculty of equal or superior equivalent rank from the University System of Maryland, at least two of whom are from UMCES and at least one of whom is not from the unit in which the evaluation procedure has been initiated.

1 Revision approved by UMCES Administrative Council (3/7/90) and Faculty Senate (4/2/90); adopted by Acting Director T. Malone effective 15 May 1990.

2 Implementation of UM System Policy on Appointment, Rank, and Tenure of Faculty, II-C.5.g.

3 Emeritus Faculty Rank defined in Section III-3.4.

4 Emeritus review and appointment procedures derived in part from University System of Maryland Policy Memorandum (3/7/84); J.S. Toll.



EMERITUS FACULTY APPOINTMENT

- 1 If the individual was employed for a considerable length of time at another institution that has been incorporated into the University System of Maryland, one of the Committee members may be appointed from the faculty of that institution.
- 2 The Chairman shall be elected by the Committee members and shall be a member of the UMCES faculty.
- 3 A Laboratory Director may serve on an Emeritus Faculty Review Committee, provided that he/she is not the initiator of the review being conducted.
- 4 The Committee's membership, and all deliberations and reports, shall be confidential to the extent permitted by law and the policies of the University System of Maryland.

6.1.c.2 The Laboratory Director shall charge the Emeritus Faculty Review Committee, in writing, with the compilation of information in support of the strongest possible recommendation for award of Emeritus appointment to the nominee.

6.1.c.3 The Emeritus Faculty Review Committee shall seek the following documents and information regarding the nominee:

- (a) current certified curriculum vitae;
- (b) complete list of publications;
- (c) at least five (5) confidential (to the extent legally permitted) letters of evaluation from recognized leaders in the nominee's field(s) of endeavor, at least three (3) of whom are not UMCES personnel, who are familiar with the nominee's professional activities and University service and who are highly qualified to evaluate his/her status as a contributor to the national and international scientific community, to the University System of Maryland, and to UMCES;
- (d) complete listing of all intra- and extramural awards, citations, and other instances of recognition for meritorious University and public service.

6.1.c.4 The Emeritus Faculty Review Committee shall seek additional confidential (to the extent legally permitted) letters of evaluation from all UMCES faculty and, where appropriate, administrators, having equivalent rank equal or superior to that of the nominee.

6.1.d Criteria for Evaluation

6.1.d.1 The Emeritus Faculty Review Committee shall establish that the nominee satisfies criteria for Emeritus status, or

EMERITUS FACULTY APPOINTMENT

warrants consideration for exceptional, clearly defined circumstances.

- 6.1.d.2 The Committee shall use the information it has assembled to establish whether or not the nominee has, in the best judgement of its members, pursued a highly significant professional career while at UMCES, and served as an outstanding collegial member of the scientific community, the University System of Maryland, and UMCES in a manner worthy of recognition by the award of Emeritus appointment.
- 6.1.e The Emeritus Faculty Review Committee shall submit its final recommendation in writing to the initiator of the review process.
 - 6.1.e.1 The report shall contain a thorough explanation of the Committee's recommendation and a summary of the perceived strengths and weaknesses of the candidate's case for Emeritus appointment.
 - 1 If the recommendation is supported by other than unanimous vote of the Committee, a minority report may be submitted.
 - 2 The report shall be accompanied by all written correspondence associated with the review process.
 - 6.1.e.2 If the review was initiated at a Laboratory unit, the Laboratory Director shall formulate a separate recommendation and forward this along with the nominee's complete review dossier to the President of UMCES.
- 6.1.f The President of UMCES shall review the recommendation of the Emeritus Faculty Review Committee, the recommendation of the Heads of Laboratory, and all assembled documentation and shall formulate a final decision on behalf of the Center.
 - 6.1.f.1 The President of UMCES shall notify the nominee of the final decision in writing, with copies to the Heads of Laboratory and all UMCES Vice Presidents.
 - 1 The President of UMCES shall also inform the Chancellor of the University System of Maryland of all Emeritus faculty appointments made within the Center each fiscal year.



ACADEMIC MISCONDUCT

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 this community and will not be tolerated. Frivolous allegations of professional misconduct are no less threat to that integrity. Section III-7 sets forth rigorous procedures to 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 were developed under authority set forth in the University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty (see Section III Appendix) and are fully consistent with UM System 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.



GENERAL POLICIES FOR ACADEMIC MISCONDUCT

- 7.1 General Policies¹
- 7.1.a The UMCES Policies and Procedures in this section have been adopted under authority established in the UM System Policy on Appointment, Rank, and Tenure of Faculty.²
- 7.1.b 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.
- 7.1.c 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.
- 7.1.d 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.
- 7.1.d.1 In case of emergency involving threat to life, the President may act to suspend temporarily prior to such consultation.
- 7.1.e The appointee may elect to be represented by counsel of his or her choice throughout appointment termination proceedings.

1 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.

2 University System of Maryland Policy on Appointment, Rank, and Tenure of Faculty (Section III APPENDIX).



MISCONDUCT IN SCHOLARLY WORK

7.2 Misconduct in Scholarly Work¹

- 7.2.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.
- 7.2.b As defined in guidelines set forth in UM System policy (Appendix III-3), misconduct in scholarly work shall include, but not be limited to, the following:
- (a) *falsification of data*
 - (b) *improper experimental manipulation*
 - (c) *plagiarism*
 - (d) *improper assignment of credit*
 - (e) *abuse of confidentiality*
 - (f) *deliberate violation of regulations*
 - (g) *misappropriation of funds or resources.*
- 7.2.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.
- 7.2.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.

¹ UM System Policy on Misconduct in Scholarly Work (Appendix III-7-A).



PRELIMINARY INQUIRY INTO ALLEGED ACADEMIC MISCONDUCT

- 7.3 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.
- 7.3.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.
- 7.3.a.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.
- 1 The President shall present the accused faculty member with a detailed written list of those allegations deemed serious enough to warrant investigation.
- 7.3.a.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.
- 1 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.
- 7.3.a.3 If, in his/her best judgement, all matters surrounding the allegations can be resolved without recourse to a full investigation, the President of UMCES shall attempt to do so.
- 7.3.a.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.
- 7.3.a.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.



PRELIMINARY INQUIRY INTO ALLEGED ACADEMIC MISCONDUCT

- 1 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.
- 2 The record may also be inspected on written request by authorized personnel from a state or federal agency having legal authority to do so.
- 3 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.

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

FULL INVESTIGATION INTO ALLEGED ACADEMIC MISCONDUCT

7.4 Full Investigation of Academic Misconduct

- 7.4.a 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.
- 7.4.a.1 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.
- 7.4.a.2 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.
- 1 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.
- 7.4.a.3 The investigation shall proceed in strictest confidence.
- 7.4.a.4 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 Section III-7 of the *UMCES Policies and Procedures Manual*, 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.
- 7.4.b 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.



FULL INVESTIGATION INTO ALLEGED ACADEMIC MISCONDUCT

- 7.4.b.1 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.
- 7.4.b.2 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.
- 7.4.b.3 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.
- 7.4.b.4 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.
- 7.4.b.5 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.
- 7.4.b.6 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.

FULL INVESTIGATION INTO ALLEGED ACADEMIC MISCONDUCT

- 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.

7.4.b.7

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.

7.4.c

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.

7.4.c.1

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.



FULL INVESTIGATION INTO ALLEGED ACADEMIC MISCONDUCT

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

7.4.c.2

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 UM System policy to restore any reputation(s) that might have been damaged.

7.4.c.3

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.



FULL INVESTIGATION INTO ALLEGED ACADEMIC MISCONDUCT

- 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.

7.4.d 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.

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

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



INITIATION OF APPOINTMENT TERMINATION PROCEDURES

- 7.5 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.¹
- 7.5.a Such request shall be in writing and addressed to the President of UMCES.
- 7.5.a.1 The time limit for filing such a request shall not be extended.
- 7.5.a.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.
- 7.5.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.

¹ University System of Maryland policies on Appointment, Rank, and Tenure of Faculty; section I.C.7.

HEARING BEFORE FACULTY BOARD OF REVIEW

7.6 Hearing Before Faculty Board of Review¹

- 7.6.a The 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.
- 7.6.a.1 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.
- 7.6.a.2 The transmittal shall be accompanied by Section III-7 of the *UMCES Policies and Procedures Manual*.
- 7.6.b 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.
- 7.6.b.1 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.
- 7.6.b.2 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.
- 7.6.b.3 The Faculty Board of Review shall elect its own Chairman.
- 7.6.b.4 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.
- 7.6.c At the hearing conducted by the Faculty Board of Review, the case for appointment termination shall be presented by the President of UMCES.

¹ Internal procedures approved (in part) by UMCES Faculty Senate (7/10/84), after University System of Maryland Policies and Procedures Manual, 2.16.6.



HEARING BEFORE FACULTY BOARD OF REVIEW

- 7.6.d 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.
- 7.6.d.1 The challenge may be accompanied by supporting evidence, but its acceptance is not automatic.
- 7.6.d.2 The Chair shall read the challenge and ask whether the challenged member chooses to exclude himself 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.
- 7.6.d.3 A member excluded by choice or vote shall be replaced by an alternate member.
- 7.6.e The hearing shall be closed unless the accused faculty member request an open hearing.
- 7.6.e.1 Reasonable notice of the time and place of hearings shall be provided both the faculty member and the President of UMCES.
- 7.6.e.2 Both the faculty member and the President of UMCES may be represented by legal counsel.
- 7.6.e.3 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 motions shall be done and presented solely by such counsel.
- 7.6.e.4 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.
- 7.6.e.5 The faculty member has the right to call witnesses, including members of the University staff, in pursuance of his/her case.
- 7.6.e.6 Only evidence offered and made part of the record in the case shall be considered in the determination of the case.



HEARING BEFORE FACULTY BOARD OF REVIEW

- 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.
- 7.6.e.7 The Faculty Board of Review, at its discretion, may set time limits for presentation of testimony.
- 7.6.e.8 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.
- 7.6.e.9 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.
- 7.6.e.10 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.
- 7.6.f A record of the hearing, including all testimony and evidence, shall be maintained.
 - 7.6.f.1 A copy of the record shall be kept on file by the President of UMCES and made available to both parties upon request.
 - 7.6.f.2 If the hearings are closed, the file shall be confidential and available only to the parties, their designated representatives, and counsel.
- 7.6.g The entire procedure shall be conducted in good faith by all persons.
- 7.6.h 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.
 - 7.6.h.1 Recommendations shall be determined by recorded majority votes.



HEARING BEFORE FACULTY BOARD OF REVIEW

- 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.

7.6.h.2 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.

7.6.h.3 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.

7.6.h.4 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.

HEARING BEFORE A HEARING OFFICER

7.7 Hearing Before A Hearing Officer¹

- 7.7.a 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.
- 7.7.a.1 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.
- 7.7.a.2 The Hearing Officer shall be an attorney in good standing, and shall be familiar with administrative law and procedures.
- 7.7.a.3 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.
- 7.7.b At the hearing conducted by the Hearing Officer, the case for appointment termination shall be presented by the President of UMCES.
- 7.7.c Rules of procedure for the hearing shall be as follows:
- 7.7.c.1 The hearing shall be *de novo*.
- 7.7.c.2 The hearing shall be closed to the public unless a public hearing is specifically requested by the accused faculty member.
- 7.7.c.3 Each party may be represented by counsel.
- 7.7.c.4 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.

¹ Hearing Officer policy derived in part from University System of Maryland Policy III-2.16-4.

HEARING BEFORE A HEARING OFFICER

7.7.c.5 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.

7.7.c.6 The hearing shall be conducted in the following order:

- (a) opening statement of UMCES;
- (b) opening statement of the faculty member;
- (c) presentation of evidence by UMCES;
- (d) presentation of evidence by the faculty member;
- (e) closing argument of UMCES;
- (f) closing argument of the faculty member.

-1 The Hearing Officer may at his/her discretion set time limits upon the opening statements and the closing arguments.

7.7.c.7 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:

- (a) that such desire is expressed in writing to the Hearing Officer five (5) calendar days in advance of the hearing; and,
- (b) 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.

-1 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.

7.7.c.8 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.

7.7.c.9 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.

HEARING BEFORE A HEARING OFFICER

- 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.

- 7.7.c.10 Upon the request of either party, a witness shall testify under oath or affirmation.

- 7.7.c.11 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:
 - (a) shall exclude incompetent, irrelevant, immaterial, and unduly repetitious matters;
 - (b) shall give effect to the rules of privilege and confidentiality recognized by law; and,
 - (c) shall exclude written statements proffered solely in lieu of testimony of persons who are reasonably available to testify.

- 1 The Hearing Officer may receive documentary evidence in the form of copies or excerpts or by incorporation by reference.

- 7.7.c.12 A request from a party for a continuance shall not be granted by the Hearing Officer except under the most exceptional circumstances.
 - 1 Requests 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.

- 7.7.c.13 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.

- 7.7.d 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.



HEARING BEFORE A HEARING OFFICER

7.7.d.1 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.

7.7.d.2 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.

COMPLETION OF APPOINTMENT TERMINATION PROCEDURES

7.8 Completion of Appointment Termination Procedures

- 7.8.a 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.
- 7.8.a.1 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.
- 7.8.b Within seven (7) calendar days of official receipt of the report submitted by the Faculty Board of Review of Hearing Officer, the President of UMCES shall promptly inform in writing the accused faculty member of the acceptance or rejection of each specific recommendation.
- 7.8.b.1 In each case, the President shall specify the administrative action(s) to be taken.
- 7.8.c 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.
- 7.8.c.1 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.
- 7.8.d If the appointment is terminated as the result of procedures described in the preceding paragraphs of Section III-7, 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.
- 7.8.d.1 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.
- 7.8.d.2 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.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 7

APPENDICES

APPENDIX III - 7 - A

III-1.10 - UNIVERSITY SYSTEM OF MARYLAND POLICY AND GUIDELINES FOR MISCONDUCT IN SCHOLARLY WORK



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 7

APPENDICES

APPENDIX III - 7 - B

INITIAL ASSURANCE TO USPHS REGARDING PROCEDURES FOR DEALING WITH AND REPORTING POSSIBLE MISCONDUCT IN SCIENCE

UNIVERSITY OF MARYLAND SYSTEM

OFFICE OF THE CHANCELLOR

Adelphi, Maryland 20783
 (Main Office) (301) 853-3601



Baltimore: (301) 328-7000
 Annapolis: (301) 974-2186

December 22, 1989

Assurance Processing Section
 Office of Scientific Integrity, PHS
 National Institutes of Health
 Building 31, Mailroom
 Bethesda, MD 20892
 ATTN: Ms. Carolyn Bowman

Dear Ms. Bowman:

The University of Maryland System (UMS) has a single policy, approved on November 30, 1989 by its Board of Regents, for dealing with and reporting possible misconduct in science. The UMS views itself as a single organization or institution for these purposes, although each major component (campus or research institute) has its own uniquely tailored procedures for dealing with and reporting possible misconduct. Since the instructions accompanying Form PHS 6315 clearly state that only one assurance is to be submitted for each organization or institution, and that this overall institutional/organizational assurance certifies that all various policies and procedures of such components are in compliance with the System-wide policy and the requirements of the Final Rule as published at 54 FR 32446 (August 8, 1989), the University of Maryland System herewith encloses a single assurance form for the entire System (IPF Number 0820101). In doing so, we certify substantial compliance with 42 CFR Part 50, Subpart A for the following institutions which the University of Maryland System comprises:

<i>Institution</i>	<i>IPF Number</i>
University of Maryland System	0820101
University of Maryland College Park	0820102
University of Maryland Baltimore County	0820103
University of Maryland Balto. Prof. Schools	0820104
University of Maryland Eastern Shore	0820105
University of Maryland Center for Environmental and Estuarine Studies	0820106
University of Maryland University College	0820107
Bowie State University	0808201
Coppin State College	0659701
Frostburg State University	0514201
Salisbury State University	0844901
Towson State University	8367601
University of Baltimore	20081

RECEIVED

JAN 2 1990

OFFICE OF THE DIRECTOR
UNICEF

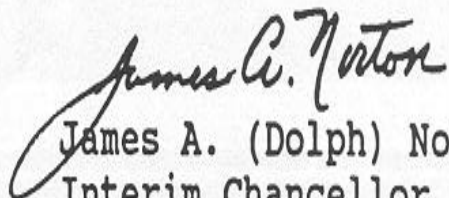
Ms. Carolyn Bowman

Page Two

December 22, 1989

Should you need to discuss this matter further, please contact Ms. Joan Marionni in the Office of the Vice Chancellor for Academic Affairs (301-853-3698).

Sincerely yours,


James A. (Dolph) Norton
Interim Chancellor

JAN:jtm

cc: Dr. David S. Sparks
Barbara F. Perry, Esq.
Ms. Joan T. Marionni
Presidents, UMS Institutions
Director, UMCEES

Enclosure (Form PHS 6315)

Department of Health and Human Services (HHS)
Public Health Service (PHS)

Initial Assurance

Regarding Procedures for Dealing with and Reporting Possible Misconduct in Science

RECEIVED OFFICE
OF THE

VICE CHANCELLOR

If the address area to the left is blank,
please fill in your institution's name
and address. If the address was
completed for you, please make any
necessary corrections.

PRESIDENT/DIRECTOR
UNIVERSITY OF MARYLAND SYSTEM
CENTRAL ADMIN BLDG
3300 METZEROTT RD
ADELPHI, MD 20783

0820101

Each institution which receives or applies for a research, research-training, or research-related grant or cooperative agreement under the Public Health Service Act must submit an annual assurance certifying that the institution has established administrative policies as required by the Final Rule (42 CFR Part 50, Subpart A), and that it will comply with those policies and the requirements of the Final Rule as published at 54 FR 32446, August 8, 1989.

1. In accordance with 42 CFR Part 50, the administrative policies provide for the following, and otherwise comply with 42 CFR 50.101-50.105:
 - An impartial process for receipt of allegations of scientific misconduct and for initiating immediate inquiry into each allegation.
 - Subject to Part 50, completion of each inquiry within 60 calendar days from receipt of allegation, including preparation of a written report.
 - Maintenance of detailed documentation of an inquiry for at least three (3) years, which must, upon request, be provided to authorized HHS personnel.
 - Initiation of an investigation within 30 calendar days of the completion of an inquiry, if findings from that inquiry provide sufficient basis for conducting an investigation.
 - Subject to Part 50, completion of an investigation within 120 calendar days.
 - Selection of impartial experts to conduct inquiries and investigations.
 - Precautions against real or apparent conflicts of interest in an inquiry or an investigation.
 - Affording the affected individual(s) confidential treatment to the maximum extent possible, a prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.
 - Notification to the PHS's Office of Scientific Integrity (OSI), at the National Institutes of Health, that an investigation will be conducted.
 - Notification to OSI within 24 hours of obtaining a reasonable indication of possible criminal violations.
 - Preparation and maintenance of the documentation to substantiate an investigation's findings for at least three (3) years after PHS acceptance of the final report.
 - Taking appropriate interim administrative actions to protect Federal funds and ensure that the purposes of the Federal financial assistance are being carried out.

- Promptly advising OSI of any developments during the course of the investigation which disclose facts that may affect current or potential Department of Health and Human Services funding for the individual(s) under investigation or that the PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.
- Making efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.
- Protecting, to the maximum extent possible, the positions and reputations of those persons who, in good faith, make allegations of scientific misconduct, and those against whom allegations of misconduct are not confirmed.
- Imposing appropriate sanctions on individuals when the allegation of misconduct has been substantiated.
- Notifying the OSI of the final outcome of the investigation with a written report that thoroughly documents the investigative process and findings.
- Informing its scientific and administrative staff of the policies and procedures and the importance of compliance with those policies and procedures.

2. Name and Title of Official Signing for the Organization

James A. (Dolph) Norton, Interim Chancellor
University of Maryland System

Telephone (area code, number,
and extension)

(301) 853-3601

Address

System Administration Building
3300 Metzertott Road
Adelphi, Maryland 20783

I certify that:

(a) this organization has established – and will comply with – policies and procedures, incorporating the provisions set out in Item 1 above, for inquiring into and investigating allegations of scientific misconduct;

(b) this organization will comply with the requirements of the PHS regulations on responsibilities of awardee and applicant institutions for dealing with and reporting possible misconduct in science (42 CFR Part 50, Subpart A); and

(c) this organization will provide its policies and procedures to the Public Health Service upon request.

Signature of the person named in Item 2 (In ink. "Per" signature not acceptable.)

Date:

James A. Norton

12-22-89



DRUG-FREE WORKPLACE POLICY

The following policy was approved by the Board of Regents of the University System of Maryland on 16 January 1989:

The University System of Maryland, as an employer, strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances.¹ Unlawful manufacture, distribution, dispensation, possession or use of controlled substances by University employees in the workplace is prohibited under University policy.

In addition to any legal penalties under federal and state law, employees found to be in violation of this policy may be subject to corrective action under applicable University personnel policies.

The University supports programs aimed at the prevention of substance abuse by University employees. Employees are encouraged to seek assistance for substance-dependency problems. Employee-assistance counseling and leaves of absence to attend rehabilitation programs are appropriate means for dealing with these problems.

¹ "Controlled substances" as defined pursuant to Controlled Substances Act, 21 U.S.C., Sections 801, *et seq.*

UMCES DRUG-FREE WORKPLACE POLICY

- 8.1 Statement of UMCES Policy on a Drug-Free Workplace
- 8.1.a UMCES strives in good faith to establish and maintain a workplace free from the illegal use, possession, manufacture, sale, or distribution of drugs or other materials defined as controlled dangerous substances under Maryland and federal criminal laws.
- 8.1.a.1 This policy shall apply to all Laboratory campuses and facilities operated by UMCES, including, but not limited to, research laboratories, offices, buildings and housing units, research vessels, and permanent or temporary field facilities.
- 8.1.a.2 This policy shall apply to all full-time and part-time employees, to students residing performing investigations at Center facilities, short- or long-term visitors, and to all other persons who may become officially or unofficially involved in UMCES' activities and programs.
- 8.1.b Employees found in violation of this policy shall be subject to progressive disciplinary action up to and including termination of appointment.
- 8.1.b.1 Students in residence shall be subject to dismissal from UMCES and may be subject to appropriate disciplinary action as imposed by their campus of enrollment.
- 8.1.b.2 This policy shall not supersede the possibility of criminal prosecution of individuals charged with willful illegal activity under relevant State and federal statutes.
- 1 Allegations of illegal *sale* or *distribution* of controlled substances on UMCES property shall be referred promptly to the appropriate legal authorities for possible criminal prosecution.
- 8.1.c It is the policy of UMCES to recognize the importance of its employees and students as valuable contributors to achieving its mission, and to restore without prejudice those who may have developed substance dependencies to full and productive roles in its academic community.
- 8.1.c.1 UMCES shall provide all employees and students in residence who may have substance dependencies with an opportunity to receive treatment and rehabilitation without disciplinary penalty, provided that:
- (a) conviction of sale or distribution of controlled substances has not been a precipitating factor in seeking such opportunity; and,



UMCES DRUG-FREE WORKPLACE POLICY

- (b) the individual cooperates with UMCES in withdrawing from all activities which may be impaired or which impose danger to others due to the dependency, treatment, or the rehabilitation program.
- 8.1.d It shall be the policy of UMCES to provide all employees with formal notification of this policy, its implementation, and the opportunities it provides for confidential treatment and rehabilitation under conditions of the maximum possible job security.
- 8.1.e In accordance with State of Maryland Policy, as promulgated in Executive Order 01.01.1989.05 signed by the Governor 7 April 1989, as a condition of employment, all UMCES employees shall be required to acknowledge receipt of this policy by returning a copy of the *State of Maryland Substance Abuse Policy Acknowledgment of Receipt* (**EXHIBIT III-8**) to their supervisor respective Heads of Laboratory for insertion in their permanent personnel files.

IMPLEMENTATION OF DRUG-FREE WORKPLACE POLICY

8.2 Implementation of Drug-Free Workplace Policy

8.2.a The Heads of Laboratory shall exercise administrative authority on behalf of the Vice President for Administration in the implementation of Drug-Free Workplace Policy within their respective UMCES Laboratory units.

8.2.a.1 The Vice President for Administration shall exercise such authority for employees in Center Administration.

8.2.a.2 An individual or his/her Laboratory Director may elect to bring a matter directly to the Vice President for Administration at any time.

8.2.b UMCES employees and students in residence shall report observed violations of Drug-Free Workplace policy to the appropriate Laboratory Director.

8.2.b.1 Such reports shall be made in complete confidence, and they may be made anonymously.

-1 The Laboratory Director shall decide whether such a report is sufficient cause to warrant investigation, but shall be obligated to conduct an inquiry or take other appropriate action concerning any individual who is the subject of two or more independent allegations.

-2 If investigation confirms substance abuse, dependency, or other violation of Drug-Free Workplace Policy, the Head of Laboratory shall promptly undertake appropriate corrective action.

8.2.b.2 Employees having supervisory authority over an individual shall report to the appropriate Laboratory Director any pattern of work performance where the individual has failed to complete assigned duties or shown deteriorating productivity attributable to substance abuse.

-1 If possible, the report should include documentation as to day, time, place, and nature of the incident(s) that are cause for concern.

8.2.b.3 The Laboratory Director shall promptly undertake corrective action upon review of such a report.

8.2.b.4 An individual who is experiencing problems with drug dependency or controlled substance abuse is encouraged to bring his/her circumstances to the attention of the appropriate Laboratory Director and seek treatment and rehabilitation under the provisions of this policy.



IMPLEMENTATION OF DRUG-FREE WORKPLACE POLICY

- 1 Such an individual may elect to initiate self-referral procedures for treatment and rehabilitation, as described below, without any involvement by UMCES or a representative thereof.

- 8.2.c Employee assessment, counseling, guidance, and referral assistance for treatment and rehabilitation under UMCES Drug-Free Workplace Policy shall be provided through the *Magellan Behavioral Health*.
 - 8.2.c.1 The appropriate Laboratory Director or the Vice President for Administration shall conduct a counseling interview when he/she has determined that unsatisfactory work performance warrants action.

 - 8.2.c.2 Employees identified as having substance abuse problems or dependency, but who are not otherwise involved in flagrant violation of UMCES Drug-Free Workplace Policy, shall be notified that they will be referred in strictest confidence to *Magellan Behavioral Health*.
 - 1 An employee so notified must avail himself/herself of these services or face the possibility of disciplinary actions appropriate to decreasing acceptability of work performance.

 - 8.2.c.3 An employee who recognizes that he/she has substance abuse problems may make direct contact with *Magellan Behavioral Health* without any involvement by UMCES.
 - 1 Nothing in this policy shall preclude an employee from seeking assistance through another service of his/her choice, except that UMCES makes no commitment to accept all conditions or financial obligations that may be recommended by such a program.

 - 8.2.c.4 Once referral has been initiated, applicable policies and procedures of *Magellan Behavioral Health* shall govern the implementation of employee assessment and, if so identified, treatment and rehabilitation under UMCES Drug-Free Workplace Policy.
 - 1 UMCES reserves the right to temporarily withdraw an employee from those duties which create a threat to personnel safety as a result of substance abuse or treatment leading to rehabilitation.

- 8.2.d Students in residence who have been confirmed to have substance abuse problems shall be referred to the appropriate service on their home campus for action.



NOTIFICATION OF CONVICTION

8.3 Notification of Conviction Requirements

8.3.a An UMCES employee who has been convicted of violating a criminal drug statute in the workplace shall inform his/her Laboratory Director within five (5) days of receipt of notification.

8.3.a.1 Failure to make such notification may be cause for termination of the individual's appointment.

8.3.b The Laboratory Director shall immediately inform the Vice President for Administration of such conviction, who shall in turn inform the Director of UMCES.

8.3.c In the event that the Director determines that the convicted employee was engaged in the performance of a federal grant or contract during the incident(s) in question, he/she shall notify the sponsoring federal agency within ten (10) days of receiving notice of the conviction.



NOTIFICATION OF DRUG-FREE WORKPLACE POLICY

8.4 Notification Procedures

- 8.4.a All UMCES employees shall receive written notification of the Center's Drug-Free Workplace Policy.
- 8.4.a.1 Current employees will be provided with a written statement of Drug-Free Workplace Policy, a summary of implementation procedures, and information regarding *Magellan Behavioral Health*.
- 1 A statement of policy and summary of implementation procedures shall also be published annually in the in-house newsletters prepared by each of the UMCES Laboratories and Center Administration.
- 8.4.a.2 New employees shall receive the above documents as part of the orientation information disseminated to all new hires.
- 1 New students in residence shall receive the above documents as part of the informational package they receive when commencing study under the direction of UMCES faculty.
- 8.4.b Each year, each UMCES Laboratory shall conduct a Drug Awareness Program for its faculty, staff, and students in residence.
- 8.4.b.1 This Program shall focus on the dangers of drug abuse, the provisions of the UMCES Drug-Free Workplace Policy, the availability of confidential counseling, treatment, and rehabilitation through *Magellan Behavioral Health*, and the legal obligations of both the employees and the Center under this Policy.
- 8.4.c A statement of UMCES Drug-Free Workplace Policy, and a summary of implementation policies and notification requirements, shall be sent to each recipient of a current or new federal grant or contract.
- 8.4.c.1 This document, or a full copy of Section III-8 of the UMCES *Policies and Procedures Manual*, shall be made available to any federal agency upon inquiry regarding UMCES Drug-Free Workplace Policy.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section III - 8

EXHIBITS

EXHIBIT III - 8

***STATE OF MARYLAND SUBSTANCE ABUSE POLICY
ACKNOWLEDGMENT OF RECEIPT***

STATE OF MARYLAND
SUBSTANCE ABUSE POLICY
ACKNOWLEDGMENT OF RECEIPT

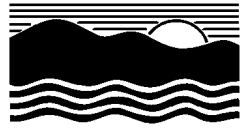
As an employee of the State of Maryland, I, _____, hereby certify that I have received a copy of the State's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the State's owned or utilized premises and violation of this policy can subject me to discipline up to and including termination. As a condition of employment, I must abide by the terms of this policy and will notify my supervisor of any criminal drug conviction no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

Employee's Signature

Date

Supervisor's Signature

Date



FACULTY GRIEVANCE PROCEDURE

The policies in Section III-9 set forth a faculty member's right to grieve an alleged violation of institutional policy as the result of decisions or actions by a supervisor or member of the UMCES administration. The grievance procedure is hierarchical; every attempt is made to resolve a formal complaint at each step.

Certain administrative decisions may not be grieved because they involve actions which are subject to appeal according to other policies and procedures. Among these are decisions involving promotion and tenure, appointment termination as a result of a finding of academic misconduct, and assignment to an academic program. This list is not exhaustive, and faculty members are urged to review the appropriate policies under which an alleged grievable act has been committed.



GRIEVANCE DEFINITIONS AND EXCLUSIONS

9.1 Definitions and Exclusions^{1,2}

- 9.1.a A *grievance* is a signed complaint by a faculty member against the University System of Maryland that alleges a violation of institutional policy by an academic administrator in the performance of any official action or inaction which adversely affects the faculty member in his/her academic or professional capacity.
- 9.1.b Even if a complaint otherwise meets the definition set forth above, it shall not be reviewed under the procedures established in this Section if it is filed by a faculty member who is the subject of the following:
- 9.1.b.1 Any decision or action involving faculty appointment (Section III-4), promotion/tenure (Section III-5), or merit review (Section III-10).
- 9.1.b.2 Any decision or action involving termination of a faculty member's appointment as a result of a finding of academic misconduct, as defined in Section III-6.
- 1 Any disciplinary action imposed as a result of a finding of academic misconduct, *other than* appointment termination, may be reviewed as a grievance, subject to conditions imposed in Section III-6.
- 9.1.c Consistent with policy of the University System of Maryland, the following also shall not be subject to review as grievances:
- 9.1.c.1 Any matter pertaining to broad areas of the fiscal management, staffing, or structure of the University System of Maryland or UMCES that are based upon general market factors such as availability of faculty or demand for a particular academic discipline, excepting those fiscal matters that affect specific individuals.
- 9.1.c.2 An official policy, regulation, procedure, decision, or act by the Board of Regents, the Chancellor of the University System of Maryland, or the President of UMCES, or any matter the remedy of which would contravene or interfere with any such official policy, regulation, procedure, decision, or act.

1 Original Grievance Policy guidelines from University of Maryland Policies and Procedures, III-2.05.1; revised by UMCES Administrative Council (August 1985) and adopted by Director I. Morris August 1985.

2 Grievance Policy reviewed and revised by UMCES Faculty Senate (11/5/90) and Administrative Council (12/13/90); adopted by President Donald F. Boesch effective 2 January 1991.



GRIEVANCE DEFINITIONS AND EXCLUSIONS

- 9.1.c.3 Any matter, the resolution of which is not within the exclusive control of the University System of Maryland.
- 9.1.d The faculty member shall bear the burden of proving the merits of his/her grievance.
 - 9.1.d.1 At a minimum, evidence must be presented that is more convincing than the opposing evidence that the alleged act did in fact occur, that it was performed or approved by the academic administrator involved, that the result adversely affects the individual, and that the remedy sought is reasonably necessary and proper to correct that injury.
 - 9.1.d.2 The advice of legal counsel may be sought on significant legal issues raised in a grievance.
- 9.1.e If resolution of a grievance involves award of a remedy to a faculty member, before such remedy is awarded the faculty member shall execute a written waiver recognizing the remedy to be satisfactory and forever forswearing any claims or causes of action arising out of the action grieved.



GRIEVANCE REVIEW BY LABORATORY DIRECTOR

- 9.2 Faculty grievance matters normally shall be addressed to the appropriate Laboratory Director for resolution or for transmittal to the Vice President for Administration.
- 9.2.a In order to be reviewed under the provisions of this section, a complaint shall be submitted in writing and signed by the faculty member.
- 9.2.a.1 An individual UMCES faculty member shall not make a grievance on behalf of another individual.
- 9.2.a.2 Grievances by more than one faculty member may be combined into a single complaint, provided that each faculty member signs the grievance and the material facts and issues are substantially the same.
- 9.2.b A grievance shall be filed within one hundred twenty (120) calendar days from the date of the act giving rise to the complaint or the date that the faculty member reasonably should have had knowledge of the act, whichever is later.
- 9.2.b.1 The faculty member shall endeavor to resolve the matter informally during this time period, and description of such effort(s) shall be included in the grievance document.
- 9.2.c Any *formal* resolution of the grievance established by the Laboratory Director shall be addressed in writing to the grieving individual.
- 9.2.c.1 If the faculty member is not satisfied with the resolution, he/she may file a written appeal with the Laboratory Director within ten (10) calendar days of receipt of the written resolution.
- 9.2.c.2 If the faculty member does not file a written appeal of the resolution within the time period specified above, a copy of the original complaint and the written resolution shall be placed in the faculty member's personnel file.



GRIEVANCE REVIEW BY VICE PRESIDENT FOR ADMINISTRATION

- 9.3 The Vice President for Administration shall act upon those grievances which cannot satisfactorily be resolved by the Laboratory Directors.
- 9.3.a A grievance complaint shall be transmitted to the Vice President for Administration under the following circumstances:
- 9.3.a.1 The complaint involves an alleged act performed under the auspices of the Office of the President of UMCES or one of the Vice Presidents' Offices.
- 1 If the complaint involves an alleged act performed under the auspices of the Office of the Vice President for Administration, it shall be reviewed by the President of UMCES.
- 9.3.a.2 The appropriate Laboratory Director feels unable to address the complaint.
- 9.3.a.3 The faculty member has filed written appeal concerning the resolution of the grievance as established in writing by his/her Laboratory Director.
- 9.3.b The Vice President for Administration shall be provided, at the minimum, the written complaint and all associated evidence, a written statement, if appropriate, from the Laboratory Director explaining why the grievance has been forwarded and, if appropriate, a record of all the attempted resolutions and the faculty member's letter of appeal.
- 9.3.c The Vice President for Administration may consult with the grieving individual, the appropriate Laboratory Director, and any other individuals affected by the complaint, in an attempt to resolve the grievance.
- 9.3.d The Vice President for Administration shall address in writing his/her resolution of the complaint to the grieving faculty member and the appropriate Laboratory Director.
- 9.3.d.1 If the faculty member is not satisfied with the resolution, he/she may file a written appeal with the Vice President for Administration within ten (10) calendar days of receipt of the written resolution.
- 9.3.d.2 If the faculty member does not file a written appeal of the resolution within the time period specified above, a copy of the original complaint and the *final* written resolution shall be placed in the faculty member's personnel file.



GRIEVANCE REVIEW BY PRESIDENT

- 9.4 The President of UMCES shall be the final arbiter of grievances made by UMCES faculty.
- 9.4.a The President may review a grievance only under the following circumstances:
- 9.4.a.1 The grievance concerns an alleged act performed by the Vice President for Administration.
- 9.4.a.2 The faculty member has filed an appeal of a grievance resolution with the Vice President for Administration.
- 1 The President shall be provided a complete file of all information obtained by the Vice President for Administration, plus the written resolution proposed by the Vice President and the faculty member's written appeal of same.
- 9.4.a.3 The faculty member is appealing a disciplinary action imposed by the President as the result of a finding of academic misconduct as set forth in Section III-7.
- 9.4.b The President shall request the Chair of the UMCES Faculty Senate to convene that body as a Faculty Grievance Board for the purpose of hearing the grievance and formulating an advisory opinion.
- 9.4.b.1 In those cases where the grievance has originated from disciplinary action taken after a finding of academic misconduct, the resolution established by the Faculty Grievance Board shall be binding and final.
- 9.4.c The President shall formulate a final resolution in writing, such resolution to be addressed to the grieving individual, to the Vice President for Administration, the appropriate Laboratory Director, and the Chair of the UMCES Faculty Senate.
- 9.4.c.1 The final resolution of a grievance promulgated by the Office of the President shall be final and all parties bound by it.
- 9.4.c.2 A copy of the complaint and the *final* resolution shall be placed in the personnel file of the grieving individual.



REVIEW BY FACULTY SENATE AS FACULTY GRIEVANCE BOARD

- 9.5 The Chair of the UMCES Faculty Senate shall convene that body as a Faculty Grievance Board for the purpose of resolving a grievance referred from the Office of the President of UMCES.
- 9.5.a The Senate shall convene as a Faculty Grievance Board within ten (10) calendar days of the date of receipt by its Chair of a grievance transmitted from the Office of the President.
- 9.5.a.1 The Chair of the Senate shall be the presiding officer of the Faculty Grievance Board, and the Secretary of the Senate shall be the executive secretary of the Board.
- 9.5.a.2 At its first meeting as Faculty Grievance Board on a particular case, the Senate shall review the grievance and the attempted resolution(s), if any, and establish whether or not to convene a full hearing.
- 1 If the majority of the members present vote against the convening of a full hearing, the Faculty Grievance Board may direct its Chair to record an opinion based on the nature of the available information.
- 9.5.a.3 The Chair shall transmit the majority decision of the Board, plus any opinion and dissenting report(s), if any, to the President of UMCES.
- 9.5.b If the Faculty Grievance Board elects to convene a full hearing, its Chair shall so inform all parties in writing and shall schedule such hearing within reasonable elapsed time to permit the parties to make arrangements for attendance and to assemble necessary information, but under no circumstances shall the time between the initial meeting of the Senate as Faculty Grievance Board and the commencement of the hearing exceed thirty (30) calendar days.
- 9.5.b.1 Both parties to the grievance shall have the right to legal counsel.
- 9.5.b.2 The hearing shall be open unless one or both parties request that it be closed.
- 9.5.b.3 A complete record shall be kept of all proceedings and documents entered into evidence.
- 9.5.b.4 Each party shall have an opportunity to make an opening and closing statement, present written evidence, examine and cross-examine witnesses, offer personal testimony, file objections, exceptions, motions, and post-hearing briefs provided, however, that where a party is represented by



REVIEW BY FACULTY SENATE AS FACULTY GRIEVANCE BOARD

counsel, the opening and closing statements, submission of written evidence, examination and cross-examination of witnesses, and filing objections, exceptions, motions, and post-hearing briefs on behalf of that party shall be done solely by such counsel.

- 9.5.b.5 The faculty member shall first present his/her case; then the academic administrator shall present his/her case.
- 9.5.b.6 The Chair of the Faculty Grievance Board shall make rulings on all questions concerning the course of the proceedings in such manner as he/she deems appropriate.
- 1 The Chair may seek such legal advice as he/she deems necessary to render a decision on any such question.
 - 2 The Chair, in his/her discretion, may set time limits for presentation of testimony and exclude redundant or irrelevant evidence.
 - 3 The faculty member shall have the right to examine and use any part of his/her personnel files as are legally available in pursuing his/her defense.
- 9.5.b.7 Only evidence offered and made part of the record in the case and no other factual information or evidence shall be considered in the resolution of the complaint.
- 1 If the grievance is against disciplinary action imposed in a case of proven academic misconduct, evidence relating solely to the guilt or innocence of the faculty member shall not be admissible.
- 9.5.b.8 Both parties have the right to call witnesses, including members of the University staff, in pursuance of their cases.
- 1 The UMCES Faculty Senate sitting as Faculty Grievance Board cannot assure the presence of witnesses requested by either party.
 - 2 However, either party may request in writing that the Chair contact a witness or witnesses to request their appearance at the hearing, and the Chair may contact such witnesses if, in his/her judgement and on the advice of the Board members, the request is reasonable and the testimony to be given by the witness or witnesses is demonstrably relevant to the issues raised by the grievance.
- 9.5.b.9 Upon the request of either party, all persons to be called as witnesses shall be sequestered.
- 9.5.b.10 The Faculty Grievance Board shall not grant continuances except for extraordinary circumstances.



REVIEW BY FACULTY SENATE AS FACULTY GRIEVANCE BOARD

- 9.5.b.11 The entire hearing procedure shall be conducted in good faith by all persons involved.
- 9.5.c The Faculty Grievance Board shall make its decision on the grievance, including its findings and recommended action, if any, based upon the vote of a majority of its voting members.
- 9.5.c.1 In making its decision, the Board shall consider only the evidence properly brought before it in the hearing.
- 9.5.c.2 After considering all the evidence properly brought before it, the Board shall decide whether the faculty member has proved his/her grievance.
- 9.5.c.3 Within ten (10) calendar days of the conclusion of the hearing, the Chair shall formulate a written report of the decision of the Faculty Grievance Board, including any significant dissents therefrom, and forward such report to the President as an advisory opinion in the matter, with copies to the faculty member bringing the grievance and to the UMCES administrator whose action forms the basis of the grievance.
- 1 The Chair shall also provide the President with any additional information, in the form of evidence, testimony, and official record of the hearing, as he/she may request in reviewing the advisory opinion.
 - 2 In those cases where the resolution established by the Faculty Grievance Board is binding and final, the written report of the decision shall be transmitted by the Chair of the UMCES Faculty Senate directly to the grieving individual and to the President of UMCES.
- 9.5.c.4 The President shall inform all parties, and the Chair of the UMCES Faculty Senate, of his/her final decision regarding resolution of the grievance within thirty (30) calendar days of receipt of the report of the Faculty Grievance Board.



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II-4.00 UNIVERSITY SYSTEM OF MARYLAND POLICY ON FACULTY GRIEVANCES



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POLICIES AND PROCEDURES

Section III - 10

FACULTY REVIEW

Section III-10 establishes procedures for periodic review of UMCES faculty members, including both annual review of all faculty and comprehensive review of tenured faculty. These evaluations are undertaken in the spirit of affording a periodic opportunity for constructive dialogue leading to continued professional development. The Laboratory Directors plays a critically important role in all periodic reviews of faculty members at their respective facilities.

ANNUAL FACULTY EVALUATION PROCEDURES

10.1 Annual Faculty Evaluation Procedures^{1,2}

10.1.a General Policies

10.1.a.1 Annual evaluations of all UMCES faculty members shall be conducted each year, with the following exceptions that will substitute for the annual review:

- 1 Any scheduled interim review within rank;
- 2 Any review for promotion in rank, including a review for promotion and tenure;
- 3 Any comprehensive review of a tenured faculty member, as provided for in *Section III-10.2*.

10.1.a.2 Faculty members on approved leave of absence may request that they not receive an annual review during the year of leave.

10.1.a.3 All procedures shall conform to the Affirmative Action Policy of the University System of Maryland; the Director of Personnel in Center Operations and the Affirmative Action Officer at each UMCES Laboratory unit may be contacted for the most recent regulations.

10.1.b The Laboratory Directors shall inform each of their faculty members in writing concerning the annual review process and required documentation not later than *31 December* of the calendar year upon which the evaluation is to be conducted.

10.1.c Prior to *1 February* of each calendar year, faculty and staff shall submit their annual review dossier to their respective Laboratory Director.

10.1.c.1 The following documents *must* be included in this dossier:

- (a) complete signed and dated *curriculum vitae*, updated through the previous calendar year (optional for Faculty Research Assistants);

1 Recommended by UMCES Administrative Council and Faculty Senate (10/17/91); adopted by President Donald F. Boesch effective 1 November 1991.

2 *UMS Bylaws, Policies and Procedures of the Board of Regents*, III-1.20 (APPENDIX III-10-1).

ANNUAL FACULTY EVALUATION PROCEDURES

- (b) signed and dated statement summarizing the individual's most significant activities and progress during the previous calendar year and outlining programs and priorities for the coming year;
- (c) for support faculty holding any Research Scientist rank, Research Associates, and Faculty Research Assistants, a written evaluation from the appropriate sponsor or supervisor(s).

10.1.c.2 A Laboratory Director may request the inclusion of additional information and/or documentation in the annual review dossiers.

- 1 These materials may include, but need not be limited to, copies of reprints and technical reports, abstracts of presentations made, and the names of persons familiar with the individual's professional activity during the previous calendar year.

10.1.c.3 Written evaluations of Faculty Research Assistants are prepared and submitted by their respective supervisors.

- 1 Each Faculty Research Assistant shall meet with his/her supervisor prior to the preparation of such evaluation.

10.1.d After receiving the annual review dossiers, a Laboratory Director normally shall discuss matters associated with an individual's research progress and professional development in a private meeting.

10.1.d.1 A Laboratory Director may elect to accept the written evaluation of the appropriate supervisor of a Faculty Research Assistant in lieu of such a meeting.

10.1.d.2 A faculty member may request such a meeting if not invited to do so by the Laboratory Director.

- 1 Support faculty may elect to be represented or accompanied by their sponsor or supervisor at such a meeting.

10.1.d.3 A Laboratory Director may also seek additional information from other professional colleagues concerning a faculty member's activities and development.

- 1 Although this information need not be submitted in writing by the individual(s) contacted, a record of such contact(s) and a summary of the information received shall be added to the annual review dossier.

ANNUAL FACULTY EVALUATION PROCEDURES

- 2 Excepting that the source(s) shall remain confidential, this information, or summary thereof, shall be available for inspection by the faculty member.
- 10.1.e The Laboratory Director shall review all materials and information and establish an opinion as to each faculty member's professional achievement.
- 10.1.e.1 The principal criteria to be evaluated shall be the quality of the individual's work and appropriateness of efforts relative to the needs and mission of the Laboratory unit, UMCES, and the University System of Maryland.
- 1 Laboratory Directors shall also consider the context of past performance, the individual's ability to address and solve problems defined in previous evaluations, and perceived trends in the faculty member's professional development.
- 2 Service to UMCES, as exhibited by membership on committees or other tasks performed on a Centerwide basis, and similar involvement in USM activities, shall also be considered in this evaluation.
- 3 Perceptions of peers outside the UMCES community, as exhibited by invited papers, seminars, activities in professional societies, and other forms of professional recognition shall be viewed as significant in a faculty member's professional development.
- 10.1.e.2 Each Laboratory Director shall employ a method deemed effective in achieving an equitable evaluation of their faculty.
- 10.1.e.3 Relative ranking of an individual's performance shall be summarized using these categories:
- superior, excellent, satisfactory, and unsatisfactory.***¹
- 1 An additional category ***distinguished***, is reserved for those few individuals who have shown truly exceptional performance and shall be assigned by the President upon receipt and approval of such recommendation from the appropriate Laboratory Director.
- 2 The final ranking, using criteria outlined in section 10.1.e.3 and any additional criteria established by the Laboratory Director, shall be justified with a qualitative explanation designed to provide information helpful in fostering continued professional development of each faculty member.

¹ Performance categories adopted by Director T. Malone upon recommendation of the Laboratory Directors, effective 27 February 1989.



ANNUAL FACULTY EVALUATION PROCEDURES

- 10.1.e.4 An individual and his/her Laboratory Director may elect to discuss the results of the evaluation in a private meeting.
- 10.1.e.5 The complete evaluation dossier, including the final evaluation and ranking by the Laboratory Director, shall become part of the faculty member's permanent file at UMCES.
- 1 The evaluation dossier may be examined at any time by the faculty member, by the UMCES President, Vice Presidents, and the individual's Laboratory Director, by other individuals authorized to do so by the UMCES Vice President for Administration, and by members of duly constituted UMCES committees, *e.g.* the faculty member's promotion/tenure committee, as part of future professional evaluations.
 - 2 A written record of any examination requiring authorization, identifying the party or parties, date, and purpose, and signed by the Vice President for Administration, shall be added to the evaluation dossier.
- 10.1.e.6 Two successive *unsatisfactory* annual reviews of a tenured faculty member shall automatically result in a comprehensive review of the individual in the following calendar year.

COMPREHENSIVE REVIEW OF TENURED FACULTY MEMBERS

10.2 Comprehensive Review of Tenured Faculty Members^{1,2}

10.2.a General policies.

10.2.a.1 A tenured faculty member shall be subject to a comprehensive review at least once every five (5) years, the first review to take place not later than the fifth year following the date of tenured appointment.

- 1 Two successive *unsatisfactory* annual reviews, conducted according to procedures in *Section III-10.1*, shall automatically initiate a comprehensive review in the following calendar year.
- 2 A faculty member who goes on an approved leave of absence during the five-year period between reviews normally shall be subject to a regularly scheduled comprehensive review, except that an individual on leave during the year of a scheduled review may request his/her Laboratory Director to postpone the review for not more than one calendar year.

10.2.a.2 Each comprehensive review shall evaluate the faculty member's performance since the period covered by the preceding comprehensive review or, for the first such review, since beginning of tenured appointment.

10.2.a.3 The individual's Laboratory Director shall be responsible for initiating the comprehensive review and completing the faculty member's performance evaluation.

- 1 At the Laboratory Director's discretion, if a faculty member's annual performance evaluation has been *excellent* or above in each of the five years covered by the review, the individual's comprehensive review need not involve evaluation by a comprehensive review committee (Section III-10.2.c).

10.2.a.4 The comprehensive review shall be a formative process for future faculty professional development in research, for enhancing the learning environment for graduate students and interns, and for the improvement of all programs in which the individual may participate in service to UMCES, the University System of Maryland, and the State of Maryland.

1 Final review by UMCES Faculty Senate (3/30/98); recommended by UMCES Administrative Council (5/6/98); adopted by President Donald F. Boesch effective 7/1/98.

2 *UMS Bylaws, Policies and Procedures of the Board of Regents*, III-1.19 (APPENDIX III-10-2).



COMPREHENSIVE REVIEW OF TENURED FACULTY MEMBERS

- 10.2.a.5 The UMCES policies on comprehensive review are in addition to other USM and institutional policies and procedures concerning faculty evaluation and/or appointment termination.
- 10.2.a.6 All procedures for comprehensive review shall conform to the Affirmative Action Policy of the University System of Maryland; the Director of Personnel in Center Operations and the Affirmative Action Officer at each UMCES Laboratory unit may be contacted for the most recent regulations.
- 10.2.b Prior to *1 September* of the year of review, the appropriate Laboratory Director shall provide written notice to each faculty member who will be undergoing a comprehensive review.
- 10.2.b.1 The notice shall specify the period to be covered by the comprehensive review, such period normally to conclude at the end of the calendar year preceding the year in which the review is initiated.
- 10.2.b.2 The notice shall invite the faculty member to assemble a comprehensive review dossier containing the following materials:
- (a) Complete signed and dated *curriculum vitae*, updated through the end of the comprehensive review period;
 - (b) Signed and dated statement summarizing the individual's most significant activities and progress during the comprehensive review period, and outlining his/her goals in research, education, and service for the next five (5) years;
 - (c) Copies of representative peer-reviewed publications, technical reports, abstracts of presentations made (including presentations to the general public), and any other materials which the faculty member feels to be representative of his/her professional activity during the period covered by the comprehensive review;
 - (d) Other documentation the faculty member wishes to be considered in the evaluation, which may include, but not be limited to, copies of teaching evaluations for courses taught, letters acknowledging service in the public sector, and evidence of creative/scholarly activities not included in the above.



COMPREHENSIVE REVIEW OF TENURED FACULTY MEMBERS

- 10.2.b.3 The faculty member shall be responsible for assembling the requested materials and for submitting the complete comprehensive review dossier to his/her Laboratory Director not later than *1 October*.
- 10.2.c The Laboratory Director shall appoint a comprehensive review committee composed of at least three (3) tenured faculty to review the dossier of each faculty member undergoing comprehensive review at the UMCEES Laboratory.
- 10.2.c.1 At the Laboratory Director's discretion, the committee need not review the dossier of a faculty member who has received an annual evaluation rating of *excellent* or above in each of the five years covered by the comprehensive review.
- 1 In such cases, the Laboratory Director shall explain this decision in the complete comprehensive review submitted to the President of UMCES (Section III-10.2.d.4).
- 10.2.c.2 At least one (1) member, and not more than two (2), shall be employed at a different UMCES Laboratory and/or at another University System of Maryland Institution.
- 1 The committee chair shall be appointed by the Laboratory Director.
- 10.2.c.3 At its discretion, the committee may assemble additional information pertinent to the evaluation of the professional development of a faculty member during the period of time covered by his/her comprehensive review.
- 1 Except that the source(s) shall remain confidential, this additional information shall be available for inspection at the request of the faculty member.
- 10.2.c.4 The committee shall prepare and submit to the Laboratory Director a written appraisal of each faculty member, such appraisal to identify with specific examples the strengths of the individual's performance during the review period and to point out problem areas that appear to be inhibiting professional development.
- 1 The appraisal shall be endorsed by each member of the committee, except that any member of the committee may submit a signed minority report.

COMPREHENSIVE REVIEW OF TENURED FACULTY MEMBERS

- 2 The appraisal shall be accompanied by the complete dossier of the individual under review.

10.2.d Based on the review committee's report, information from past annual reviews, and any additional information that may be procured, the Laboratory Director shall prepare a written evaluation of each faculty member undergoing comprehensive review at his/her facility.

10.2.d.1 The review shall specifically address the faculty member's professional development in research, education, and service and cite specific examples in the material assembled in the individual's dossier.

- 1 Laboratory Director shall consider the context of past performance, the individual's ability to address and solve problems defined in previous annual and/or comprehensive evaluations, and perceived trends in the faculty member's professional development.
- 2 Special emphasis shall be placed on providing evidence that the individual has attempted to apply his/her professional abilities in service to UMCES, the UM System, and the State of Maryland.

10.2.d.2 The review shall conclude with a ranking of the individual's performance according to the following categories:

superior, excellent, satisfactory, and unsatisfactory.

- 1 An additional category, ***distinguished***, is reserved for those few individuals who have shown truly exceptional professional development during the time period covered by the comprehensive review and shall be assigned by the President upon receipt and approval of such recommendation from the appropriate Laboratory Director.

10.2.d.3 The Laboratory Director shall provide the faculty member with a copy of the evaluation.

- 1 The faculty member shall be invited to prepare a written response, and, if he/she elects to do so, such response shall be submitted to the Laboratory Director within fourteen (14) calendar days after receiving the evaluation.
- 2 The Laboratory Director shall discuss the evaluation, and the faculty member's response if any, with the individual in a private meeting.



COMPREHENSIVE REVIEW OF TENURED FACULTY MEMBERS

- 3 The review committee's appraisal, the Laboratory Director's written evaluation, and the faculty member's written response, if any, shall constitute the *complete comprehensive review*.

10.2.d.4 Prior to *15 April* of the next calendar year, the Laboratory Director shall forward a copy of the complete comprehensive review to the President of UMCES.

- 1 If the performance ranking is unsatisfactory, the faculty member's entire comprehensive review dossier shall accompany these materials.
- 2 The President may elect to review the complete dossier of any faculty member who has undergone comprehensive review.

10.2.e If a faculty member's performance is judged as not meeting expectations, the Laboratory Director, the President of UMCES, and the faculty member in question shall meet to work out a specific development plan for professional improvement.

10.2.e.1 The plan may include any elements consistent with the mission and policies of UMCES, and shall provide for formal evaluation of progress at fixed intervals.

10.2.e.2 The plan shall be signed by the Laboratory Director, the President of UMCES, and the faculty member.

10.2.f The complete comprehensive review, the evaluation dossier, and any agreed upon plan for professional development, shall become part of the faculty member's permanent file at UMCES.

10.2.f.1 These documents may be examined at any time by the faculty member, by the UMCES President, Vice Presidents, and the individual's Laboratory Director, and by other individuals authorized to do so by the UMCES Vice President for Administration as part of future professional evaluations.

- 1 A written record of any examination requiring authorization, identifying the party or parties, date, and purpose, and signed by the Vice President for Administration, shall be added to the permanent record.

RECOGNITION OF FACULTY MERIT

10.3 Recognition of Faculty Merit

10.3.a The UMCES Administrative Council shall meet each year and assist the President in establishing Centerwide procedures for recognizing faculty merit earned during the previous calendar year.

10.3.a.1 The Laboratory Directors shall have discussed available options with their respective faculties prior to this meeting, and faculty recommendations shall be considered in the deliberations of the Administrative Council.

10.3.b The results of annual evaluation or comprehensive evaluation, as appropriate, shall form the basis of recommendations regarding merit salary increases, if such are authorized by the UM System and the President of UMCES.

10.3.b.1 Special emphasis will be placed on the recognition of tenured faculty members whose comprehensive review resulted in a performance ranking of *excellent*, *superior*, or *distinguished*.

10.3.b.2 The President shall allocate to each Laboratory Director a total budgetary amount for specific use in the recognition of faculty merit.

10.3.b.3 The Laboratory Directors shall develop recommendations regarding the distribution of these funds as salary increments to their respective meritorious faculty.

-1 Salary increments may be awarded on the basis of per cent current salary or as a flat amount, according to Centerwide policy established by the President after receiving the recommendations of the Administrative Council.

10.3.c Whether or not merit salary increases are authorized, the President of UMCES and the Laboratory Directors shall consider other methods of recognizing faculty excellence.

10.3.c.1 Examples of such recognition include cash bonuses, additional support for the graduate student(s) working under a faculty member's auspices, additional technical support, research equipment, and allocation of funds for travel by the faculty member or his/her graduate student(s).



RECOGNITION OF FACULTY MERIT

- 10.3.d In accordance with agreed-upon procedures for recognizing merit, the Laboratory Directors shall formulate recommendations for their respective faculty members, and submit these, along with the merit evaluations and rankings, to the President of UMCES by *15 April* of the year following the calendar year for which the evaluation applies.
- 10.3.d.1 The President of UMCES may discuss these recommendations with the Laboratory Directors prior to providing final authorization.
- 10.3.d.2 Any final salary increment is subject to appeal to the President of UMCES by the Laboratory Director on behalf of his/her faculty.
- 10.3.d.3 Annual salary letters from the Laboratory Directors to their faculty shall explain how the results of merit evaluation were translated into any authorized salary increment and/or other authorized method of merit recognition.



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II-1.20 UNIVERSITY SYSTEM OF MARYLAND POLICY ON EVALUATION OF THE PERFORMANCE OF FACULTY



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II-1.19 UNIVERSITY SYSTEM OF MARYLAND POLICY ON THE COMPREHENSIVE REVIEW OF TENURED FACULTY



FACULTY RETRENCHMENT POLICY

The UMCES Retrenchment Policy has been adopted under authority set forth in the University System of Maryland *Policy on the Appointment, Rank, and Tenure of Faculty* as implemented by the *Policy on Faculty Retrenchment* of the Board of Regents. The policy has reviewed for legal sufficiency by the Office of the Attorney General and approved by the Chancellor of the University System of Maryland.

Consistent with the trans-disciplinary philosophy that is fundamental to its administration, UMCES lacks the departmental structure is characteristic of most academic institutions. UMCES Retrenchment Policy reflects this fact and is therefore program- rather than department- or Laboratory-based. Procedures for the definition of and assignment of faculty members to specific programs are provided in the General Administrative Policies portion of the UMCES *Policies and Procedures Manual*, specifically, Section VI-1.2.

FACULTY RETRENCHMENT PROCEDURE

- 11.1 Pursuant to the *Policy on Faculty Retrenchment* of the Board of Regents of the University System of Maryland,¹ UMCES is authorized to reduce or reallocate its faculty at various times and for various reasons in order to fulfill its role and mission and to make optimal use of its faculty resources.
- 11.1.a The term "retrenchment" means the termination of a faculty appointment as authorized in the 29 November 1990 University System of Maryland (UM System) Board of Regents *Policy on Faculty Retrenchment* (II-8.00).²
- 11.1.b In order to insure the protection of rights of faculty members and consistency with the internal governance structure of UMCES, the retrenchment procedures specified under Sections III-11.1 through III-11.7 of the UMCES *Policies and Procedures Manual* shall be followed.³
- 11.1.b.1 These retrenchment procedures are applicable only to all persons appointed to a rank identified or permitted under the UM System *Policy on the Appointment, Rank, and Tenure of Faculty* (II-1.00) of the UM System *By-Laws, Policies and Procedures of the Board of Regents*.
- 11.1.b.2 The UM System Retrenchment Policy and these retrenchment procedures are in addition to and not in limitation of other UM System and UMCES policies and procedures concerning faculty appointments, nor are they in limitation of any UM System or UMCES policies on academic program review.
- 11.1.c The President of UMCES has final authority over any decision or determination under these retrenchment procedures.
- 11.1.c.1 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 UMCES or outside the institution.
- 1 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.

1 See Appendix III-11-A.

2 For the purposes of these procedures, "restricted funding as used in the UM System 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.

3 These policies were reviewed for legal sufficiency and approved by the Office of the Attorney General (1/5/96). They were approved for implementation by UM System Chancellor Donald N. Langenberg on 16 January 1996.



FACULTY RETRENCHMENT PROCEDURE

- 11.1.c.2 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.
- 1 An effort shall be made to give advance notice of any such adjustment, however, failure to comply with such schedules shall not be grounds for appeal under these retrenchment procedures.
- 11.1.d Before effecting the termination of faculty appointments, the President of UMCES may take other actions including, but not limited to: elimination or reallocation of positions following normal attrition; reduction in the proportion of State support for any position(s); reassignment within UMCES to other positions; terminal leave; and early retirement.
- 11.1.d.1 The appointments of tenured faculty shall only be terminated after alternative actions have been considered, but appointment termination shall not be conditioned upon first taking such alternative actions.
- 11.1.e Implementation of these retrenchment procedures shall not focus on individual faculty members, but rather shall be guided by and be consistent with fulfilling the mission of UMCES and the quality and requirements of the institution's programs.
- 11.1.e.1 The units of retrenchment shall be programs.
- 1 A "program" within which a retrenchment action may occur under these procedures shall be a focused area of research, education, or public service in which two or more faculty members participate at the time such action is initiated.
 - 2 Specific programs shall be defined, identified by name, and faculty members appropriately assigned to such programs, according to procedures in VI-1.2 of the UMCES *Policies and Procedures Manual*.
 - 3 Program definitions and faculty assignments to programs shall have been effected in advance and independently of the initiation of retrenchment action.
 - 4 In the event that programs have not been defined and all faculty assignments made when a retrenchment action is initiated, the units of retrenchment shall be the individual UMCES Laboratories.
- 11.1.e.2 Program review is a part of routine institution planning.
- 1 While such reviews may be motivated in part by broad financial considerations, they normally occur as part of the ongoing management of the institution.
 - 2 Resulting program eliminations provide a basis for faculty terminations without the necessity of showing a lack of appropriations.



FACULTY RETRENCHMENT PROCEDURE

- 11.1.f Where the lack of appropriation is the basis for faculty retrenchment, the retrenchment plan may take into consideration such non-financial factors as institutional mission, long-range research planning, and may call for program reductions and/or program eliminations.
- 1 A lack of appropriations exists when, in the President's judgement, 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, and 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.
 - 2 The President's determination that a fiscal crisis exists is subject to review by the Board of Regents.
 - 3 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.
 - 4 The Board may receive comments from the President, representatives of institutional and faculty governance bodies, and other interested persons.
- 11.1.g UMCES shall not undertake any action in implementing these procedures that is inconsistent with the policies of the University System of Maryland and the laws and policies of the State of Maryland.
- 11.1.g.1 UMCES and University System of Maryland Equal Employment/Affirmative Action policy shall not be compromised through any such action.
- 11.1.g.2 These procedures shall be consistent with Sections I.C.9, I.C.10, I.C.13, and I.C.17 of the *Policy on Appointment, Rank, and Tenure of Faculty* of the Board of Regents of the University System of Maryland.¹
- 11.1.h Because faculty retrenchment actions have major consequences for faculty and for the capacity and direction of research, education, and service programs within the institution, this policy shall be implemented under the principle of open consultation with the UMCES Faculty and with due consideration of faculty rights and responsibilities.
- 11.1.h.1 However, consistent with applicable law, deliberations about specific personnel decisions of any committee shall be confidential.

¹ See Appendix III-11-B.



FACULTY RETRENCHMENT PROCEDURE

11.1.i Prior to making a decision as to the necessity of initiating retrenchment procedures, the President shall convene a special Retrenchment Evaluation Committee to develop recommendations concerning alternative administrative actions, up to and including retrenchment in specific programs, that may be available in response to current or anticipated circumstances and priorities.

11.1.i.1 The Retrenchment Evaluation Committee shall be composed of seven (7) members drawn from members of the UMCES Faculty and Administration.

- 1 Three (3) members shall be faculty members, one from each of the three UMCES Laboratories, elected by majority faculty vote at the respective Laboratory.
- 2 Three (3) members shall be faculty members appointed by the President.
- 3 One (1) member from the UMCES Administration shall be appointed by the President.
- 4 Should a Laboratory faculty decline to elect a faculty member in a timely manner, the committee member for that Laboratory shall be appointed by the Chair of the UMCES Faculty Senate unless the Chair declines to make such appointment, in which case the President of UMCES shall do so.

INITIATION OF RETRENCHMENT ACTION

- 11.2 The President has the sole authority within UMCES, subject to the authority of the Board of Regents, to initiate retrenchment.
- 11.2.a The President shall initiate retrenchment when the President determines that retrenchment is necessary, consistent with the UM System and UMCES policies on Appointment, Rank, and Tenure.
- 11.2.b Retrenchment actions shall be initiated and completed by the President under the following circumstances and by applying the subsequent procedures:
- (I) restrictions in funding that require downsizing or discontinuation of programs or units;
 - (ii) requirements of the Board of Regents of the University System of Maryland; or
 - (iii) when, in consideration of UMCES' mission, and consistent with emerging areas of emphasis and de-emphasis identified in the Center's latest Strategic Plan as developed in a collegial manner by the UMCES Administration and Faculty, discontinuation of a program is appropriate in order that resources may be allocated to support changing program directions.
- 11.2.c Except where fiscal limitations make more prompt retrenchment action necessary, the President shall notify the Faculty in writing that retrenchment is being considered and apprise it of other budgetary and operational actions which have been taken or considered, including reduction and alternative funding of administrative and research support services, Laboratory operations and maintenance, and personnel costs.
- 11.2.c.1 The notification shall include a response to the recommendations contained in the report of the Retrenchment Evaluation Committee, or shall provide explanation as to why the report of such committee is not under consideration.
- 11.2.d The President may discontinue a retrenchment process at any time during its implementation when in his/her judgment the changing conditions so warrant.
- 11.2.e The President shall initiate action under these procedures by convening a special meeting of the Laboratory Directors with the Faculty Senate, such meeting to be open to all faculty members, to afford an opportunity to consult and advise in the decision to implement retrenchment actions.



INITIATION OF RETRENCHMENT ACTION

- 11.2.e.1 The President may also solicit and consider other written recommendations from faculty members and administrators unable to attend such a meeting.

- 11.2.f After considering the recommendations offered in the meeting and any written submissions, the President shall notify the Faculty as to the implementation of retrenchment action, the factors leading to this decision, and a proposed timetable for completing any such procedures.



PROGRAM DISCONTINUATION OR DOWNSIZING

- 11.3 The President of UMCES shall formulate a retrenchment plan that identifies specific programs to be discontinued or to be retained with fewer faculty members (*i.e.*, downsized) and the scope of the reduction of faculty positions.
- 11.3.a Where retrenchment is initiated solely because of a change in academic priorities and not because of insufficient appropriations, program discontinuation but not program downsizing may be effected.
- 11.3.a.1 Discontinuation of programs for reallocation of resources to support changing program directions shall be consistent with the mission of UMCES and with emerging areas of emphasis and de-emphasis described in the latest Strategic Plan for UMCES, as provided in *Section III-11.2.b*, above.
- 11.3.b Insofar as circumstances permit, the President shall consult with the Laboratory Directors, the UMCES Faculty Senate, and the UMCES Faculty as a whole prior to formulating the retrenchment plan.
- 11.3.b.1 The President may employ any means he/she deems appropriate under the circumstances to obtain advice and information.
- 11.3.c Once formulated, the President shall convey the retrenchment plan through confidential memorandum to the Laboratory Directors, Vice Presidents, and Chair of the UMCES Faculty Senate.
- 11.3.c.1 Insofar as circumstances permit, and at the discretion of the President, these individuals shall have not longer than fourteen (14) calendar days to submit written requests for specific modification(s) of the retrenchment plan, during which time the President may meet privately with any or all of them for further discussion.
- 11.3.c.2 The President shall then formulate a final retrenchment plan, which shall be conveyed in writing to the institution as a whole.



IDENTIFICATION OF APPOINTMENTS TO BE TERMINATED

11.4 The President of UMCES shall identify the specific programs to be discontinued or downsized as a result retrenchment action.

11.4.a Program discontinuation shall result in the termination of all Faculty appointments in each identified program.

11.4.b Program downsizing shall result in the termination of all faculty appointments *in each rank level* as established by the following order of termination:

- Faculty Research Assistant
- Associate Agent
- Assistant Research Scientist
- Associate Research Scientist
- Senior Research Scientist
- Research Assistant Professor
- Assistant Professor/Agent
- Research Associate Professor
- Research Professor
- Associate Professor/Senior Agent
- Professor/Principal Agent.

11.4.b.1 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 UMCES or the program affected by retrenchment to fulfill its mission and goals, or to fulfill commitments under grants and contracts.

11.4.c The President of UMCES shall, by confidential memorandum to the Laboratory Directors, Vice Presidents, and Chair of the UMCES Faculty Senate, identify all faculty members, tenure track and non-tenure track, whose appointments will be directly affected by the action(s).

-1 The reason and basis for making a decision to deviate from the order of termination set forth above shall be clearly documented and included in this communication.

11.4.c.1 The communication shall also include a timetable for any faculty appointment termination(s) and the reallocation of resources.

11.4.c.2 Each recipient shall hold the contents of the communication in strictest confidence.

11.4.d Termination of any Faculty appointment under these procedures shall not take effect prior to the notification requirements specified in Section III-11.5.



IDENTIFICATION OF APPOINTMENTS TO BE TERMINATED

- 11.4.e 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.
- 11.4.e.1 Tenured faculty members shall be given notice as set forth in UM System *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.
- 11.4.e.2 Non-tenured, tenure track faculty members shall be given notice of termination not less than one (1) year prior to the date of termination of appointment.
- 11.4.e.3 Non-tenure track faculty, as defined in the UM System *Policy on Appointment, Rank, and Tenure of Faculty*, shall be given written notice of up to one (1) year but not less than thirty (30) days prior to the date of termination of appointment as the result of a retrenchment action.
- 11.4.e.4 If an untenured faculty member's current appointment agreement specifies a termination date sooner than the date specified in the official written notification, the termination date in such appointment agreement shall stand.



NOTIFICATION OF FACULTY MEMBERS

- 11.5 The President of UMCES shall give written notice of termination to each faculty member whose appointment is to be terminated pursuant to these retrenchment procedures.
- 11.5.a The termination notice shall include the following:
- (I) notification that the appointment is being terminated pursuant to these retrenchment procedures;
 - (ii) the applicable notice period for appointment termination;
 - (iii) the effective date of termination;
 - (iv) statement that the action does not reflect any evaluation of the professional contribution made to UMCES by the faculty member;
 - (v) a statement that UM System Administration shall send, for a period of one (1) year, written notice of faculty openings within the UM System to the last address that the faculty member has on record with UMCES;
 - (vi) notification of the right of the faculty member to appeal the termination of appointment;
 - (vii) a copy of these retrenchment procedures;
 - (viii) if applicable, a statement that deviation was made from the order of termination and the circumstances of the deviation.
- 11.5.b The termination notice shall also invite each faculty member to meet with the President within thirty (30) calendar days of the date of notification to discuss appointment termination action.
- 11.5.b.1 At the discretion of the faculty member, such meeting may include the individual's Laboratory Director.
 - 11.5.b.2 If circumstances permit, faculty members on leave or otherwise absent for an extended period may have this meeting postponed until their return to their home Laboratory.
 - 11.5.b.3 This meeting shall not extend the time required for filing a formal appeal of the retrenchment action, or for any other purpose set forth in these procedures.



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NOTIFICATION OF FACULTY MEMBERS

- 11.5.c Notice of appointment 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 UMCES.

APPEAL OF RETRENCHMENT ACTION

- 11.6 A faculty member whose appointment is terminated under these retrenchment procedures shall have a right to appeal in accordance only within these procedures.
- 11.6.a No other appeal procedures with UMCES shall be applicable.
- 11.6.b Faculty members who have received notification of termination pursuant to these procedures may file written appeal with the President of UMCES within ten (10) working days¹ of the effective mailing date of the notice of termination.
- 11.6.b.1 At the discretion of the President, the deadline for filing an appeal may be extended to thirty (30) working days if a faculty member is on approved leave of absence or if a faculty member's duties and responsibilities would otherwise justify delay in filing such appeal.
- 11.6.b.2 Faculty members in the same program(s) may file a joint appeal, but no faculty member may file an appeal on behalf of another.
- 11.6.b.3 An appeal shall be addressed in writing to the President of UMCES.
- 1 The faculty member(s) must include all grounds for appeal in the written request for appeal.
- 11.6.b.4 The filing or consideration of a request for appeal shall not alter the effective date of termination of the appointment, unless the final decision of the President is to revoke the notice of termination.
- 11.6.c Grounds for appeals are limited to the following allegations:
- (I) procedural error;
 - (ii) error in the application of the order of termination of appointment;
 - (iii) insufficiency of notice of termination;
 - (iv) whether any deviation from the order of termination was made without reasonable grounds; and/or,
 - (v) the termination was otherwise unlawful.

¹ Working days are defined as Monday through Friday, inclusive, exclusive of holidays recognized by UMCES.

APPEAL OF RETRENCHMENT ACTION

11.6.d The President of UMCES shall establish a Retrenchment Appeals Committee pursuant to UM System Board of Regents *Policy on Faculty Retrenchment* (29 November 1990, II-8.00).

11.6.d.1 The Committee shall consist of seven (7) members drawn from members of the UMCES Faculty and administration.

- 1 Three (3) members shall be faculty members, one from each of the three UMCES Laboratories, elected by majority faculty vote at the respective Laboratory.
- 2 Three (3) members shall be faculty members appointed by the President.
- 3 One (1) member from the UMCES Administration shall be appointed by the President.
- 4 Should Laboratory faculty decline to elect a faculty member in a timely manner, the Committee member for that Laboratory shall be appointed from the Laboratory faculty by the Chair of the UMCES Faculty Senate unless the Chair declines to make such appointment, in which case the President of UMCES shall do so.
- 5 Faculty members of the Committee shall be selected from individuals who are not subject to the retrenchment action(s) being appealed.
- 6 Neither the President of UMCES nor the Laboratory Directors shall serve on the Committee.
- 7 The Committee shall elect its Chair from its membership.

11.6.d.2 The President shall transmit a copy of the retrenchment plan under which appointment termination has been initiated, a copy of each appeal and background information relating to the termination of the individual bringing the appeal to the Chair of the UMCES Retrenchment Appeals Committee within five (5) working days following his/her receipt of the appeal.

11.6.e The Chair shall schedule a hearing on each retrenchment appeal, such hearing to commence between thirty (30) and forty-five (45) calendar days after receipt of the appeal in question by the President, and shall inform in writing the faculty member bringing the appeal, the President, and the members of the Committee of the hearing date, time, and location not later than ten (10) working days after the President's receipt of the appeal.

11.6.e.1 Postponement of the hearing may be granted at the discretion of the Committee upon the written request of the faculty member making the appeal.

APPEAL OF RETRENCHMENT ACTION

- 11.6.e.2 Not less than five (5) working days prior to the hearing date, the faculty member(s) bringing the appeal shall file with the Chair a statement of facts on which the appeal is based, a list of persons who will be called as witnesses, and a list of documents to be introduced at the hearing.
- 11.6.e.3 UMCES will be represented by the Office of the Attorney General or a designee of that office at the hearing.
- 11.6.e.4 The faculty member may be represented by legal counsel throughout the appeal proceedings at the faculty member's expense.
- 11.6.e.5 The faculty member's failure to appear at the hearing shall be deemed a voluntary dismissal of the appeal.
- 1 Representation solely by his/her designated legal council at the hearing shall not be deemed failure to appear by a faculty member.
 - 2 The Chair may reschedule the hearing if, in his/her judgement and upon receipt of a written request to do so, a faculty member's failure to appear was due to medically certified illness or documented family emergency.
- 11.6.e.6 The faculty member and the institution may call witnesses and present documentary evidence at the hearing.
- 11.6.e.7 Each member of the Committee shall have the right to call and question witnesses, to question all witnesses who appear before it, and to request the presentation of documentary evidence.
- 1 While the Committee shall not have the power of subpoena, the UMCES Administration will make every attempt to comply with reasonable requests for information and interviews by the committee and the faculty member.
- 11.6.e.8 The formal rules of evidence and of judicial procedures shall not apply to the appeal hearing; however, the Committee may exclude irrelevant or repetitious testimony.
- 11.6.e.9 The hearing shall be audio tape recorded and a copy of the tape shall be made available upon the faculty member's request.
- 11.6.e.10 The Retrenchment Appeals Committee must make its decision based on the record.



APPEAL OF RETRENCHMENT ACTION

- 11.6.f The UMCES Retrenchment Appeals Committee shall submit to the President a separate written report for each appeal not later than ten (10) working days after the date of the conclusion of each respective hearing.
- 11.6.f.1 Each report shall present the Committee's recommendation to reverse or uphold the appointment termination, explain the basis for such recommendation, and provide all material considered by or submitted to the Committee.
- 1 The basis for recommending a reversal of appointment termination shall be limited to those grounds set forth above.
 - 2 In the event that there is not unanimity, a minority report or section may be filed.
- 11.6.g The President shall review each report of the Retrenchment Appeals Committee and shall elect to accept or reject the recommendation made therein.
- 11.6.h Within ten (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.
- 11.6.h.1 The decision of the President shall be final.
- 11.6.h.2 The President shall also send a copy of the decision to the Laboratory Directors, Vice Presidents, and Chair of the UMCES Faculty Senate.
- 11.6.i In the event an appointment termination notice is revoked pursuant to an appeal, the President, at his/her discretion, shall have the right to determine additional retrenchment actions in accordance with these procedures.



ELIGIBILITY FOR NEW APPOINTMENT FOLLOWING RETRENCHMENT

- 11.7 Tenured, tenure track, and non-tenure track faculty members whose appointments have been terminated according to these retrenchment procedures shall be eligible to apply for appointment for Faculty vacancies at UMCES, subject to applicable search and appointment procedures.
- 11.7.a Candidates for reappointment shall be given full consideration for any UMCES Faculty position for which they have applied and for which they are qualified.
- 11.7.b Under these policies, a former UMCES faculty member, whose appointment has been terminated as a result of retrenchment action, may be considered for appointment in a programmatic area or at an UMCES Laboratory different from that in which he/she was previously assigned.
- 11.7.c UMCES shall offer to a tenured or tenure-track faculty member whose appointment has been terminated during the previous three (3) years pursuant to these retrenchment procedures any new positions with equivalent duties and responsibilities within the same retrenchment unit prior to hiring any other person.



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APPENDIX III - 11 - A

II-8.00 UNIVERSITY SYSTEM OF MARYLAND POLICY ON FACULTY RETRENCHMENT



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APPENDIX III - 11 - B

UNIVERSITY SYSTEM OF MARYLAND POLICY ON APPOINTMENT, RANK, AND TENURE OF FACULTY

Sections I.C.9, I.C.10, I.C.13, and I.C.17



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POLICIES AND PROCEDURES

Section III - 12

ASSOCIATE STAFF SEARCH AND APPOINTMENT

Section III-12 provides policies for the definition and filling of Associate Staff position within UMCES. The policies have been review for legal sufficiency and approved by the Office of the Attorney General.



DEFINITION OF ASSOCIATE STAFF POSITION VACANCIES

12.1 Definition of position vacancies¹

12.1.a The President, Vice Presidents and Directors of Laboratories (hiring department) shall define the Associate Staff position vacancies of their respective units in terms of category, and area(s) of professional expertise.

12.1.a.1 New position definitions are made as a recommendation to the UMCES Administrative Council.

12.1.b All positions shall be consistent with the mission of UMCES, the program of the hiring department in which each will be filled, and available financial resources.

12.1.c Associate staff positions which are vacated by resignation, retirement, or other personnel action are not necessarily filled by new appointees of the same category.

¹ Position definitions approved for legal sufficiency by Office of the Attorney General and implemented by President Donald F. Boesch upon recommendation of UMCES administrative Council, effective 10 November 1992.

ASSOCIATE STAFF SEARCH AND APPOINTMENT PROCEDURES

- 12.2 Search Procedures for Associate Staff Appointments¹
- 12.2.a A Search Committee shall be appointed by the appropriate hiring department for the purpose of identifying qualified candidates for each approved position.
- 12.2.a.1 The Search Committee shall normally consist of at least two (2) members from the hiring department and at least one (1) member from another UMCES Laboratory or department.
- 12.2.a.2 At the discretion of the hiring department a Search Committee may also include one or more individual(s) from another unit of the University System of Maryland, or from an institution or agency outside of the University System of Maryland.
- 12.2.a.3 Every effort shall be made to effect representation of female and minority UMCES faculty and staff on the Search Committee.
- 12.2.a.4 The Chair of the Committee is normally selected by the hiring department and should have equivalent or senior rank to the position to be filled.
- 12.2.a.5 The Search Committee shall include one or more individuals familiar with the discipline(s) of the search.
- 12.2.a.6 UMCES faculty and staff may not serve on more than two (2) Search Committees at any one time and may chair only one (1) Search Committee at a time.
- 12.2.b The hiring department shall charge the Committee in writing, outlining the nature of the position, method and expected duration of search, and professional criteria to be applied in candidate evaluation.
- 12.2.b.1 The Charge to the Committee shall include a directive that University System of Maryland Affirmative Action policy is to be followed throughout the search process.
- 12.2.b.2 The Charge to the Committee shall be accompanied by a copy of Section III-3.12 of the UMCES *Policies and Procedures Manual*.

¹ Procedures approved for legal sufficiency by Office of the Attorney General and implemented by President Donald F. Boesch upon recommendation of UMCES administrative Council, effective 10 November 1992.



ASSOCIATE STAFF SEARCH AND APPOINTMENT PROCEDURES

- 12.2.c The Search Committee shall act on behalf of the hiring department in defining minimum qualifications and duties for an approved position and compiling candidate application files.
- 12.2.c.1 The Search Committee shall be aware of and observe all University System of Maryland Affirmative Action policies and procedures.
- 12.2.c.2 Advertisements shall normally reach a nationwide audience of individuals having professional expertise in the desired discipline(s) for the position. At the discretion of the hiring department, it may be appropriate to waive the nationwide publication. The hiring department and Search Committee Chair are to mutually agree on the schedule and method of advertisement.
- 12.2.c.3 Notes on telephone and private conversations which enter into the Search Committee's deliberations shall be kept as part of the Committee's file on each candidate.
- 12.2.c.4 Records shall be kept of each meeting, including time, place, attendance, and topic(s) of discussion.
- 12.2.c.5 A Search Committee is not authorized to offer, formally or informally, a position to any nominee or candidate, although it may make the general conditions of an offer known so as to ascertain the likelihood of a candidate's interest in the position under consideration.
- 12.2.d The application file of each candidate shall contain, at a minimum, the following documents before it is deemed complete:
- (a) current *curriculum vitae* or résumé stating the individual's professional qualifications and achievement;
 - (b) letters of recommendation as required by the Search Committee from individuals, not related to the candidate, who are familiar with the candidate's professional qualifications, activities, and abilities;
 - © academic transcripts of educational achievement as required by the Search Committee.
- 12.2.d.1 Application files shall be strictly confidential.
- 12.2.e At the conclusion of the advertised application period, the Search Committee shall evaluate the files of all applicants, and its Chairman shall prepare a confidential summary of its nominations for interview to the appropriate hiring department.



ASSOCIATE STAFF SEARCH AND APPOINTMENT PROCEDURES

- 12.2.e.1 Applicants shall be evaluated in terms of the quality of their employment history as evidenced by performance of quality and record of performance, evaluations by professional references, and other professional criteria which are defined in writing by the hiring department in the Charge to the Search Committee.
- 12.2.e.2 All nominees shall satisfy the minimum criteria for position as identified by the advertisement.
- 12.2.e.3 The summary shall include a review of the Committee's commentary, identification of consensus of opinion (if any), supportive documentation, and complete files for each of the nominees.
- 12.2.f The Chairman of the Search Committee shall meet with the hiring department to determine candidates to be invited for interview, and the Committee shall conduct and coordinate the interview process.
 - 12.2.f.1 The hiring department may choose to authorize the Search Committee to recommend applicants by rank order or to authorize the Search Committee to submit the top applicant for consideration of employment.
 - 12.2.f.2 The interview process shall normally include meetings with the members of the Search Committee, a meeting with the hiring department and a tour of facilities.
 - 12.2.f.3 It is desirable, but not required, that each candidate meet with the President of UMCES as part of the interview process.
- 12.2.g After all interviews have been completed, the Chairman of the Search Committee shall prepare a confidential written recommendation to the hiring department, such recommendation to describe the perceived strengths and weaknesses of each invited candidate and to justify any ranking of candidates in order of preference.
 - 12.2.g.1 The recommendation shall include a summary of the recruitment process, complete with copies of all advertised announcements and job descriptions.
- 12.2.h The hiring department shall reach a final decision regarding the offering of an appointment.



ASSOCIATE STAFF SEARCH AND APPOINTMENT PROCEDURES

- 12.2.h.1 If the hiring department decides that none of the candidates is suitable, he/she may recommend to the Chairman of the Search Committee that one or more additional candidate(s) be invited for interview, reopen the search through appointment of a new Search Committee, or discontinue the search process altogether.
 - 12.2.h.2 This recommendation shall be accompanied by a completed UMCES *Affirmative Action Recruitment Summary* form (EXHIBIT III-4-B), and it shall not be accepted in the absence thereof.
 - 12.2.h.3 After approval of the appointment the hiring department will carry it through its remaining stages within the University System of Maryland administration.
- 12.2.i The Chairman of the Search Committee shall notify all unsuccessful applicants in writing of the status of their application in a timely and expeditious manner.



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Section III - 13

VERIFICATION OF PROFESSIONAL CREDENTIALS

This policy responds to the State of Maryland's requirement that an individual's credentials submitted in qualification for appointment in any State agency be officially verified. It specifically implements University System of Maryland policy requiring the verification of faculty academic credentials.



GENERAL POLICY

- 13.1 UMCES policy requires the verification of credentials of all candidates selected for employment at UMCES.¹
- 13.1.a These procedures apply to the verification of credentials of candidates for all employment categories, including faculty appointments, classified staff, associate staff, contractual employees, and academic administrators.
- 13.1.b These policies, as they apply to candidates for faculty appointments, are the procedures required under *BOR Policy II-1.02: The University System of Maryland Policy on Faculty Academic Credentials* (**Appendix III-13**).

¹Policy endorsed by the UMCES Executive Council (7/6/95); implemented by President Donald F. Boesch 13 July 1995.

VERIFICATION OF CREDENTIALS FOR FACULTY APPOINTMENTS

13.2 Academic Credentials:

13.2.a *Faculty Appointments: Associate and Full Professor (with tenure)*

13.2.a.1 Prior to an initial appointment with tenure to the faculty rank of Associate Professor or Professor, academic credentials shall be verified.

13.2.a.2 The Laboratory Director or his/her designee shall exercise one of the following options:

- 1 Obtain official written certification of award of each degree from the institution which awarded the degree, or all degrees from the institution which awarded the highest degree; or
- 2 Obtain official transcripts evidencing each degree; or
- 3 Obtain letters of recommendation from recognized experts that attest to the prospective faculty member's qualifications.

13.2.b *Faculty Appointments: All Other Appointments*

13.2.b.1 Prior to any other initial appointment of a faculty member, academic credentials shall be verified.

13.2.b.2 The Laboratory Director or his/her designee shall exercise one of the following options:

- 1 Obtain official written certification of award of each degree from the institution which awarded the degree, or of all degrees from the institution which awarded the highest degree; or
- 2 Obtain official transcripts evidencing each degree.

13.2.c *All Other Employee Appointments*

13.2.c.1 Prior to any other employment appointment with UMCES, the academic credentials of each prospective employee must be verified.

13.2.c.2 The Laboratory Director, or the chair of the Search Committee as appropriate, shall exercise one of the following options:

- 1 Obtain official written certification of award of each degree from the institution which awarded the degree or of all degrees from the institution which awarded the highest degree, or
- 2 Obtain official transcripts evidencing each degree received.



VERIFICATION OF CREDENTIALS FOR ALL OTHER APPOINTMENTS

13.3 All Other Credentials

13.3.a In addition to the verification of academic credentials, prior to any employment appointment with UMCES, all credentials and achievements (especially any credential that is a published requirement for the position in question) claimed by a prospective appointee upon the employment application, letter of interest, *curriculum vitae*, etc., shall be verified by the Laboratory Director, or the chair of the Search Committee as appropriate, in the following manner:

13.3.a.1 By the submission by the prospective appointee of a certified application or *curriculum vitae*; and

13.3.a.2 By obtaining written verification from the appropriate issuing institution or agency of all other credentials and achievements, including as examples technical certificates, licenses, diplomas, and registrations.



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APPENDIX III - 13

II-1.02 UNIVERSITY SYSTEM OF MARYLAND POLICY ON FACULTY ACADEMIC CREDENTIALS



SEXUAL HARASSMENT

Sexual harassment is a form of gender discrimination that violates both Federal and State Law. For the purpose of implementing the *University System of Maryland Policy on Sexual Harassment (Appendix III-14-A)*, UMCES adopts to the academic setting the sexual harassment definition promulgated by the U.S. Equal Employment Opportunity Commission (29 CFR 1604).

Allegations of sexual harassment are viewed as extremely serious. UMCES can prevent sexual harassment only if members of the community are willing to come forward with legitimate complaints, and they are strongly encouraged to do so.



SEXUAL HARASSMENT DEFINITIONS

14.1 Definitions¹

- 14.1.a Unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature constitute sexual harassment when any of the following apply:
 - 14.1.a.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by UMCES or an individual's participation in a UMCES-sponsored program or activity;
 - 14.1.a.2 Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual;
 - 14.1.a.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive working environment.
- 14.1.b Sexual harassment may occur between people of the same or different genders.
- 14.1.c Sexual harassment by UMCES faculty, staff, contractors, volunteers, and students is prohibited by this policy.
 - 14.1.c.1 Sanctions may include reprimand, termination from employment, termination of contract, suspension, or expulsion from UMCES programs and facilities.

¹ III-14: UMCES Sexual Harassment policy approval unanimously recommended by Faculty Senate (6/5/96) and Administrative Council 6/5/96; adopted by President Donald F. Boesch, effective 6/5/96.



STANDARDS FOR DETERMINING SEXUAL HARASSMENT

14.2 Standards Regarding Sexual Harassment

- 14.2.a In determining whether alleged conduct constitutes sexual harassment, UMCES will examine the record as a whole and the totality of the circumstances, such as the nature of sexual advances and the context in which the alleged incidents occurred.
 - 14.2.a.1 The determination of whether a particular action constitutes sexual harassment under this policy will be made from all the facts, on a case-by-case basis.
 - 14.2.a.2 The standard shall be the perspective of a reasonable person within the UMCES community, and the rules of common sense and reason shall prevail.
- 14.2.b Because of the potential for great harm to all persons of allegations that are ill-conceived or without foundation, it is a violation of this policy for an individual to file a frivolous or bad-faith complaint of sexual harassment.
 - 14.2.b.1 UMCES is committed to protecting the rights of the alleged harasser as well as those of the complainant.
 - 14.2.b.2 Reasonable efforts will be made to protect the confidentiality of all information reported or gathered in an investigation.



GENERAL POLICIES REGARDING SEXUAL HARASSMENT COMPLAINTS

14.3 General Policies

14.3.a Each UMCES Laboratory shall identify its Affirmative Action Coordinator or designate another individual (*Appendix III-14-B*) to whom a student, UMCES employee, or volunteer may go to file a complaint of sexual harassment, seek advice, or obtain information on how to file a complaint.

14.3.a.1 Any individual so identified shall have received training on how to respond to allegations of sexual harassment from either the Office of the Attorney General or the UMCES Director of Human Resources.

14.3.b All allegations of sexual harassment brought to the attention of a UMCES employee **must** be reported to the UMCES Director of Human Resources or to a Laboratory Affirmative Action Coordinator.

14.3.b.1 Failure to notify promptly the Director of Human Resources or Affirmative Action Coordinator of a specific allegation of an incident of sexual harassment is a violation of this policy and may result in disciplinary action against the employee to whom such incident has been reported.

INFORMAL COMPLAINT RESOLUTION

14.4 Informal Procedures for Complaint Resolution

- 14.4.a Upon receipt of a complaint of sexual harassment, the Affirmative Action Coordinator shall immediately conduct an investigation for the purpose of informally resolving the complaint.
- 14.4.a.1 The investigation shall include a discussion of the matter with the complainant, the alleged harasser, any witness to the incident, the collection of all relevant documents, and consultation with the Director of Human Resources and/or legal counsel for UMCES.
- 14.4.a.2 The findings and the results of the Affirmative Action Coordinator's investigation shall be confidentially reported within five (5) working days of receipt of the complaint to the Director of Human Resources.¹
- 14.4.b Although a written complaint is not required to initiate the informal procedures for resolving complaints, the Affirmative Action Coordinator should strongly encourage the complainant to put the complaint in writing.
- 14.4.c After the conclusion of the Affirmative Action Coordinator's investigation, the Director of Human Resources will make reasonable efforts to promptly and informally resolve the complaint to the satisfaction of UMCES, the complainant, and the alleged harasser.
- 14.4.c.1 If a mutually agreeable resolution is reached by the parties, the complainant, the alleged harasser, and UMCES will sign a statement acknowledging concurrence with the resolution of the complaint.

¹ If the complaint concerns the conduct of the Director of Human Resources, the findings and results of the investigation shall be reported to the Vice President for Administration, who shall conduct the informal procedures for complaint resolution.

FORMAL COMPLAINT: INTERNAL PROCEDURES

14.5 Internal Affirmative Action Complaint Procedure

14.5.a Subsequent to participation in the informal procedures for resolving complaints of sexual harassment, or as an alternative to processing a complaint informally, any student, employee, or volunteer of UMCES may process a complaint of sexual harassment by using the following procedures:

14.5.a.1 A written complaint, signed by the complainant, must be filed with the UMCES Director of Human Resources¹ within thirty (30) days following the alleged incident(s) of sexual harassment or within thirty (30) days following the date on which the complainant first knew or reasonably should have known of the alleged sexual harassment.

-1 Complaints must state the following:

- (a) the allegations, including when and where the alleged conduct occurred;
- (b) the name(s) of the person(s) alleged to have violated the policy prohibiting sexual harassment;
- (c) the name(s) of any witnesses to the violation; and
- (d) the relief requested.

-2 The alleged harasser shall be promptly furnished with a copy of the complaint by the Director of Human Resources, and shall submit to the Director of Human Resources a written response to the allegations within ten (10) working days of receipt of the complaint.

14.5.b Upon receipt of a complaint of sexual harassment filed under the Internal Affirmative Action Complaint Procedure, the Director of Human Resources shall consult with UMCES legal counsel.

14.5.c The Director of Human Resources shall, within fifteen (15) working days of receipt of a formal complaint, conduct and conclude an investigation which will include interviews with the complainant, the alleged harasser, and any witnesses, and the collection and review of all relevant documents.

¹ The UMCES Director of Human Resources will serve as the investigator unless the complaint concerns the conduct of the Director of Human Resources, in which case complaints should be filed with the Vice President for Administration, who shall designate an investigator.

FORMAL COMPLAINT: INTERNAL PROCEDURES

14.5.d Within five (5) working days from the conclusion of the investigation, the Director of Human Resources shall deliver to the complainant and the alleged harasser, by return receipt requested mail or hand-delivery, a written decision setting forth the following:

- (a) a statement of the facts which occurred;
- (b) a determination of whether the conduct which occurred constitutes sexual harassment prohibited under this policy;
- (c) what sanctions, if any, will be recommended; and
- (d) a statement of the complainant's and the alleged harasser's appeal rights.

14.5.d.1 Recommended sanctions shall not be implemented until after the period for filing an appeal has expired.

- 1 Recommended sanctions may include, but are not limited to: a letter of reprimand; instructions to draft and deliver a letter of apology; demotion; termination of employment or contract; or expulsion from UMCES programs.

14.5.e The complainant or alleged harasser may appeal the decision of the Director of Human Resources by filing a written appeal with the President of UMCES within five (5) working days of the date of receipt of the written decision.

14.5.e.1 The person taking the appeal shall be the appellant and the Director of Human Resources shall serve as the appellee.

14.5.e.2 An appeal shall be in writing and signed by the appellant, and shall state all grounds for the appeal and contain a concise statement of all facts in support of the appeal.

- 1 The appellant shall also attach to the appeal any documents in support of the appeal.



FORMAL COMPLAINT: INTERNAL PROCEDURES

- 14.5.e.3 Within fifteen (15) working days of the receipt of the appeal, the President of UMCES (or designee)¹ shall conduct a hearing to determine: 1) if the alleged facts occurred; 2) if the conduct which occurred constitutes sexual harassment prohibited under this policy; and 3) if the discipline recommended is appropriate.
- 1 At the hearing, the appellant and the appellee shall have the option to present opening and closing statements, to call and cross-examine witnesses, and to introduce documentary evidence.
 - 2 The President (or designee) may call and question witnesses, request documents, and exclude non-probative and unduly repetitious testimony.
 - 3 The hearing shall be tape recorded.
- 14.5.e.4 Within fifteen (15) working days following the hearing, the President of UMCES (or designee) shall issue a final written decision.
- 1 The final decision will be delivered to the complainant, and to the alleged harasser.
 - 2 The decision of the President (or designee) shall be final and binding to all parties.

¹ No such designee may have also served as an investigator, witness, or party to the sexual harassment complaint.



FORMAL COMPLAINT: EXTERNAL FILING PROCEDURES

14.6 External Filing of Complaint Regarding Alleged Sexual Harassment

- 14.6.a Should an individual wish to file a formal complaint of alleged sexual harassment with an external entity, he/she may do so with the following agencies:

U.S. Equal Employment Opportunity Commission (EEOC)
1801 "L" Street, NW
Washington, DC 20507

U.S. Equal Employment Opportunity Commission (EEOC)
Regional Office
10 South Howard Street, 3rd Floor
Baltimore, MD 21201

Maryland Commission on Human Relations
20 East Franklin Street
Baltimore, MD 21202

U.S. Department of Education
Office of Civil Rights
3535 Market Street, Room 6300
Philadelphia, PA 19104-3326

- 14.6.b To protect the legal rights and remedies available to an individual through external agencies and Federal and/or State courts, a person filing a complaint of sexual harassment must comply with certain time limits and deadlines.

- 14.6.b.1 A person wishing to file a complaint with an external agency must contact that agency to verify time periods for filing complaints.



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VI-1.20 UNIVERSITY SYSTEM OF MARYLAND POLICY ON SEXUAL HARASSMENT



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POLICIES AND PROCEDURES

Section III - 14

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**UMCES AFFIRMATIVE ACTION PERSONNEL
and
OTHER DESIGNATED PERSONS FOR REPORTING
ALLEGATIONS OF SEXUAL HARASSMENT**



**UMCES Affirmative Action Personnel
and
Other Designated Persons for Purposes of
Reporting Allegations of Sexual Harassment**

Mr. Brian P. Westfall
Director of Human Resources
Center Administration
Center for Environmental Science
P.O. Box 775
Cambridge, MD 21613-0775
phone: (410) 228-9250, ext. 606

Ms. Carolyn D. Keefe
Chesapeake Biological Laboratory
Center for Environmental Science
P.O. Box 38
Solomons, MD 20688-0038
phone: (410) 326-7293

Ms. Carolyn H. Baumgartner
Horn Point Laboratory
Center for Environmental Science
1101B Coastal Estuarine Science Laboratory/
Administrative Office Building
P.O. Box 775
Cambridge, MD 21613-0775
phone: (410) 221-8207

Dr. Raymond P. Morgan, II
Affirmative Action Coordinator
Appalachian Laboratory
Center for Environmental Science
301 Braddock Rd.
Frostburg, MD 21532
phone: (301) 689-7172

Dr. Patricia M. Glibert
Horn Pont Laboratory
Center for Environmental Science
P.O. Box 775
Cambridge, MD 21613-0775
phone: (410) 221-8422

Ms. Paulette M. Orndorff
Appalachian Laboratory
Center for Environmental Science
301 Braddock Rd.
Frostburg, MD 21532
phone: (301) 689-7102

Dr. Robert E. Ulanowicz
Chesapeake Biological Laboratory
Center for Environmental Science
P.O. Box 38
Solomons, MD 20688-0038
phone: (410) 326-7266



University of Maryland
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POLICIES AND PROCEDURES

Section VI

ADMINISTRATIVE POLICIES

INTRODUCTION

Section VI is concerned with general administrative policies of UMCES. It includes the administration, Faculty Senate, other governance structures, and the responsibilities they bear for the way the Center operates as a collegial academic community. These policies specifically provide for the participation of faculty, students, and staff in the shared governance of UMCES.



University of Maryland
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POLICIES AND PROCEDURES

Section VI - 1

ORGANIZATION OF UMCES

Section VI-1 details the way in which UMCES is administered as a multi-disciplinary academic community without traditional departmental structure. The administrative structure reflects an underlying philosophy that compartmentalization of disciplines does not encourage the amount of faculty interaction that is necessary to respond to the complex challenges posed by modern environmental studies.



ADMINISTRATIVE ORGANIZATION

1.1 Administrative Organization

1.1.a The administrative organization of UMCES shall be as depicted in the Organizational Chart, *Figure VI-1*.

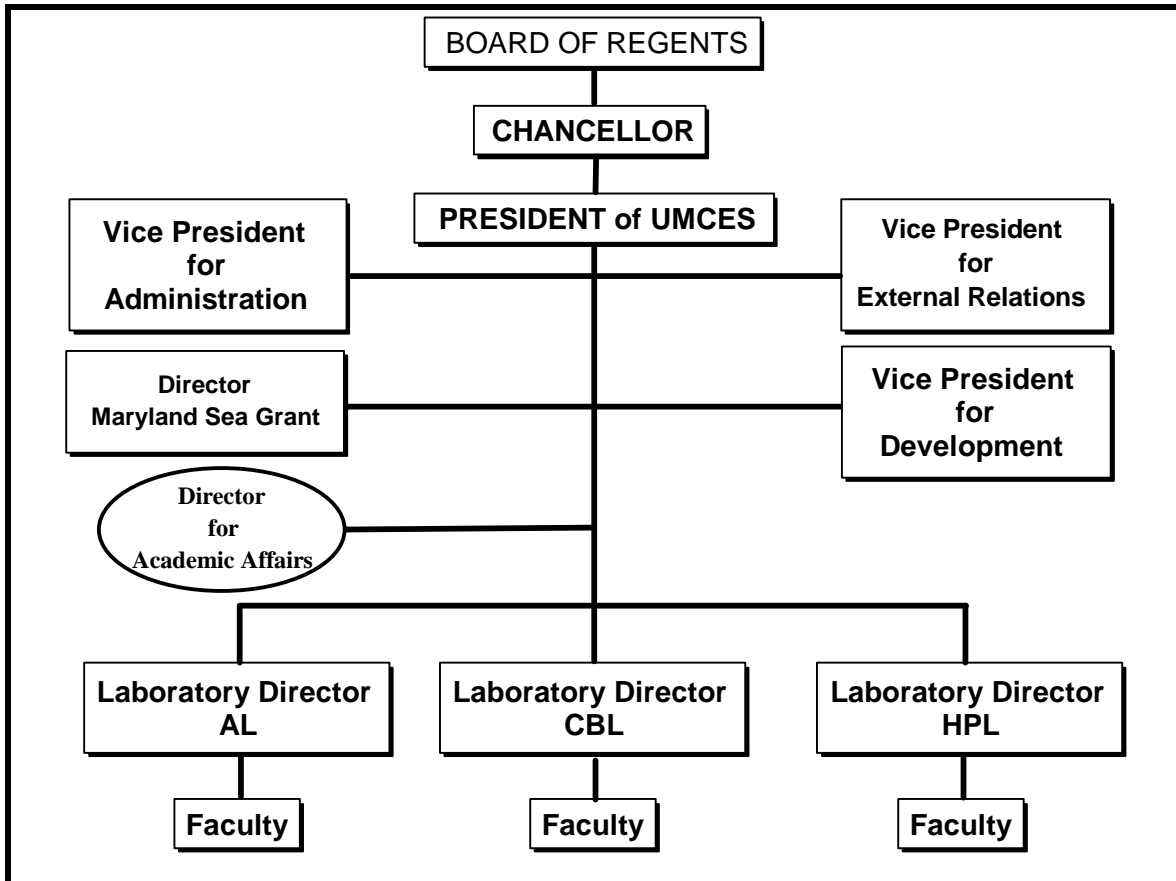


Figure VI-1. UMCES Organization Chart

ADMINISTRATIVE ORGANIZATION

1.1.b President and Center Administration¹

1.1.b.1 The President is the chief executive officer of UMCES and is responsible and accountable to the Board of Regents of the University System of Maryland for the discipline and successful conduct of the Center, as specified in the UM System Bylaws, Policies, and Procedures of the Board of Regents.

1.1.b.2 Center Administration consists of Centerwide administrative support staff and services.

-1 The Directors of Sponsored Programs, Human Relations, and Research Fleet Operations shall report to the Vice President for Administration.

-2 The Directors of Development, Public Relations, and Education shall report to the Vice President for External Relations.

1.1.c Administrative Council

1.1.c.1 The UMCES Administrative Council shall be composed of the following individuals:

President of UMCES
Vice Presidents
Laboratory Directors
Director, Maryland Sea Grant
Administrative Assistants to Laboratory Directors
Director of Public Relations
Director for Academic Affairs.

-1 The President of the UMCES Faculty Senate shall be invited to attend all meetings of the Administrative Council.

-2 At his/her discretion, the President may elect to invite other individuals to attend Administrative Council meetings, either on an *ad hoc* or a regular basis.

-3 When meeting in executive session, the body shall be termed the UMCES Executive Council and shall consist of the President, Vice Presidents, Laboratory Directors, and Maryland Sea Grant Director.

1.1.c.2 The UMCES Administrative Council assists the President in developing administrative policies and advises the President on administrative matters regarding the Center, its faculty, staff, and graduate students.

¹ Adapted from original text in policy implemented by the former Center for Environmental and Estuarine Studies, August 1985.

PROGRAM DEFINITION

1.2 Although UMCES is by nature a multi disciplinary institution without formal departmental organization, programs within the Center shall be identified to define areas of disciplinary emphasis for administrative and for reporting purposes.

1.2.a The President of UMCES shall implement consultative processes involving UMCES Faculty and administrators in defining programs and assigning faculty members to programs.

1.2.a.1 Every five (5) years, and after consultation with the Laboratory Directors and Faculty Senate, the President shall propose a listing and definition of UMCES programs.

- 1 In accordance with the multi-disciplinary, collaborative nature of many UMCES research activities, a defined program need not be restricted to only one Laboratory unit.
- 2 Proposed programs shall be consistent with the UMCES Mission Statement as approved by the UM System Board of Regents.
- 3 Definitions shall not alter the programmatic goals set forth in the current *Five-Year Plan* or equivalent long-range planning document.
- 4 Proposed programs shall be discussed and views offered for the President's consideration at a general meeting of the UMCES Faculty scheduled for this purpose, after which the President shall notify the Faculty of the program definitions to be in effect.

1.2.a.2 In consultation with the Laboratory Directors, the President shall assign each faculty member to a singular, primary program.

- 1 The appropriate Laboratory Director shall have met with each faculty member prior to respective program assignment.
- 2 This assignment shall, insofar as possible, take into consideration the highly interdisciplinary nature of the research and academic programs of UMCES.
- 3 The President shall inform each faculty member in writing of his/her program assignment.
- 4 New appointees to UMCES shall be assigned to a program at the time of their appointment.
- 5 A faculty member may appeal his/her program assignment in writing within thirty (30) calendar days of the date of notification of assignment, and provide information in support of this appeal, such appeal to be addressed to the appropriate Laboratory Director for transmittal with recommendation to the President.

1.2.a.3 Once during any five-year program definition cycle, a faculty member may request reassignment in writing at the time of annual merit evaluation if the program focus of



PROGRAM DEFINITION

his/her research has changed, and provide additional information in support of this request.

- 1 The President shall act on all such appeals or requests, such action to be based upon information received, within thirty (30) days of receipt, and convey this decision to the appropriate faculty member(s) in writing.

1.2.a.4 Subject to procedures set forth in *VI-1.2.a.2* above, the President may reassign a faculty member to an existing or newly created program at any time when the following conditions apply:

- 1 A more appropriate program is created in a new or revised *Five-Year Plan* or equivalent document; or
- 2 An existing program has been discontinued without the termination of faculty appointments.
- 3 Such reassignment shall be subject to conditions and procedures established in *VI-1.2.a.2*, and all subsections thereof.

1.2.a.5 Except for appeal as provided in *VI-1.2.a.3* above, the decision of the President shall be final and shall be in effect until reassignment or until the next formal program definitions and assignments have been completed.

1.2.b A listing of UMCES Programs defined according to procedures provided in *VI-1.2.a* and subsections, above, shall be incorporated as an appendix to *Section VI-1* into the *UMCES Policies and Procedures Manual*.

1.2.b.1 The appendix shall be updated whenever new programs are defined or previously defined programs are eliminated.



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POLICIES AND PROCEDURES

Section VI - 1

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PROGRAMS DEFINED AT UMCES



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POLICIES AND PROCEDURES

Section VI - 1

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UMCES PROGRAMS

Effective Date: 1 July 1993

As of this date, no UMCES Programs have been defined according to procedures provided in
Section VI-1.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VI - 2

SHARED GOVERNANCE

This policy provides for the formal implementation of the USM *Policy on Shared Governance in the University System of Maryland*. It incorporates by reference those policies already in place that provide for the participation of faculty, students, and staff in the governance of UMCES.

SHARED GOVERNANCE

- 2.1 It is UMCES policy that faculty, students, and staff shall participate with the administration in the shared governance of the Center.¹
- 2.1.a Such participation shall be through the following bodies:
- 2.1.a.1 Faculty, including all full-time and part-time ranks as defined in *Section III-3: UMCES Faculty Senate (Section VI-4)*.
- 2.1.a.2 Students who are pursuing degrees under the direct supervision of UMCES faculty members regardless of the degree-granting institution at which they are enrolled: UMCES Graduate Faculty Council (*Section I-1*).
- 2.1.a.3 Staff at each Laboratory facility and Center Administration: UMCES Staff Council (*Section VI-7*).
- 1 Chair of Staff Council shall report staff concerns at the UMCES Administrative Council.
- 2 Staff shall also participate in USM governance through the elected representatives to the Council of University System Staff (CUSS).
- 2.1.b These governance bodies shall be advisory to the President of UMCES, who shall periodically consult with them as elected representative organizations of their respective constituencies.

¹ Policy recommended by UMCES Faculty Senate and by UMCES Administrative Council on 5/5/99; adopted by UMCES President Donald F. Boesch effective 1 July 1999. Updated 3/9/01.



University of Maryland
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POLICIES AND PROCEDURES

Section VI - 2

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I-6.00 - POLICY ON SHARED GOVERNANCE IN THE UNIVERSITY SYSTEM OF MARYLAND



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VI-4

UMCES FACULTY SENATE

Section VI-4 contains policies that ensure faculty participation in the governance of UMCES through the Faculty Senate. The original Plan of Organization and By-Laws of the UMCES Faculty Senate were approved by the Board of Regents of the former University of Maryland on 7 October 1983. They have since been revised and updated to reflect the governance structure of the University System of Maryland.

The policies of Section VI-4 comply with University System of Maryland *Policy on the Role of Faculty in the Development of Academic Policy*.



PURPOSE OF UMCES FACULTY SENATE

4.1 Purpose¹

- 4.1.a The Faculty Senate for UMCES has been established as an organization representing the UMCES Faculty to provide an effective voice in the deliberation of policies and to enter into a partnership of shared responsibility and cooperation with the President and Administration of UMCES on issues of concern to the Faculty, administration, students, and other members of the academic community.
- 4.1.b The Senate will serve as both an advisory body to the President and as the appropriate forum recognized by the Chancellor of the University System of Maryland and the Board of Regents, for the expression of the concerns and interests of the UMCES community.
- 4.1.c Senate will enable the UMCES Faculty (Tenure Track Faculty, Senior Research Faculty, Research Support Faculty, Faculty Research Assistants), and Emeritus Faculty to participate in a mechanism of professional review and guidance of this institution.
- 4.1.d Recommendations of the Faculty Senate shall be implemented after approval by the President, and when necessary, by the Chancellor of the University System of Maryland and by the Board of Regents.
 - 4.1.d.1 In the event the President rejects or does not choose to implement the recommendations of the Faculty Senate, that decision shall be communicated in writing to the Chair of the Senate with reasons for dissent.

¹ These policies comply with University System of Maryland Board of Regents Policy II-3.00, *Policy on the Role of Faculty in the Development of Academic Policy* (Appendix VI-4).

FUNCTIONS OF UMCES FACULTY SENATE

4.2 Functions

- 4.2.a In all matters, the Senate shall be subject to the powers and authority of the Board of Regents, the Chancellor of the University System of Maryland, and the President of UMCES.
 - 4.2.a.1 Actions of the Senate may not contravene any provision of Maryland Law or University System policy.
- 4.2.b The functions of the UMCES Faculty Senate shall include, but shall not necessarily be limited to, the following:
 - 4.2.b.1 Consideration of issues relating to University affairs as the Senate deems appropriate;
 - 4.2.b.2 Participation in the formulation of research or education policies;
 - 4.2.b.3 Consideration of such policies, programs and other matters as the administration Laboratory faculties, student organizations, and individual members of the Faculty and staff may propose;
 - 4.2.b.4 Assistance in the creation, maintenance and protection of a University environment conducive to growth of scholarship, creativity, learning, teaching, research, service, and respect for human dignity and rights;
 - 4.2.b.5 Acceptance of shared responsibility with administration and students in an effort to improve the stature and effectiveness of UMCES and the University System.
- 4.2.c In addition to performing such functions, the UMCES Faculty Senate shall, through recommendations to the President of UMCES, consider matters of concern to the Faculty and the staff of UMCES, including the development of new policies and programs or revisions to existing policies and programs.
 - 4.2.c.1 The subjects of such policies and programs shall include, but not be limited to, academic affairs, research programs, personnel (including non-academic staff), fiscal management, development, and public relations.
 - 4.2.c.2 The Senate shall be involved in the development of all new policies and the revision of existing policies concerning UMCES academic affairs.



FUNCTIONS OF UMCES FACULTY SENATE

- 1 The Senate may initiate policy development or revision through written recommendation to the President, either in the form of a memorandum or as draft text to be considered for inclusion in the *UMCES Policies and Procedures Manual*.
- 2 The Senate shall have timely opportunity to offer written advice and recommendations to the President regarding any proposed new or revised UMCES policy prior to the official adoption of such policy.

4.2.c.3 The Senate shall have an opportunity to vote to approve or disapprove any UMCES policy or policy revisions, in draft form or otherwise, prior to the adoption of such policy.

- 1 The results of any such vote, and any explanation deemed necessary, shall be conveyed to the President in writing.

4.2.c.4 The Senate shall be informed in writing of the all new policies and policy revisions officially adopted by UMCES.



REPORTING BETWEEN SENATE AND UMCES PRESIDENT

- 4.3 Reporting between Faculty Senate and President of UMCES.
 - 4.3.a The Chair of the UMCES Faculty Senate shall be responsible for a written report of all Senate actions to the President of UMCES.
 - 4.3.b The Faculty Senate may request reports from the Office of the President of UMCES on matters within its purview and for distribution either to its committees, the Senate as a whole, or the Faculty of UMCES, as the case may require.
 - 4.3.c At least once each calendar year, at either a regular or special meeting of the Faculty Senate, the President shall be invited to present a report on the state of UMCES and on any matters of Center concern.

FACULTY SENATE MEMBERSHIP

4.4 Composition of the UMCES Faculty Senate

4.4.a Representation

4.4.a.1 The Faculty Senate shall have two Senators, who shall be voting members, from each of the existing UMCES Laboratory units.

4.4.a.2 Non-voting members shall include one representative of the UMCES Administrative Council who shall not be a Laboratory Director or the President of UMCES.

4.4.a.3 A representative of the UMCES Student Council or equivalent organization, if instituted, shall be invited to attend Senate meetings as a non-voting member.

4.4.b Eligibility to be a Senator

4.4.b.1 All resident Faculty of UMCES may be Senators.

4.4.b.2 Administrative officials, including the President, Vice Presidents, and Laboratory Directors, and retired faculty members may not be Senators.

FACULTY SENATOR TERMS OF OFFICE

4.5 Elections and Terms of Office

4.5.a Elections

4.5.a.1 The Faculty of each Laboratory, excluding the Laboratory Directors, shall elect two Senators and an alternate from their assigned Laboratory unit.

- 1 Senators shall be elected for a term of three (3) years except for Senators elected to fill a vacancy, who shall serve for the remainder of the unexpired term.
- 2 Each Laboratory shall submit its plan for election of Senators for approval by the Senate, which shall require procedures designed to assure fair representation of Faculty and professional staff.

4.5.a.2 The Faculty Senate Chair will be elected at large by the Faculty and must be a tenured faculty member.

- 1 The Faculty Senate Chair shall serve for a term of three (3) years.

4.5.a.3 The Vice Chair and Secretary of the Faculty Senate shall be elected annually by the voting Senate members from among themselves.

4.5.a.4 Upon resignation of the Senate Chair, the Vice Chair of the Faculty Senate will assume the position of Chair for the remainder of the unexpired term.

- 1 A new Senate Vice Chair shall be elected from the Senate members, and the Laboratory represented by the former Vice-Chair shall be charged to elect a new Senator.



FACULTY SENATE OPERATION

4.6 Operation of the UMCES Faculty Senate

- 4.6.a The UMCES Faculty Senate shall have such officers, committees, rules, and procedures as may be provided in its By-Laws and in rules and resolutions consistent with its By-Laws.

AMENDMENTS TO FACULTY SENATE PLAN OF ORGANIZATION

- 4.7 As required for the normal operation of the UMCES Faculty Senate, the Senate may amend the existing Plan of Organization in accordance with the following procedures:
- 4.7.a Amendments may be proposed either by one or more Senators, by committees of the Senate, or by written petition from the Faculty of UMCES.
- 4.7.a.1 Amendments proposed in this fashion shall be presented in writing to the Senate Chair, who shall transmit them to members of the Senate ten (10) days in advance of any regular or special meeting.
- 1 Approval of a proposed amendment shall require affirmative vote by the majority of Senators present, provided that a quorum has been constituted.
- 4.7.a.2 Amendments which are approved by the Senate shall be presented to the faculties of the Laboratories for vote.
- 1 Laboratory Directors may not vote in this process.
- 2 Approval requires an affirmative vote by two-thirds (2/3) of the UMCES Faculty defined in Section VI-4.1.c.
- 4.7.a.3 Amendments which have been approved by the UMCES Faculty Senate and the Faculty shall be submitted to the President of UMCES for approval.
- 4.7.b A proposed amendment may be submitted directly to referendum, without approval by the Senate, according to the following procedures:
- 4.7.b.1 The proposed amendment must be originated by at least one-third (1/3) of the Faculty (defined in VI-4.1.c) of a Laboratory by means of a petition.
- 4.7.b.2 Approval of the amendment shall require a three-fourths (3/4) vote of all eligible UMCES Faculty (as defined in VI-4.1.c).
- 4.7.b.3 Amendments approved by referendum shall be submitted to the President of UMCES for final approval.



FACULTY SENATE BY-LAWS

4.8 By-Laws

- 4.8.a The UMCES Faculty Senate shall have the power to make By-Laws and Regulations, including provisions for removal of its members for habitual absence and for its own proceedings so long as those By-Laws and Regulations do not contravene Maryland laws, the powers of the Board of Regents of the University System of Maryland, the powers delegated to the Chancellor of the University System and to the President of UMCES, University System policies, and the Plan of Organization of this body as approved by the Board of Regents or subsequently amended.
- 4.8.b The By-Laws of the UMCES Faculty Senate may be amended only by the affirmative vote of five-sevenths (5/7) of the elected Senators taken at a meeting held at least thirty (30) days after notice of each proposed amendment has been given to each Senator.



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II-3.00 UNIVERSITY SYSTEM OF MARYLAND POLICY ON ROLE OF FACULTY IN THE DEVELOPMENT OF ACADEMIC POLICY



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UMCES FACULTY SENATE PLAN OF ORGANIZATION AND BY-LAWS

PLAN OF ORGANIZATION
FOR THE SENATE OF THE UNIVERSITY SYSTEM OF MARYLAND
CENTER FOR ENVIRONMENTAL SCIENCE

I. Purpose

A Faculty Senate for the University of Maryland Center for Environmental Science (UMCES) is established as a representative organization to provide an effective voice in the deliberation of policies and to enter into a partnership of shared responsibility and cooperation among the faculty, administration, students and other members of the University community. A guiding principle of sound governance among people of reason and goodwill is a mutual respect and regard for one another. Such regard is manifested, among other ways, in the sharing of information and in consultation among appropriate representatives and officers of the community on all matters of mutual concern.

In this spirit, the President of UMCES through appropriate representation shall consult with, and seek the advice of the Senate who in turn, shall respond appropriately to such consultation and inform the UMCES faculty of matters pertaining to the conditions and status of the institution and the welfare of its members. The Senate is thus the principal forum for ensuring adequate and productive communication between the UMCES faculty and professional staff (defined here to include the tenure-track faculty, agents, and non-tenure track research professors and scientists of UMCES) and the UMCES administration. It will serve as both an advisory body to the President (UMCES) and as the appropriate forum recognized by the Chancellor of the University System and the Board of Regents for the expression of the concerns and interests of the UMCES community.

II. Functions

Actions of the Senate may not contravene any provision of Maryland law or University System policy, as set forth in the University Policy Manual. In addition to performing such functions as may be entrusted to it, the UMCES Senate shall, through recommendations to the President of UMCES, consider matters of concern to the faculty and professional staff of UMCES. The functions of the Senate shall include, but shall not necessarily be limited to, the following:

- A. Consideration of issues relating to University affairs as the Senate deems appropriate;
- B. Participation in the formulation of research or education policies;
- C. Consideration of such policies, programs and other matters as the administration, laboratory faculties, student organizations and individual members of the faculty and professional staff may propose;
- D. Assistance in the creation, maintenance and protection of a University environment conducive to growth of scholarship, creativity, learning, teaching, research, service and respect for human dignity and rights;
- E. Acceptance of shared responsibility with administration and students in an effort to improve the stature and effectiveness of UMCES and the University.

III. Relationship to the Office of the President of UMCES

The Senate may request reports from the Office of the President on matters within its purview for distribution either to the Senate as a whole, its committees, or the faculty and professional staff of UMCES, as the case may require. At least once each calendar year, at either a regular or special meeting of the Senate, the President shall be invited to present a report on the state of UMCES and on any matter of future concern.

- A. The Chair of the Senate shall be responsible for a written report of principal Senate actions to the President.
- B. Recommendations of the Senate shall be implemented, if and when approved by the President, and when necessary, by the Chancellor of the University System and by the Board of Regents. In the event that the President rejects or does not choose to implement recommendations of the Senate, that decision shall be communicated in writing to the Senate with reasons for dissent. Upon receipt of this communication the Senate may choose, by majority vote, to submit its recommendations to the Chancellor and/or to the System Faculty Council for consideration.

IV. Composition of the Senate

A. Representation

The Senate shall have two Senators and one alternate Senator from each of the existing laboratory units of UMCES, as well as one Senate Chair who represents the faculty and professional staff as a whole. The alternate Senators may vote only when replacing an absent Senator. Currently, the existing laboratory units include: (1) Appalachian Laboratory; (2) Chesapeake Biological Laboratory; and (3) Horn Point Laboratory.

Each Senator shall represent the interests of the laboratory that elected him or her in addition to the wider interests of UMCES as a whole. Non-voting members shall include one representative of the UMCES Administrative Council who shall not be the Director of a Laboratory, or the President of UMCES. If an UMCES Student Council or other representative body is formed, a representative of that organization will be invited to attend Senate meetings as a non-voting member.

B. Eligibility to be a Senator

Administrative officials, including the President, Vice Presidents and Laboratory Directors, may not be Senators. All other faculty and professional staff (as defined in Section I) may be Senators.

V. Elections and Terms of Office

The faculty and professional staff (as defined in Section I) of each laboratory unit, excluding Laboratory Directors, shall elect two Senators from their assigned laboratory unit. The Senate Chair will be elected at large by the faculty and professional staff and must be a tenured faculty member. He or she shall serve for a term of three years. The Vice Chair and the Secretary of the Senate will be elected annually by the voting Senate members from among themselves. Each laboratory shall submit its plan for election of Senators for approval by the Senate, which shall require procedures designed to assure fair representation of faculty and professional staff.

Senators shall be elected for a term of three (3) years. Two months before a Senator's scheduled termination of office or immediately upon a resignation, the remaining Senator from the laboratory unit represented shall request nominations and organize an election for the Senator's replacement. A newly-elected Senator shall serve to the end of his/her own three-year term. The Senator who most recently has completed his/her term at each Laboratory shall assume the duties of that Laboratory's alternate Senator. An alternate Senator shall serve until replaced by the next outgoing Senator from his/her Laboratory. Upon resignation of an alternate Senator, the faculty and professional staff of the Laboratory may choose to elect a new alternate Senator, who would serve until the term of a Senator from that Laboratory expired.

Upon resignation of the Senate chair, the Vice Chair of the Senate will assume the position of Chair for a maximum period of one year. A new Senate Vice-Chair will be elected from the Senate members, and the laboratory represented by the former Vice-Chair will be charged to elect a new Senator. The Secretary of the Senate will ask for nominations and conduct a UMCES-wide election for a new Senate Chair.

VI. Operation of the Senate

The Senate shall have such officers, committees, rules and procedures as may be provided in its By-laws and in rules and resolutions consistent with its By-laws. In cases where official guidance is not available, the latest revised edition of Robert's Rules of Order will be followed.

VII. Amendments

As required for normal operation, the Senate may amend its existing Plan of Organization in accordance with the following procedures:

- A. Amendments may be proposed either by one or more Senators, by committees of the Senate, or by written petition from the faculty and professional staff of UMCES. Proposed amendments to the Plan of Organization shall be presented in writing to the Senate Chair, who shall transmit them to members of the Senate ten (10) days in advance of any regular or special meeting.

Amendments to this Plan which are approved by the Senate shall be presented to the faculties and professional staff (as defined in Section I) of the laboratories for vote. Laboratory Directors may not vote. Upon approval by a two-thirds vote of the faculty and professional staff an amendment shall be submitted to the President of UMCES for transmittal through the University System's Chancellor to the Board of Regents for final approval.

- B. A proposed amendment to the Plan of Organization can be submitted directly to referendum, without approval by the Senate, according to the following procedures:
 - 1. The proposed amendment must be originated by at least one-third of the faculty and professional staff of a laboratory unit by means of a petition.
 - 2. Approval by the faculty and professional staff shall require a three-fourths vote of all eligible faculty and professional staff.
 - 3. Amendments approved by referendum shall be submitted to the President of UMCES for transmittal through the University System's Chancellor to the Board of Regents for final approval.

VIII. Initial Duties

At the September meeting each year the Senate members will elect a Vice-Chair and a Secretary, establish the periodicity of meetings, and establish a list of standing Senate committees as necessary.

IX. Review

The effectiveness and functional organization of the Senate shall be subject to periodic review by the Senate at five year intervals. Should major review and revision of the Senate organization be required, the existing Senate shall conduct that review and revision and submit a revised Plan of Organization to the UMCES faculty and professional staff for their approval before forwarding it through the President of UMCES to the University System's Chancellor for transmittal and approval by the Board of Regents.

X. By-Laws

The UMCES Senate shall have the power to make By-laws and regulations. These shall include provisions for removal of its members for habitual absence, and for its own proceedings so long as those By-laws and regulations do not contravene Maryland laws, the powers of the Board of Regents, the powers delegated to the University System Chancellor and to the President of UMCES, University System policies and this Plan of Organization.

The By-laws of the Senate may be amended only by the affirmative vote of five-sevenths (5/7) of the elected Senators taken at a meeting held at least thirty (30) days after notice of

each proposed amendment was given to each Senator. The By-laws attached to this Plan shall be the By-laws of the Senate until amended.

XI. Policies of UMCES

All policies pertaining to the UMCES community as a whole shall be addenda to the By-laws of the UMCES Senate. Such policies as have been duly approved by the University of Maryland System administration shall not require new approval as a part of this plan of organization.

BY-LAWS OF THE SENATE OF THE
UNIVERSITY SYSTEM OF MARYLAND
CENTER FOR ENVIRONMENTAL SCIENCE
(UMCES)

1. The officers of the Senate shall be the Chair, Vice-Chair and the Secretary. The chair or, in his/her absence, the Vice-Chair shall preside at the meetings of the Senate and of the Executive Committee. The chair shall be elected at large by campus-wide referendum in accordance with the Plan of Organization and shall serve for a term of three years. The Vice-Chair and Secretary shall be members of the Senate and shall be elected annually by the Senate. The Secretary shall arrange for the taking and distribution of minutes of Senate meetings and the Chair for the preparation and distribution of notices of Senate meetings.
2. There shall be a standing Executive Committee consisting of the Chair of the Senate, who shall be its chairperson, the Vice-Chair of the Senate and the Secretary of the Senate. The Executive Committee shall meet as needed during the calendar year. The Executive Committee may exercise the following functions:
 - a. Determine the agenda for Senate meetings;
 - b. Serve as a channel through which any members of the UMCES community may introduce matters for consideration by the Senate or the Senate committees;
 - c. Prepare and submit specific reports as requested on the work of the Senate to the President of UMCES, the Chancellor of the University System and the UMCES campus community;
 - d. Recommend to the Senate the establishment, composition and responsibilities of standing committees and special committees, fill irregular vacancies on committees, and recommend participation in joint campus committees;
 - e. Act as a nominating committee for the election of chair. In order to obtain names of interested and concerned persons as possible candidates for Senate Chair, the Executive Committee shall publicize that suggestions for nominees for this office are being accepted. The names should be forwarded to the Chair or other Executive Committee members before it meets as the Nominating Committee;
 - f. Perform such functions as are given it by the Senate.
3. The Senate may establish other standing committees and special committees and provide for participation in joint campus committees as may be appropriate for the performance of its functions.
4. Except for the Executive Committee, the membership of committees shall be determined in such manner as the Senate may decide. For any or all committees, except the Executive Committee, the Senate may elect a nominating committee or request nominations from the Senators representing each laboratory. In absence of Senate action, the Executive Committee may make nominations for committee membership, appoint a committee to make nominations or, in case of need for prompt action, appoint members of committees subject

to revision by the Senate. When the Senate is to vote on the membership of any committee, nominations from the floor shall be allowed.

5. The meetings of the Senate shall be conducted as follows:
 - a. There shall be a minimum of four meetings of the Senate each year. Special meetings may be called by the Chair of the Senate, by the Executive Committee, by resolution of the Senate or by a petition signed by at least two (2) of the Senators;
 - b. The agenda for each meeting shall be prepared by the Senate Chair. Copies of the agenda shall be sent by the Chair to all Senators and chairpersons of all Senate committees at least five (5) days before the meeting or as much in advance as possible for a meeting called in an emergency;
 - c. Any single Senator may require that a proposal be placed on the agenda;
 - d. A quorum shall consist of a majority of the Senators. Unless otherwise specified in this Plan, an affirmative vote of a majority of the Senators present and voting shall be necessary to adopt any motion, resolution or other action. Notices to Senators are properly given when sent in the regular or campus mail, sent by FAX, or sent by electronic mail addressed to the Senators' listed laboratory addresses.

A Senator will be represented by his/her laboratory unit's alternate Senator, or may designate a faculty or professional staff member who is not an elected Senator to attend a Senate meeting, with voice and vote, in the Senator's absence by written statement placed in the hands of the Secretary prior to a Senate meeting. A Senator shall designate such a substitute whenever he or she expects to be unable to attend meetings for any extended period of time and the alternate Senator is unavailable as a replacement. If a Senator is absent from more than three (3) consecutive *regularly scheduled* meetings, or if he or she is on leave for more than six (6) months, his or her seat shall be deemed vacant and the alternate Senator shall fill the vacancy as defined in Section V of the Plan of Organization;

- e. The Senate may consider at any meetings, proposals not on the agenda, but an affirmative vote of five-sevenths (5/7) of the Senators present shall be necessary to adopt any such proposal;
- f. Unless the Senate is meeting in closed session, all members of the UMCES faculty and professional staff may attend meetings of the Senate without voice or vote, subject to requirements of space and good order. The Senate may elect to meet in closed session by a majority vote of the Senators present;
- g. The Secretary of the Senate shall keep permanent minutes of all proceedings and shall arrange for the compilation and indexing of the measures formally adopted. As soon as possible after each meeting, copies of the minutes shall be sent by the Secretary to all Senators and committee chairpersons. The minutes and By-laws of the Senate shall be

available for reasonable inspection by all members of the UMCES faculty and professional staff;

- h. It is the responsibility of the Senior Senator of each laboratory to disseminate or report to the faculty and professional staff in their laboratories the proceedings of Senate meetings and other Senate related matters;
 - i. All procedures not otherwise regulated by the Plan of Organization or by these By-laws or procedures adopted by the Senate shall be in accordance with the latest revised edition of Robert's Rules of Order.
6. Elections of Senate members and officers shall normally be held two (2) months prior to the expiration of a term of office and the results must be reported to the Secretary and Chair of the Senate no later than two (2) weeks before the next regularly scheduled Senate meeting. Senate seats vacated by resignation or for any other reason shall be filled by a special election held within one (1) month of the vacancy.
7. The Chair of the Senate shall represent UMCES on the University System Council of Faculty. The Vice-Chair will serve as an alternate representative, participating in Council meetings or business when the Chair cannot. In the event that the Senate Chair is unable or unwilling to accept membership on the System Council, the Senate shall elect from its membership by majority vote a Council representative. The term of the Council representative normally will be three years and will coincide with the elected term as Senate Chair. If the Council representative is an elected Senator and not the Senate Chair, the Council term shall coincide with the Senate term.
8. As provided in the Plan of Organization of the Senate, these By-laws can be amended by the affirmative votes of five-sevenths (5/7) of the elected Senators after thirty (30) days notice to the Senators.



REPRESENTATION OF GROUPS WITH SPECIAL CONCERNS

The policies in Section VI-5 have been established to ensure that groups of faculty and/or staff members have the right to have their concerns represented within the UMCES academic community. These policies also set forth the obligations and privileges involved in the formal establishment of all such representative organizations.

The plan of organization and operation of any formally established organization must be included as a subsection of Section VI-5 of the UMCES *Policies and Procedures Manual*.



GENERAL POLICIES ON REPRESENTATION OF SPECIAL CONCERNS

- 5.1 Policy on Representation of Groups with Special Concerns¹
- 5.1.a UMCES recognizes that faculty and/or staff with common special concerns may wish to have those concerns represented in an organized manner within the academic community.
- 5.1.b Representation of those concerns by individuals or groups of individuals is encouraged through verbal or written communication to members of the UMCES Administrative Council, the UMCES Faculty Senate, or the President of UMCES.
- 5.1.c In those cases where broad-based concerns are better communicated by a permanent, representative organization, the President of UMCES may recommend that a particular group establish such a forum.
- 5.1.c.1 Such a recommendation normally shall be made under one or more of the following circumstances:
- 1 Approval of a request to do so from the UMCES Administrative Council or UMCES Faculty Senate;
 - 2 Receipt of a petition signed by faculty, staff, and students that demonstrates broad-based support for formal representation of a given concern within the Center;
 - 3 The UM System has established an inter-institutional forum for representation of a group with special concerns appropriate to those of UMCES faculty and staff.
- 5.1.c.2 A forum representing special concerns shall operate under the following conditions:
- 1 The forum shall have a formally appointed, non-exclusionary membership.
 - 2 The forum shall have a formal plan of organization and operation, which shall be included in Section VI-5 of the *UMCES Policies and Procedures Manual*.
 - 3 The forum shall be subject to dissolution by the President of UMCES upon recommendation of the majority of its members, or, if the forum has become inactive, upon recommendation of the UMCES Faculty Senate.
- 5.1.d Approval to establish a forum to represent special concerns shall neither imply nor require the allocation of funds for its support from the UMCES Administration.

¹ Adopted effective 1 September 1993 by President Donald F. Boesch upon recommendation of UMCES Faculty Senate (6/10/93) and Administrative Council (7/7/93).



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GENERAL POLICIES ON REPRESENTATION OF SPECIAL CONCERNS

- 5.1.d.1 A formally established forum shall be authorized to require dues of its members, provided that the amount and payment schedule is approved by the President of UMCES.
- 1 At the end of each fiscal year, an officer of each such forum shall file a financial statement with the President showing income, expenditures, and balance of funds.



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POLICIES AND PROCEDURES

Section VI - 6

FACULTY WORKLOAD POLICY

In adopting its Faculty Workload Policy, UMCES recognizes its responsibility to be accountable to the elected officials, agencies, and citizens of Maryland. This responsibility is in addition to the accountability its faculty members must honor to the organizations that provide extramural funding through grants and contracts. UMCES welcomes inquiries about the responsibilities it expects of its faculty members in the various components of its mission in research, education, and service.

This policy establishes a formal reporting mechanism within the context of the University System of Maryland. UMCES is prepared to provide additional information in response to requests from the people it serves.



PURPOSES OF FACULTY WORKLOAD POLICY

6.1 Purposes of UMCES Faculty Workload Policy¹

6.1.a This policy represents UMCES' implementation of Board of Regents Policy II-1.25, *Policy on Faculty Workload and Responsibilities*.

6.1.a.1 In implementing this policy, UMCES recognizes that teaching is central to the UM System's comprehensive mission in education, research, and public service.

6.1.b *Section I-1, UMCES Policies and Procedures*, affirms the importance of education as a vital component of the research mission of UMCES.

6.1.b.1 UMCES encourages its faculty members who are eligible to do so through appointment to its institutional graduate faculty to contribute to the education programs of the UM System.

- 1 UMCES faculty members may offer courses and supervise the study of students enrolled at any UM System institution, provided that such activities are consistent with the degree-granting institution's education policies.
- 2 As provided by UMCES policy, these activities will be primarily, but not exclusively, at the graduate level.

6.1.c This policy explicitly provides for the recognition of teaching as a component of professional scholarship to be recognized in the evaluation, promotion, and tenure of UMCES faculty members.

¹ Recommended by UMCES Administrative Council (10/12/94) and Faculty Senate (11/17/94); adopted by President Donald F. Boesch and approved for implementation by University System of Maryland Donald N. Langenberg 14 November 1994.

IMPLEMENTATION AND ACCOUNTABILITY

6.2 Implementation and Accountability

6.2.a As provided in Board of Regents' policy, this UMCES policy shall apply to faculty of the following ranks:

tenure track: Assistant Professor or Agent
Associate Professor or Senior Agent
Professor or Principal Agent

non-tenure track: Associate Agent
Research Associate

Research Assistant Professor
Research Associate Professor
Research Professor

Assistant Research Scientist
Associate Research Scientist
Senior Research Scientist

6.2.a.1 Faculty members in ranks ineligible for appointment to the UMCES Graduate Faculty shall not be included in the determination of the institution's instructional workload.

6.2.b UMCES faculty workload shall be reported and evaluated on an institutional basis according to ranges authorized in the Board of Regents' policy, as follows:

instruction	5-15%
research/scholarship	75-85%
service	15-25%.

6.2.b.1 Instructional workload shall be reported in *equivalent course units (ecu)*, defined as follows in the Board of Regents' policy:

courses of instruction	1 ecu = 3 cr
senior undergraduate studies	1 ecu = 21 cr
M.S. thesis (799)	1 ecu = 13 cr
Ph.D. thesis (800-899)	1 ecu = 10 cr.



IMPLEMENTATION AND ACCOUNTABILITY

- 6.2.b.2 On an institutional basis, each UMCES faculty member is encouraged to assume an annual instructional workload of .5 - 1.5 ecu.¹
- 6.2.b.3 The President of UMCES shall employ the form shown in *EXHIBIT VI-6-A* to compile data and compute institutional faculty workload estimates, and shall endeavor to report to the Chancellor faculty workload data according to any format established by the UM System.
- 1 Because UMCES lacks a degree-granting obligation under its approved mission, it shall be inappropriate to report individual faculty member "exceptions" to this institution's instructional workload.
 - 2 The President, in consultation with the Laboratory Directors, shall review faculty workload estimates annually and take corrective action should these estimates prove inconsistent with institutional policy or that of the Board of Regents.
 - 3 In the event that instructional workload declines significantly, the President may establish positive incentives to encourage individual faculty members to teach additional courses and/or supervise additional graduate student research.
- 6.2.c Procedures for systematic faculty review and recognition of outstanding performance are provided by *Merit Review Policy, Section III-10, UMCES Policies and Procedures*.

¹ Consistent with estimates provided in Board of Regents policy, 5 ecu \cdot yr⁻¹ represents an instructional workload of approximately 50%, and 1 ecu \cdot yr⁻¹ (one course) represents an instructional workload of 10%.



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EXHIBITS

EXHIBIT VI - 6 - A

UMCES FACULTY WORKLOAD REPORT FORM

REPORT ON FACULTY WORKLOAD

Center for Environmental and Estuarine Studies

ACADEMIC YEAR:		Tenure Track & Non-Tenure Track Faculty
Workload Parameter		
1*	Faculty Headcount (all ranks)**	
2	Avg. Annual Course Units (ecu) Load	
a	Total Courses Taught	
b	Total Course Credits	
3	Total Course ecu's Taught	
c	M.S. Students	
d	Total M.S. Thesis Credits	
e	Total M.S. ecu	
f	Ph.D. Students	
g	Total Ph.D. Thesis Credits	
h	Total Ph.D. ecu	
4	Total "Other" Course ECU's Taught	
5	Total ecu's Taught on Load	
6	Total ecu's Taught on Overload	
7	% Instructional Load for CEES	
8-17	Faculty Ineligible for Teaching***	
	Research, Scholarship, and Service	
18	Books Published	
19	Refereed Works	
20	Non-Refereed Works	
21	Creative Activities	
22	Professional Presentations	
i	FEDERAL Grants Active	
j	FEDERAL Grant Expenditures	
k	STATE Grants Active	
l	STATE Grant Expenditures	
m	OTHER Grants Active	
n	OTHER Grant Expenditures	
23	Total Externally Funded Grants Active	
24	Total Externally Funded Grant Expenditures	
25	Faculty Awarded New Grants	
26	Days Spent in Public Service	
27	Days Spent Advising Student Organizations	

NOTES:

- * Numbers refer to corresponding rows in UM System report form.
- Letters indicate data specific to UMCES.

REPORT ON FACULTY WORKLOAD

** Ranks included for reporting CES institutional faculty workload:

Tenure Track:

Associate Agent
Assistant Professor / Agent
Associate Professor / Senior Agent
Professor / Principal Agent

Non-Tenure Track:

Research Associate
Research Assistant Professor
Research Associate Professor
Research Professor
Assistant Research Scientist
Associate Research Scientist
Senior Research Scientist

*** Ranks Ineligible for Appointment to CES Graduate Faculty:

Associate Agent
Research Associate
Assistant Research Scientist
Associate Research Scientist
Senior Research Scientist

CONSTANTS:

Annual ECU at 100% Teaching Effort	10
Ph.D. dissertation credits (800-899)/ECU	10
M.S. dissertation credits (799)/ECU	13



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APPENDICES

APPENDIX VI - 6

II-1.25 BOARD OF REGENTS POLICY ON FACULTY WORKLOAD AND RESPONSIBILITIES



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VI-10

CAPITALIZATION AND INVENTORY CONTROL

The records for all University of Maryland Center for Environmental Science (UMCES) property shall be maintained in accordance with USM *Policy for Capitalization and Inventory Control* (VIII-1.10).



INVENTORY CONTROL DEFINITIONS

10.1 Property

10.1.a Real Property

10.1.a.1 The elements of real property are land, buildings, land improvements and construction in progress. The provisions of USM Policy VIII-1.0, Section II shall be followed to report and control all Real Property.

10.1.b Personal Property

10.1.b.1 The elements of personal property are capital equipment, non-capital equipment, library books, museum and art collections, livestock, merchandise inventories, and chemicals, pharmaceuticals, and radioactive materials.

- 1 A unit of equipment is defined for purposes of this policy as an individual item, or group of items, which is usable for its intended function and which cannot be separated without a diminishment in the usability of the item for its intended purpose.
 - 2 Capital Equipment includes all equipment that is not permanently affixed to buildings, has a useful life greater than one year, and has a unit cost of \$5000 or more; excluded are items predominantly composed of glass, rubber, cloth and equipment held for resale.
 - 3 Non-Capital Equipment is equipment that does not meet capital equipment specifications because its unit cost is less than \$5,000 or because it is predominantly glass, rubber or cloth.
- (a) **Sensitive items** are non-capital equipment which can easily be stolen, converted to personal use, or otherwise misappropriated.

Within UMCES, sensitive equipment includes the following items that cost more than \$500 but less than \$5,000: personal computers, firearms

- (b) **Trackable equipment** includes equipment with a unit cost greater than \$500 but less than \$5,000, acquired through State of Maryland funded contracts or grants.
- (c) **Petroleum products** include bulk storage of gasoline, diesel fuel and fuel oil.
- (d) **Hazardous chemicals** include those chemicals, pharmaceuticals and radioactive materials that present additional risks and responsibilities.

DUTIES AND RESPONSIBILITIES FOR CAPITAL EQUIPMENT CONTROL

10.2 Duties and Responsibilities for Capital Equipment

10.2.a Center Administration

- 10.2.a.1 Shall have the responsibility for reporting inventory information to all users outside of UMCES.
- 10.2.a.2 Shall provide FAS report AM095 (sorted by FAS department) to each unit for use in reconciliation.
- 10.2.a.3 Shall provide to the Laboratories a listing of equipment subcodes.
- 10.2.a.4 Shall determine for each contract and grant, whether ownership of equipment rests with UMCES or is retained by the sponsor.

10.2.b Laboratory

- 10.2.b.1 Each Laboratory Director shall assign at least one individual the responsibility of *inventory control* on a full or part-time basis as appropriate.
 - 1 *Inventory control* shall maintain a ledger called the Inventory Control Account, a perpetual dollar summary of all capital equipment records.
- 10.2.b.2 The Laboratory Director or designate shall identify items subject to inventory at the time a requisition is presented for signature approval.
 - 1 A copy of the signed requisition shall be forwarded to the *inventory control* and a copy of the related purchase order and paid invoice shall also be furnished to Inventory Control when each is received in the Lab business office.
 - 2 *Inventory control* shall retain each requisition in a pending Capital Equipment Additions file and match each requisition with a purchase order and paid invoice.
- 10.2.b.3 An Inventory Addition form shall be completed for each item acquired.
 - 1 A copy of the paid invoice along with any other supporting documentation shall be attached to the Inventory Addition form and retained for audit; each addition or group of additions shall be posted to the Inventory Control Account.
- 10.2.b.4 Gifts and other acquisitions of property shall be processed in a similar manner including documentation of the Inven-



PROPERTY VALUATION

tory Addition form and posting to the Inventory Control account.

10.2.b.5 *Inventory control* shall maintain a detail equipment record on each capital equipment item under the Laboratory's jurisdiction and the detail equipment record shall include the following as a minimum:

- UMCES inventory control number
- Description
- Serial number of equipment
- Month and year of purchase date per invoice
- Building number
- Room number
- Cost or value of item
- FAS account number and subcode
- Principal investigator or responsible person
- Fund Source (general, federal, private, state, revolving, plant funds, gift or loan)
- Capital lease item-yes or no
- Comments

10.2.b.6 The sum of the cost from all detail equipment records shall at all times agree with the total dollar balance in the Inventory Control Account.

10.2.b.7 A tag with the UMCES inventory number shall be fixed to each capital equipment item where practical and a special file for those unique items which cannot be tagged is to be maintained detailing each item's location and the special conditions.

10.2.b.8 *Inventory control* shall reconcile capital equipment additions on the inventory system to the general accounting system each month

10.2.b.9 Each unit shall perform a physical inventory of all capital equipment items and reconcile the physical inventory to the inventory system records at least annually.

10.2.b.10 Each unit shall annually report to Center Administration the value of Capital Equipment owned by the UMCES unit; Center Administration shall prescribe the report format together with any additional instructions.



PROPERTY VALUATION

- 10.3 For the purpose of capitalization and inventory control, the value of property shall be determined as follows:
- 10.3.a Purchased Items: Invoice price, *plus* [trade-in allowance + freight + installation costs] *less* [discounts]
 - 10.3.b Capital Leases: Invoice price, *plus* [trade-in allowance + freight + installation cost] *less* [all interest charges]
 - 10.3.c Donated Items: Fair market value at date of gift
 - 10.3.d Manufactured Items: All identifiable direct costs consumed in fabrication, labor and installation
 - 10.3.e Surplus Property Items: Cost plus freight
 - 10.3.f Agency Owned Items
 - 10.3.f.1 These items are reported at no valuation where Sponsor retains the title and University is custodian.
 - 10.3.f.2 The value according to one of the above methods to be carried in comments field of inventory record.
 - 10.3.g Transferred Items: These items are to be valued according to one of the methods described above; an estimated cost may be used if information is not available.
 - 10.3.h Loaned items: These items are reported at no value where owner retains title and UMCES is the custodian.
 - 10.3.h.1 Owner should declare a reasonable estimate of value which is to be placed in the comments field of the item's inventory record.



PROPERTY DISPOSITIONS

- 10.4 University of Maryland System Policy VIII-1.20 Policy on Disposal of Surplus Personal Property (APPENDIX VI-10) shall govern all disposals.
- 10.4.a The Inventory Deletion Form shall be completed to remove an item from the control account and the detail records.
 - 10.4.a.1 The disposition method must be identified on the form and includes sold, trade, lost, dismantle, discarded as un-serviceable, stolen, destroyed, transferred and other.
 - 10.4.b Written approval of the UMCES Vice President for Administration shall be required before an item may be deleted from inventory.
 - 10.4.c Lost or stolen property shall be given special and immediate attention.
 - 10.4.c.1 The person discovering the loss shall immediately notify the Laboratory business office.
 - 10.4.c.2 The Laboratory Director shall review the matter and immediately contact the law authority if appropriate and a copy of the theft report from the police should be attached to the deletion form.
 - 10.4.d Each Laboratory shall work with Center Administration and UMCP Purchasing when surplus equipment is to be sold.
 - 10.4.e Disposal of property acquired with contract or grant funds shall be in accordance with the terms of the contract or grant.



NON-CAPITAL EQUIPMENT

- 10.5 UMCES shall only control the following types of non-capital equipment:: Sensitive items and Trackable equipment.
- 10.5.a The controls for Capital Equipment in Section VI-10.2 will be applied to all Sensitive and Trackable Equipment
- 10.5.b Inventories of petroleum products shall include the following:
- 10.5.b.1 Each unit shall maintain a perpetual inventory for the above regardless of the cost.
- 10.5.b.2 Deliveries of gallons shall be recorded at the time of delivery from the delivery ticket or an immediate measurement of the tank and similarly the withdrawals shall be deducted from the perpetual inventory.
- 10.5.b.3 The withdrawal documentation shall include the date, gallons used, vehicle or vessel identification, account to be charged and name of user.
- 10.5.b.4 A custodian shall be designated to maintain the perpetual records for receiving and disbursing fuels.
- 10.5.b.5 A different individual shall be designated to take a physical inventory of each tank on the last work day of each month and shall compare the results of the physical inventory to the perpetual records and investigate to a satisfactory conclusion any difference in excess of 15 gallons.
- 10.5.b.6 A copy of the monthly perpetual record and reconciliation to the physical inventory shall be retained by the maintenance chief.
- 10.5.b.7 All fuel pumps shall be kept locked at all times to prevent unauthorized use.
- 1 electronic controls is an acceptable method of locking.
- 10.5.c Inventories for hazardous chemicals shall include the following:
- 10.5.c.1 All State and Federal regulatory control and inventory requirements shall be followed.



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POLICIES AND PROCEDURES

Section VI-10.6

LIBRARY

- 10.6 UMCES research libraries are not recognized by the USM as a formal University catalogued library and are not subject to USM inventory procedures.



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POLICIES AND PROCEDURES

Section VI-10.7

MERCHANDISE INVENTORY CONTROL

10.7 Since UMCES has no merchandise inventories held for resale, no controls are specified.



OTHER ITEMS ON INVENTORY CONTROL

10.8 Other

- 10.8.a UMCES shall maintain a detailed perpetual inventory on any University-owned collection of art, scientific, or historical objects.
- 10.8.b Such items shall be valued at cost or market value at time of acquisition.
- 10.8.c The UMCES Administration shall include inventory information on such items in its financial statements.



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POLICIES AND PROCEDURES

Section VI-10

CAPITALIZATION AND INVENTORY APPENDICES

APPENDIX VI-10-A

VIII-1.10 UNIVERSITY SYSTEM OF MARYLAND POLICY FOR CAPITALIZATION AND INVENTORY CONTROL



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POLICIES AND PROCEDURES

Section VI-10

CAPITALIZATION AND INVENTORY APPENDICES

APPENDIX VI-10-B

VIII-1.20 UNIVERSITY SYSTEM OF MARYLAND POLICY ON DISPOSAL OF SURPLUS PERSONAL PROPERTY



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POLICIES AND PROCEDURES

Section VII

SPONSORED PROGRAMS

INTRODUCTION

Section VII contains policies and procedures specific to the conduct and administration of extramural grants and contracts within UMCES. Most of the sections concern broad administrative policies adopted in response to Maryland State law and/or the requirements of federal agencies or other sources of extramural support.

The individual UMCES Laboratories maintain “how-to” manuals which contain specific procedures for the preparation, review, and submittal of proposals. Faculty members are encouraged to consult these manuals for such details.



FACULTY CONFLICT OF INTEREST POLICY

Faculty Conflict of Interest policies and procedures respond to regulations required grants and contracts funded by various sources of extramural support. Each policy is reviewed for legal sufficiency by the Office of the Attorney General to ensure that it is fully consistent with and responsive to the requirements of Maryland State law.

It is intended that a single broad-based policy (Section VII-1) satisfy the conflict of interest and reporting requirements of as many agencies and organizations as possible. Section VII allows for the inclusion of additional institutional procedures if such cannot be negotiated on an *ad hoc* basis in the context of the broad-based policy. All conflict of interest actions and reporting must be consistent with the institutional policies of UMCES and the requirements of Maryland law.



CONFLICT OF INTEREST POLICY FOR NSF AND USPHS COMPLIANCE

1.1 Purpose and Compliance¹

1.1.a The policies in *Sections VII-1.1 through VII-1.6* contain specific procedures for implementation of requirements established by the National Science Foundation (NSF) and U.S. Public Health Service (USPHS).^{2,3}

1.1.a.1 Non-compliance with this policy may result in termination of a sponsored activity and/or restrictions on its principal *investigator* (as defined below) with respect to future proposal submissions.

1.1.b This policy is in addition to *Policy II-3.10 (Policy on Professional Commitment of Faculty)* (**APPENDIX VII-1-A**) and *Policy II-3.30 (Policy on Conflict of Interest for Faculty Interest in Sponsored Research and Economic Development)* (**APPENDIX VII-1-B**) of the *UMS Bylaws, Policies, and Procedures of the Board of Regents*.

1 Interim policy recommended by UMCES Faculty Senate (22 September 1995) and UMCES Administrative Council (5 October 1995); adopted by President Donald F. Boesch, effective 1 October 1995.

2 Effective 1 October 1995, NSF and USPHS policy requires that all proposals submitted for activities to be funded by these agencies include a certification by the institutional authorizing official that the institution has implemented and is enforcing a written policy on faculty conflicts of interest. NSF and USPHS regulations require that the following specific provisions be included: (1) proposed principal investigators must disclose certain financial interests; (2) the institution must review all such disclosures; (3) the institution must designate a person or persons to review the disclosures to resolve actual or potential conflicts of interest so revealed. Arrangements must be made for informing (a) the NSF of conflicts that are not resolved to the satisfaction of the institution, and (b) the USPHS of all conflicts reported, whether or not they have been resolved. Finally, the institution shall establish procedures for record retention pursuant to these policies.

3 The NSF and USPHS require that subcontractors and collaborators either comply with the institution's policy or provide assurances to the institution that they comply with their own policies that meet the NSF and/or USPHS requirements as applicable.

DEFINITIONS APPLICABLE TO CONFLICT OF INTEREST POLICY

1.2 Definitions

1.2.a **Investigator** means the principal investigator, co-principal investigator(s) and any other person employed by or working under the auspices of UMCES who has independent responsibility for the design, conduct, or reporting of research or educational activities.

1.2.a.1 These individuals are those who have independent responsibility for accomplishing project objectives.

1.2.a.2 For purposes of the requirements relating to financial interests, this definition includes the *investigator's* spouse and dependent children.

1.2.b **Significant financial interest** means anything of monetary value, including, but not limited to, salary or other payments for services (*e.g.*, stocks, stock options, or other ownership interests), and intellectual property rights (*e.g.*, patents, copyrights, and royalties from such rights).

1.2.b.1 This definition specifically does *not* include the following:

- 1 Salary, royalties, or other remuneration from UMCES;
- 2 Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- 3 Income from service on advisory committees or review panels for public or nonprofit entities;
- 4 An equity interest that, when aggregated for the *investigator* and *investigator's* spouse and dependent children, meets both of the following criteria:
 - (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.
- 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 12-month period.

1.2.c **Conflict of interest** means, for the purpose of these regulations, any *significant financial interest* of the *investigator* and the *investigator's* spouse and dependent children that could result directly and significantly affect the design, conduct, and reporting of research or data derived from such research.



DEFINITIONS APPLICABLE TO CONFLICT OF INTEREST POLICY

- 1.2.c.1 This provision specifically addresses, but is not limited to, policy requirements established by the NSF and USPHS.
- 1.2.d **Research** means a systematic investigation designed to develop or contribute to generalizable knowledge, encompassing so-called basic and applied research, product evaluation, testing, and development, and clinical trials
- 1.2.d.1 As used in these policies, this term includes any such activity for which research funding is available from the NSF, and any such activity for which research funding is available from a component of the USPHS through a grant, contract, or cooperative agreement, whether authorized under the USPHS Act or other statutory authority.



DISCLOSURE REQUIREMENTS

- 1.3 An *investigator* seeking NSF or USPHS funding, and financial support from other extramural entities, as applicable, shall be required to disclose information which shall be considered as “**reportable significant financial interests:**”
- 1.3.a The following information shall be disclosed in seeking funding from the NSF or USPHS:
- 1.3.a.1 Any *significant financial interest* that would reasonably appear to be affected by the research and educational activities funded or proposed for funding by the NSF or USPHS, or,
- 1.3.a.2 Any *significant financial interests* in entities whose financial interests would reasonably appear to be affected by such activities.
- 1.3.b An *investigator* who has a *reportable significant financial interest* to disclose shall so indicate same by completing an *UMCES Investigator Disclosure of Reportable Significant Financial Interest Form (EXHIBIT VII-1-A)* and appending this form, with supporting documentation as necessary, to the *UMCES Proposal Routing Form*.
- 1.3.c For NSF- and USPHS-funded research, all disclosures shall be updated during the period of an award on an annual basis or as new reportable significant financial interests are obtained.
- 1.3.c.1 Each *investigator* on a project shall provide such updates by completing and routing the *UMCES Update/Annual Certification Form (Exhibit VII-1-B)*.
- 1.3.d Insofar as possible, the forms identified above shall be used in updating all disclosures of *conflict of interest* on projects funded by other extramural agencies or organizations.



INSTITUTIONAL REVIEW PROCEDURES

- 1.4 The appropriate Laboratory Director shall be responsible for conducting the initial review of financial disclosures submitted by each principal *investigator* within his/her UMCES Laboratory unit.
- 1.4.a Subject to UMCES review and final decision, the Laboratory Director shall determine what reportable, significant financial interests (as defined above) exist and what mechanisms, if any, are appropriate for managing, reducing, or eliminating actual or potential *conflicts of interests*.
- 1.4.a.1 Examples of conditions or restrictions that might be imposed include, but are not limited to, the following:
- (a) Public disclosure of significant financial interests;
 - (b) Monitoring of research by independent reviewers;
 - (c) Modification of the research plan;
 - (d) Disqualification from participation in the portion of funded research that could be affected by the significant financial interests;
 - (e) Severance of relationships that create actual or potential *conflicts of interest*.
- 1.4.b Disclosure of *conflicts of interest* and the resolution or plan for resolution thereof shall be forwarded by the appropriate Laboratory Director to the Director of Sponsored Programs.
- 1.4.c If the Director of Sponsored Programs finds that a disclosure of reportable significant financial interest has revealed an actual or potential *conflict of interest* that is unresolved after initial review, or if he/she finds that a recommended plan for resolution is inconsistent with UMCES guidelines and experience, then he/she shall forward the matter to the Vice President for Administration for resolution and final decision.
- 1.4.d A faculty member dissatisfied with the Vice President for Administration's final decision may appeal that decision in writing to the President of UMCES.
- 1.4.d.1 At his/her discretion, the President may reconsider the matter.
- 1 The President may seek whatever information he/she deems necessary in an effort to resolve the matter.
 - 2 The President may seek the confidential advice of tenured faculty members of equal or superior rank at any UMCES Laboratory in an attempt to resolve the matter.
- 1.4.d.2 The President's decision shall be final.



INSTITUTIONAL REVIEW PROCEDURES

- 1.4.e Proposals shall not be forwarded to the NSF or USPHS until the *conflict of interest* review process has reached the level of the Director of Sponsored Programs.
- 1.4.e.1 Should a proposal be forwarded before the review process has been completed and a final decision rendered, the following conditions shall apply:
- 1 If the proposal is funded, no funds shall be spent for the project until the review process has been completed.
 - 2 The proposal shall be withdrawn if it is determined that the *conflict of interest* cannot be eliminated or managed.
- 1.4.e.2 Should a proposal be forwarded on the expectation that an approved plan for resolution of *conflict of interest* will be implemented, and if the proposal is successful, the identified *conflict of interest* must be satisfactorily managed, reduced, or eliminated prior to UMCES' expenditure of any funds for the project.
- 1.4.f For on-going projects, conflict(s) of interest disclosed subsequent to the UMCES initial report to the NSF or USPHS under an award must be resolved, at least on an interim basis, within sixty (60) days after such conflict has been identified.



REPORTING AND RECORD RETENTION

1.5 Reporting and Record Retention

1.5.a The Director of Sponsored Programs shall be responsible for providing the appropriate written notification to the awarding agency.

1.5.a.1 Conflicts of interest which cannot be satisfactorily resolved shall be disclosed to the NSF and USPHS.

-1 In the case of USPHS proposed or actual awards, notice shall be given for all *conflicts of interest* whether or not they have been satisfactorily resolved.

1.5.b The Director of Sponsored Programs shall maintain records of all financial disclosures and of all actions taken to resolve actual or potential *conflicts of interest*.

1.5.b.1 Such records shall be retained for at least three (3) years after termination or completion of the sponsored project or after resolution of any Federal Government action involving those records, whichever is longer.

1.5.b.2 As required by Federal Agency regulations, information regarding all *conflicts of interest* identified to or by UMCES shall be made available to the Federal Government or authorized agent thereof.

1.5.b.3 The NSF Office of General Counsel shall be appropriately informed if UMCES finds that it is unable to satisfactorily manage a *conflict of interest* related to NSF-supported research.



CONFIDENTIALITY OF REPORTING

1.6 Confidentiality

- 1.6.a Information submitted by *investigators* with respect to reportable significant financial interests and/or identified *conflicts of interest* shall be treated as personal information under the Maryland Access to Public Records Law.
 - 1.6.a.1 UMCES shall disclose such information only as permitted by Maryland State law or other required by law or court order.
 - 1.6.a.2 Limitations on public access 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*.



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POLICIES AND PROCEDURES

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APPENDICES

APPENDIX VII - 1 - A

II-3.10 **UNIVERSITY SYSTEM OF MARYLAND POLICY ON** **PROFESSIONAL COMMITMENT OF FACULTY**



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APPENDICES

APPENDIX VII - 1 - B

II-3.30
UNIVERSITY SYSTEM OF MARYLAND POLICY ON
CONFLICT OF INTEREST FOR
FACULTY INTEREST IN SPONSORED RESEARCH AND
ECONOMIC DEVELOPMENT



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POLICIES AND PROCEDURES

Section VI - 1

EXHIBITS

EXHIBIT VII - 1 - A

UMCES INVESTIGATOR DISCLOSURE OF REPORTABLE SIGNIFICANT FINANCIAL INTEREST FORM



**UMCES INVESTIGATOR DISCLOSURE OF REPORTABLE
SIGNIFICANT FINANCIAL INTEREST**

for Proposals Submitted to the
National Science Foundation (NSF)
and
U.S. Public Health Service (USPHS)

***This form and any supporting documentation must be attached to the UMCES
Proposal Routing Form and Forwarded to the Office of Sponsored Programs***

Proposal Identification Number: _____

Principal Investigator: _____

UMCES Laboratory: _____

Proposal Title: _____

Sponsor: _____ NSF _____ USPHS

USPHS and NSF regulations require that an *investigator* disclose significant financial interests of the *investigator* and the *investigator's* spouse and dependent children (I) that would reasonably appear to be affected by, or reasonably might affect, the research or educational activities proposed for funding by these Federal agencies; or (ii) that are held in entities whose financial interests would reasonably appear to be affected by such activities. Submission of disclosure is required before a proposal can be signed and submitted to the USPHS or NSF by UMCES. Administrative review and resolution and/or notification to the USPHS and NSF must occur prior to UMCES' expenditure of any funds under the award for the project affected.



EXHIBIT VII - 1 - A

Significant financial interest means anything of monetary value, including, but not limited to, salary or other payments for services (*e.g.*, stocks, stock options, or other ownership interests); and intellectual property rights (*e.g.*, patents, copyrights, and royalties from such rights). *Significant financial interest* does *not* include the following:

1. Salary, royalties, or other remuneration from UMCES;
2. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
3. Income from service on advisory committees 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 criteria: (i) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and (ii) 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.

Based upon the above definition of *significant financial interest*, and in accord with Section VII-1 of the UMCES *Policies and Procedures Manual*, an *investigator* **must** provide the information indicated on the following two pages:



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EXHIBIT VII - 1 - A

1. Detailed disclosure of any *reportable significant financial interest* with respect to the conduct or reporting of the proposed research. *Please itemize below and attach additional sheets if necessary. If there are no such disclosures, please so indicate on this page.*



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EXHIBIT VII - 1 - A

2. Identification of anything in the opinion that, in your opinion, would not compromise your objectivity in the conduct or reporting of the proposed research but might have the appearance of doing so. *Please identify in the space below and attach additional sheets if necessary. If there is nothing to identify, please so indicate on this page.*



CERTIFICATION

I certify that the above information is complete and true to the best of my knowledge and that I have read Section VII-1 of the UMCES *Policies and Procedures Manual* related to *investigator* disclosure of *reportable significant financial interest*. I supply this information for review by UMCES and do not authorize release of any of it for any other purpose than to comply with UMCES' policies and related to State and Federal laws and regulations, except as required by law or court order.

Signature: _____ date: _____
(Principal Investigator)

Administrative Review

The *investigator's* Laboratory Director is responsible for conducting the initial review of this disclosure and making findings. In these findings the term *conflict of interest* has the meaning defined in Section VII-1.2.c of the UMCES *Policies and Procedures Manual*.

Based on the information reported above, to the best of my knowledge and in my judgement:

- _____ 1. No real or potential *conflict of interest* exists.
- _____ 2. A real or potential *conflict of interest* exists. The conflict and steps taken to manage, reduce, or eliminate the real or potential conflict are described below *(attach additional sheets if necessary)*.
- _____ 3. A real or potential *conflict of interest* exists which *cannot be* resolved. This conflict and the situation preventing the development of a resolution plan is described in detail below *(attach additional sheets if necessary)*.

Signature: _____ date: _____
(Laboratory Director)



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EXHIBIT VII - 1 - A

ACTION BY OFFICE OF SPONSORED PROGRAMS

_____ date received

_____ Accepted as submitted

_____ Returned for further explanation or justification

_____ Forwarded to Vice President for Administration for resolution

(signature, Director of Sponsored Programs)



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EXHIBIT VII - 1 - B

EXHIBIT VII - 1 - B

UMCES UPDATE/ANNUAL CERTIFICATION FORM FOR INVESTIGATOR DISCLOSURE OF REPORTABLE SIGNIFICANT FINANCIAL INTEREST



**UMCES UPDATE/ANNUAL CERTIFICATION FORM
FOR INVESTIGATOR DISCLOSURE OF
REPORTABLE SIGNIFICANT FINANCIAL INTEREST**
for NSF/USPHS-Sponsored Activities

FAS or SAI Number: _____

Principal Investigator: _____

UMCES Laboratory: _____

Proposal Title: _____

Sponsor: _____ NSF _____ USPHS

USPHS and NSF regulations require that an *investigator* disclose significant financial interests of the *investigator* and the *investigator's spouse and dependent children* (i) that would reasonably appear to be affected by, or reasonably might affect, the research or educational activities proposed for funding by these Federal agencies; or (ii) that are held in entities whose financial interests would reasonably appear to be affected by such activities.

The initial annual certification covers the period from the award date through 30 June. Thereafter, the NSF and USPHS require annual certifications. This annual certification will cover the period of 1 July through 30 June of each year. This form must be submitted through the appropriate Laboratory Director and received by the Director of the Office of Sponsored Programs by 1 October of each year.



Significant financial interest means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). *Significant financial interest* does *not* include the following:

3. Salary, royalties, or other remuneration from UMCES;
4. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
5. Income from service on advisory committees or review panels for public or nonprofit entities;
6. An equity interest that, when aggregated for the *investigator* and the *investigator's* spouse and dependent children, meets both of the following criteria: (i) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and (ii) does not represent more than a 5% ownership interest in any single entity; or
7. 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.

Based upon the above information and in accord with policies set forth in Section VII-1 of the *UMCES Policies and Procedures Manual*:

- _____ No changes have occurred in the information disclosed since this award was made or in the past 12 months, whichever is less, that might affect my research or educational activities supported by the USPHS or NSF.
- _____ Changes have occurred in the information disclosed since this award was made or in the past 12 months, whichever is less, that might affect my research or educational activities supported by the USPHS or NSF.

If the second option is checked, *i.e.*, changes have occurred in the original information disclosed, you must provide the following information:



CERTIFICATION

I certify that the above information is complete and true to the best of my knowledge and that I have read Section VII-1 of the UMCES *Policies and Procedures Manual* related to *investigator* disclosure of *reportable significant financial interest*. I supply this information for review by UMCES and do not authorize release of any of it for any other purpose than to comply with UMCES' policies and related to State and Federal laws and regulations, except as required by law or court order.

Signature: _____ date: _____
(Principal Investigator)

Administrative Review

The *investigator's* Laboratory Director is responsible for conducting the initial review of this disclosure and making findings. In these findings the term *conflict of interest* has the meaning defined in Section VII-1.2.c of the UMCES *Policies and Procedures Manual*.

Based on the information reported above, to the best of my knowledge and in my judgement:

- _____ 1. No real or potential *conflict of interest* exists.
- _____ 2. A real or potential *conflict of interest* exists. The conflict and steps taken to manage, reduce, or eliminate the real or potential conflict are described below (*attach additional sheets if necessary*).
- _____ 3. A real or potential *conflict of interest* exists which *cannot be* resolved. This conflict and the situation preventing the development of a resolution plan is described in detail below (*attach additional sheets if necessary*).

Signature: _____ date: _____
(Laboratory Director)



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 1

EXHIBIT VII - 1 - B

ACTION BY OFFICE OF SPONSORED PROGRAMS

_____ date received

_____ Accepted as submitted

_____ Returned for further explanation or justification

_____ Forwarded to Vice President for Administration for resolution

(signature, Director of Sponsored Programs)



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 2

HUMANE CARE AND USE OF VERTEBRATE ANIMALS

UMCES accepts full responsibility for the humane care and use of vertebrate animals in its research and education programs as an ethical obligation. The Center fully complies with all applicable federal, state, and University statutes and regulations. This Section sets forth official institutional policy and provides for general oversight of all activities involving vertebrate animal subjects at UMCES. *Section 1-2* of the **UMCES Policies and Procedures Manual** contains additional policies that are specifically applicable to graduate student research performed under the supervision of UMCES faculty members. Please see *Appendix VII-2-2* for the UMCES Assurances of Compliance with Public Health Service Policy on Humane Care and Use of Laboratory Animals.

INSTITUTIONAL POLICY

2.1 Institutional Policy^{1,2}

2.1.a It is official UMCES policy that laboratory and manipulative experimental field studies of vertebrate animals are to be conducted on finfish, amphibians and reptiles.

2.1.a.1 UMCES laboratory facilities may not be used in the conduct of any activities involving vertebrate animal subjects in violation of this policy.

2.1.a.2 Any UMCES faculty member who desires to pursue laboratory or manipulative experimental field studies involving vertebrate animal subjects other than finfish must do so under the following conditions:

- 1 The activity must be conducted under the auspices of an institution other than UMCES, and no physical activity involving vertebrate animals shall be conducted at any UMCES facility.
- 2 If the activity is supported by an extramural grant or contract, the award, or portion thereof that supports the activity, shall not be administered by UMCES.
- 3 All UMCES employees participating in the activity shall be governed by the vertebrate animal care and use policies of the institution under whose auspices and supervision the research is performed; if there are no such policies, no UMCES employees shall be allowed to participate in the activity.

2.1.b Subject to review, approval, and oversight by the UMCES Institutional Animal Care and Use Committee as established in *Section VII-2.2* below, the following general activities involving vertebrate animal subjects other than finfish are permissible under this policy:

2.1.b.1 Non-manipulative field observations of animal populations in their natural habitats;

1 Vertebrate animal research policy endorsed by the Faculty Senate (5/26/95) and Administrative Council (6/7/95), and adopted by President Donald F. Boesch effective 1 July 1995.

2 Policy revised by UMCES IACUC (5/28/97) and adopted by President Donald F. Boesch effective 7/1/97.



INSTITUTIONAL POLICY

- 2.1.b.2 Capture and short-term restraint of individual animals for non-experimental purposes as required to obtain numeric data, provided that such capture and restraint involve a method and duration designed to minimize trauma *and that such activities are directly supervised by a non-UMCES employee who is authorized to conduct such studies under the auspices of another organization.*

- 2.1.b.3 Studies of animal carcasses, parts, or by-products, provided that the taking of living animals was performed by a non-UMCES employee authorized to do so under the auspices of another institution and that UMCES funds were not used to support the taking of living animals.

- 2.1.b.4 Holding and transport of injured animals for a short period of time as required to arrange and procure treatment or humane disposal by a qualified veterinarian or other individual authorized to do so.



ADMINISTRATION OF VERTEBRATE ANIMAL CARE AND USE POLICY

- 2.2 The President of UMCES shall be responsible for ensuring that all activities involving vertebrate animal subjects fully comply with all applicable federal, state, and University regulations, and with official institutional policy.
- 2.2.a The Institutional Animal Care and Use Committee (IACUC) shall be responsible for oversight of the UMCES animal program, facilities, and procedures.
- 2.2.b Detailed policies and procedures for compliance with applicable federal regulations are contained in the *Assurance of Compliance with Public Health Service Policy on Humane Care and Use of Laboratory Animals* (“Assurance”) filed with the Office of Laboratory Animal Welfare (OLAW), U.S. Public Health Service (PHS).
- 2.2.b.1 A copy of the current *Assurance*, as approved by the PHS, shall be incorporated as *Appendix VII-2-2* of this policy.
- 2.2.c The UMCES animal program shall be based on the provisions of *Guide for the Care and Use of Laboratory Animals* (National Research Council) and on other applicable documents pertaining to finfish that have been adopted by the appropriate professional agencies.¹
- 2.2.d As provided in the *Assurance*, the IACUC has the authority to suspend temporarily any activity which is considered to be in violation of policy or otherwise not in compliance with acceptable practices under the UMCES animal program.

¹ Examples of such documents include, but are not limited to, Guidelines for Use of Fishes in Field Research (1988) adopted by the American Society of Ichthyologists and Herpetologists, American Fisheries Society, and American Institution of Fishery Research Biologists; and the most recent Report of the AVMA Panel on Euthanasia (J. Am. Vet. Assoc., **202**:229-249, 1993).



COLLECTING PERMITS

- 2.3 A valid UMCES Collecting Permit (*Exhibit VII-2-1*) shall enable the bearer to collect plants, animals, and to obtain environmental samples using any collection devices and methods permitted under applicable federal and state laws and the policies of UMCES and the University System of Maryland.
- 2.3.a The Collecting Permit does not supersede the need to obtain additional authorization in specific cases.
- 2.3.a.1 The collection of rare or endangered species may require a special permit for this purpose.
- 2.3.a.2 It is the responsibility of the individual to ensure that all relevant documents and permissions have been obtained and validated before embarking on any collecting activity.
- 2.3.b If a collecting activity involves more than one person, each individual must possess a valid UMCES Collecting Permit.
- 2.3.b.1 A Collecting Permit is not required by student members of a class, provided that the collecting activity is part of a class exercise and is being carried out in the presence of an UMCES employee who is the course director and who possesses a valid Collecting Permit.
- 2.3.c All collecting shall be pertinent to the Center's mission of research, education, and public service.
- 2.3.d A Collecting Permit is invalid without the signature of the individual to whom it is issued and the signature of the President of UMCES.
- 2.3.e Abuse of collecting privileges, including activities in violation of UMCES institutional policy for the humane care and use of vertebrate animals, shall result in revocation of the Collecting Permit and may be cause for further disciplinary or legal action.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 2

EXHIBIT VII-2-1

EXHIBIT VII - 2 - 1

UMCES Collecting Permit



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 2

EXHIBIT VII-2-1

UMCES COLLECTING PERMIT

This card identifies

as an employee of the UNIVERSITY OF MARYLAND
CENTER FOR ENVIRONMENTAL SCIENCE, from

to -----

The bearer is authorized to make scientific collections in
accord with Maryland law as stated on the reverse.

Employee

Donald F. Boesch
President

Annotated Code of Maryland
Article: Natural Resources
Section 3-403, Par. 9
1997 Cumulative Supplement

"The Center for Environmental Science staff may collect any animal, plant, and other sample and use any collection device, technique and seizure necessary for and pertinent to its research, public service and education program."



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

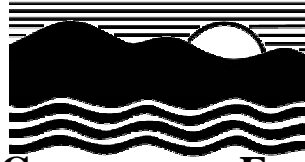
POLICIES AND PROCEDURES

Section VII - 2

APPENDICES

APPENDIX VII - 2 - 2

Assurance of Compliance with Public Health Service Policy on Humane Care and Use of Laboratory Animals



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE
www.cbl.umces.edu/Resources/iacuc.webpage.html

University of Maryland Center for Environmental Science
ASSURANCE OF COMPLIANCE
WITH
PUBLIC HEALTH SERVICE
POLICY ON HUMANE CARE AND USE
OF LABORATORY ANIMALS

University of Maryland Center for Environmental Science (UMCES), hereinafter referred to as institution, hereby gives assurance that it will comply with the Public Health Service Policy on Humane Care and Use of Laboratory Animals, hereinafter referred to as PHS Policy.

I. APPLICABILITY

This Assurance is applicable to all research, research training, experimentation, biological testing, and related activities, hereinafter referred to as activities, involving live, vertebrate animals supported by the Public Health Service (PHS) and conducted at this institution, or at another institution as a consequence of the subgranting or subcontracting of a PHS-conducted or supported activity by this institution.

"Institution" includes the following branches and major components of University of Maryland Center for Environmental Science: Appalachian Laboratory (AL), Frostburg, Maryland; Chesapeake Biological Laboratory (CBL), Solomons, Maryland; Horn Point Laboratory (HPL), Cambridge, Maryland .

II. INSTITUTIONAL POLICY

- A. This institution will comply with all applicable provisions of the Animal Welfare Act and other Federal statutes and regulations relating to animals.
- B. This institution is guided by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training."
- C. This institution acknowledges and accepts responsibility for the care and use of animals involved in activities covered by this Assurance. As partial fulfillment of this responsibility, this institution will make a reasonable effort to ensure that all individuals involved in the care and use of laboratory animals understand their individual and collective responsibilities for compliance with this Assurance as well as all other applicable laws and regulations pertaining to animal care and use.

D. This institution has established and will maintain a program for activities involving animals in accordance with the Guide for the Care and Use of Laboratory Animals (Guide).

III. INSTITUTIONAL PROGRAM FOR ANIMAL CARE AND USE

A. The lines of authority and responsibility for administering the program and ensuring compliance with this Policy are shown in Figure 1.

B. The qualifications, authority, and percent of time contributed by the veterinarian(s) who will participate in the program are:

1. *Qualifications:* Janet E. Whaley, D.V.M., is a biologist in the Marine Mammal Division, National Marine Fisheries Service, Office of Protected Resources, Silver Spring, MD. She is licensed to practice veterinary medicine in Maryland and is Chair of the Aquatic Animal Health Subcommittee of the Maryland Aquaculture Advisory Commission. She has had ten years' postgraduate experience in laboratory and field animal medicine. Dr. Whaley's expertise in finfish toxicology is directly applicable to many of the vertebrate animal activities at UMCES, notably research and graduate studies in aquatic toxicology and aquaculture.

2. *Authority:* Dr. Whaley will have full authority to advise the IACUC, the Laboratory Directors, and the President of UMCES on appropriate procedures for use of finfish in research as set forth in the Guide and other applicable documents as identified at III.D.1 below. She may advise the IACUC to require specific changes in research protocol before faculty or student research is initiated. Further, she has the authority to suspend immediately any research found to be conducted in violation of UMCES or PHS policy until the IACUC shall advise the President of the institution that such violation(s) have been remedied. Dr. Whaley's authority pertains to all vertebrate animal research at UMCES, whether or not the research is funded by the PHS.

3. *Commitment:* Dr. Whaley will contribute 5% time in direct service to IACUC for site visits, research protocol review, and annual training. In addition, she will be available as needed by faculty and students for advice and consultation. Should she not be available, UMCES will request assistance from Dr. Eric May, fish pathologist with the Cooperative Oxford Laboratory, MD Department of Natural Resources, Oxford, MD. Dr. Whaley is under contract to UMCES and is paid on an hourly basis to provide the above services.

C. This institution has established an Institutional Animal Care and Use Committee (IACUC), which is qualified through the experience and expertise of its members to oversee the institution's animal program, facilities, and procedures. The IACUC consists of at least five members, and its membership meets the composition requirements set forth in the PHS Policy at IV.A.3.b. Attached is a list of the names, degrees, position titles, specialties and institutional affiliations of the IACUC chairperson and members.

D. The IACUC will:

1. Review at least once every six months the institution's program for humane care and use of animals, using the Guide as a basis as well as other applicable documents pertaining to

finfish, amphibians and reptiles that have been adopted by the appropriate professional societies. The two-page form "Semiannual Program Review Checklist, Institutional Policies and Responsibilities" is used (copy attached).

2. Inspect at least once every six months all of the institution's animal facilities, including satellite facilities, using the Guide as a basis for evaluation. The IACUC procedures for conducting semiannual facility inspections are: semiannual inspections performed by at least two members of the IACUC using the Semiannual Facility Site Visit Checklist.

3. Prepare reports of the IACUC evaluations as set forth in the PHS Policy at IV.B.3. and submit the reports to Dr. Donald F. Boesch, President, UMCES, as the designated Institutional Official. The IACUC process for developing reports and submitting them to the Institutional Official is: The Semiannual Report to the Institutional Official memo developed, reviewed and approved by the IACUC.

4. Review concerns involving the care and use of animals at the institution. The IACUC procedures for reviewing concerns, if needed, are communicated by e-mail, telephone, or letter to the Chair, IACUC and discussed by the Committee at a convened meeting via Interactive Video Network (audio-visual) conferencing or in person. After meeting notify the UMCES President (IO) of concerns and alternative ways to correct problems.

Anyone at UMCES or from the public who would like to report concerns of animal care and use at UMCES should feel free to contact the Chair or any member of IACUC their confidential concerns. A list of the Committee members is on CBL's website <www.cbl.umces.edu> under Campus Resources, UMCES Animal Use Policies and Procedures. The convened Committee will review the concerns and decide what action should be taken to rectify the problem(s). With a majority vote of the quorum present, the Committee can suspend a previously approved activity. If the concerns are of a serious nature then the Committee will forward this information and how to correct this serious problem to the IO and OLAW.

Annually the Committee will send out an E-mail message to all of UMCES reminding them of this reporting procedure.

5. Make written recommendations to the President of UMCES as the designated Institutional Official regarding any aspect of the institution's animal program, facilities, or personnel training. The procedures for making recommendations to the Institutional Official are submitting letters to the President from the IACUC.

6. Review and approve, require modifications in (to secure approval), or withhold approval of those activities related to the care and use of animals as set forth in the PHS Policy at IV.C. The IACUC procedures for protocol review are: Since the Committee are physically located on the Western and Eastern Shores of Maryland, Western Maryland and Washington, DC we have used *Blackboard.com* as our means of reviewing and approving research protocols, and discussions about proposals between Committee members since June 2000. *Blackboard.com* is on CBL's secure website and only the Committee members have access to the IACUC site. The chair will appoint a designated member of the Committee for final review of protocols if a

committee meeting is not called to review protocols. See attached IACUC Research Proposal Protocols and Reviews.

7. Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the use of animals in ongoing activities as set forth in the PHS Policy at IV.C. The IACUC procedures for reviewing proposed significant changes in ongoing research projects are the same as review for originally submitted protocol. See attached IACUC Research Proposal Protocol and Reviews.

8. Notify investigators and the institution in writing of its decision to approve or withhold approval of those activities related to the care and use of animals, or of modifications required to secure IACUC approval as set forth in the PHS Policy at IV.C.4. The IACUC procedures to notify investigators and the institution of its decisions regarding protocol review are: written notification of approvals or modifications. The IO and UMCES's Sponsored Programs Office will be notified by carbon copy of written approval communications to investigators.

9. Conduct continuing review of each previously approved, ongoing activity covered by this Policy at appropriate intervals as determined by the IACUC, including a complete review in accordance with the PHS Policy at IV.C.1.-4. at least once every three years. The IACUC procedures for conducting continuing reviews (yearly) are requested from the investigators by written communication (example attached). If any changes have been made to the protocol the changes to that protocol are subject to the same review process as the original review process.

10. Be authorized to suspend an activity involving animals as set forth in the PHS Policy at IV.C.6. The IACUC procedures for suspending an ongoing activity, if needed:

Any individual may bring or relay any concerning involving the care and use of animals at the institution to the President or to a Laboratory Director or to the IACUC chair. Such concerns may be raised in confidence. Upon the recommendation of the veterinarian or as the result of majority vote of its members at a convened meeting (not electronic discussion), the IACUC is authorized to suspend any activity involving animals. The Chair may also temporarily suspend any such activity under emergency circumstances pending further examination by the IACUC which will decide whether to continue the suspension or to permit the activity to resume. Suspension of any activity must be justified in writing to the President of the institution within twenty-four hours. The IO in consultation with the IACUC shall review the reasons for suspension, take appropriate corrective action, and report that action with a full explanation to OLAW.

E. The individual(s) authorized by this institution to verify IACUC approval of those sections of applications and proposals related to the care and use of animals is the Committee: Kenneth R. Tenore, Janet E. Whaley, J. Edward Gates, William Van Heukelem, Christopher L. Rowe, Sheldon M. Samuels, and Steven C. Wilson.

The point of contact for funding agencies regarding verification of IACUC approval is UMCES's Sponsored Programs Office. The Sponsored Programs Office is carbon copied on written communication to investigator of approved protocols.

F. The occupational health and safety program for personnel who work in laboratory animal facilities or have frequent contact with animals is:

1. At the time of hire new personnel will be asked for documentation of a tetanus/diphtheria vaccination or booster within the past 10 years and of a tuberculin skin test. If documentation is not available a new hire will be required to have a routine physical examination to include the tetanus/diphtheria vaccination/booster and tuberculin skin test no later than 3 months after health benefits become active. All employees who work with animals will be required to have a tetanus/diphtheria booster every 10 years and a tuberculin skin test every 2 years.

2. Protective clothing, including uniforms, gowns, sleeve extenders, rubber boots, caps, masks, gloves, safety glasses, and respirators are provided for use in activities that involve vertebrate animals whenever required by the work assignment.

3. The Vice President for Administration, through the Office of Human Resources, monitors the UMCES Occupational Health Program. Accidents and wounds are reported to the appropriate Laboratory Health Officer and, if deemed to warrant professional attention, the individual is sent to a health care provider for treatment. Any such referrals are reported to the UMCES Office of Human Resources.

4. Animal care and use protocols involving the use of hazardous agents (pathogens, carcinogens, other hazardous chemicals, recombinant, or radioisotopes) must be reviewed and approved by the appropriate Laboratory Safety Committee and the IACUC before the activity can be initiated. The UMCES Office of Sponsored Programs and the principal investigator(s) are informed of approvals that involve research proposals. The UMCES Radiation Safety Officer monitors all areas where radioisotopes are used, disposed of, and/or stored. The use, storage, and disposal of other hazardous materials are monitored by each Laboratory Safety Officer.

5. The institutional training program will include information about zoonoses, personal hygiene, use of hazardous materials, and other considerations regarding occupational health and safety practices that relate to activities involving the care and use of vertebrate animals at UMCES. Personnel must be fully trained in both the care and use of animals and in the use of hazardous materials before they will be permitted to undertake such activities.

6. Eating, drinking, and smoking are strictly prohibited in areas where vertebrate animals are being kept or used. Signs to this effect are prominently posted in all such areas.

G. The total gross number of square feet in each animal facility (including each satellite facility), the species of animals housed therein and the average daily inventory of animals, by species, in each facility is provided in the attached table.

H. The training or instruction available to scientists, animal technicians, and other personnel involved in animal care, treatment, or use is:

1. Training is mandatory for scientists, animal technicians, and graduate students involved in animal care and use in research at UMCES, whether or not these individuals have received such training at another institution. Each such individual must participate in training provided by the institution at least once while under its employ or while pursuing graduate study under its auspices.

2. Training will be conducted once each academic year. The subject matter will cover applicable federal law, PHS and institutional policy, ethical considerations in animal research, professionally-accepted practices for humane animal maintenance and experimentation, animal anesthetization and euthanasia, and human health and safety practices. In accordance with institutional policy, emphasis will be placed on activities involving the care and use of finfish.

3. The training program will be conducted by Dr. Kenneth R. Tenore and Janet E. Whaley, D.V.M., Veterinarian. It will be delivered in real time to all UMCES facilities using the University of Maryland Interactive Video Network.

4. The content and participants in each training session will be fully documented and filed with the IACUC Chair. Participants will receive written confirmation signed by the Chair verifying that they have received the required training and are certified for the humane care and use of finfish in activities involving vertebrate animals at UMCES.

5. Training sessions on new techniques or specialized procedures will be arranged as needed. Such sessions may be taught by personnel outside of the institution. Participation will be mandatory for those individuals who will be using the new techniques or specialized procedures covered in the training.

IV. INSTITUTIONAL STATUS

As specified in the PHS Policy at IV.A.2, as Category 2, all of this institution's programs and facilities, including satellite facilities, for activities involving animals have been evaluated by the IACUC and will be reevaluated by the IACUC at least once every six months in accord with IV.B.1. and 2. of the PHS Policy, and reports prepared in accord with IV.B.3. of the PHS Policy.

All IACUC semiannual reports will include a description of the nature and extent of this institution's adherence to the Guide. Any departures from the Guide will be identified specifically and reasons for each departure will be stated. Reports will distinguish significant deficiencies from minor deficiencies. Where program or facility deficiencies are noted, reports will contain a reasonable and specific plan and schedule for correcting each deficiency. Semiannual reports of the IACUC evaluations will be submitted to Dr. Donald F. Boesch, President, UMCES. Semiannual reports of IACUC evaluations will be maintained by this institution and made available to the Office of Laboratory Animal Welfare (OLAW) upon request. The most recent semiannual report of the IACUC is attached.

V. RECORD KEEPING REQUIREMENTS

A. This institution will maintain for at least three years:

1. A copy of this Assurance and any modifications thereto, as approved by PHS.
2. Minutes of IACUC meetings, including records of attendance, activities of the committee, and committee deliberations.

3. Records of applications, proposals, and proposed significant changes in the care and use of animals and whether IACUC approval was given or withheld.

4. Records of semiannual IACUC reports and recommendations (including minority views) as forwarded to Dr. Donald F. Boesch, President, UMCES.

5. Records of accrediting body determinations.

B. This institution will maintain records that relate directly to applications, proposals, and proposed changes in ongoing activities reviewed and approved by the IACUC for the duration of the activity and for an additional three years after completion of the activity.

C. All records shall be accessible for inspection and copying by authorized OLAW or other PHS representatives at reasonable times and in a reasonable manner.

VI. REPORTING REQUIREMENTS

A. At least once every 12 months, the IACUC, through the Institutional Official, will report in writing to OLAW:

1. Any change in the status of the institution (*e.g., if the institution becomes accredited by AAALAC or AAALAC accreditation is revoked*), any change in the description of the institution's program for animal care and use as described in this Assurance, or any changes in IACUC membership. If there are no changes to report, this institution will provide OLAW with written notification that there are no changes.

2. Notification of the dates that the IACUC conducted its semiannual evaluations of the institution's program and facilities (including satellite facilities) and submitted the evaluations to Dr. Donald F. Boesch, President, UMCES.

B. The IACUC, through the Institutional Official, will provide the OLAW promptly with a full explanation of the circumstances and actions taken with respect to:

1. Any serious or continuing noncompliance with the PHS Policy.

2. Any serious deviations from the provisions of the Guide.

3. Any suspension of an activity by the IACUC.

C. Reports filed under VI.A. and VI.B. above shall include any minority views filed by members of the IACUC.

VII. INSTITUTIONAL ENDORSEMENT AND PHS APPROVAL

A. Authorized Institutional Official


Name: Donald F. Boesch, Ph.D.

Title: President, UMCES

Address: University of Maryland, Center for Environmental Science
Post Office Box 775
Cambridge, MD 21613-0775

Phone: 410-228-9250, ext. 601

Fax: 410-228-3843

Signature: 

Date: August 7, 2002

B. PHS Approving Official


Name: **Dr. Axel Wolff-Senior Assurance Officer**
Division of Assurances-OLAW

Title: **National Institutes of Health**
RK11, Suite 360-MSB 7982

Address: **6705 Rockledge Drive**
Bethesda, MD 20892-7982

Phone: (301) 594-2061

Fax: (301) 402-7065

Signature: 

Date: 8/21/02

C. Effective Date of Assurance: 8/21/02

D. Expiration Date of Assurance: 7/31/07

MEMBERSHIP OF THE INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE

Date:

NAME OF INSTITUTION: University of Maryland Center for Environmental Science

ASSURANCE NUMBER: A4160-01

Chairperson Name, Title, and Degree/Credentials	Business Address, Phone, Fax, and Email of Chairperson		
Name: Dr. Kenneth R. Tenore	Address: Post Office Box 38, Solomons, MD 20688-0038		
Title: Professor and Director, UMCES, Chesapeake Biological Laboratory (CBL)			
Degree/credentials: Ph.D.	Phone: 410-326-7241	Fax: 410-326-7264	Email: tenore@cbl.umces.edu

Name of Member*	Degree/Credentials	Position Title	PHS Policy Membership Requirements**
Kenneth R. Tenore	Ph.D.	Professor & Director, UMCES CBL	scientist
Janet E. Whaley	D.V.M.	NOAA-National Marine Fisheries Service	scientist
J. Edward Gates	Ph.D.	Associate Professor, UMCES Appalachian Laboratory	scientist
Christopher L. Rowe	Ph.D.	Assistant Professor, UMCES CBL	scientist
William Van Heukelem	Ph.D.	Associate Research Professor, UMCES Horn Point Laboratory	scientist
Steven C. Wilson	non-scientist	Vice President for Administration, UMCES Center Administration	non-scientist
Sheldon M. Samuels	ethicist	Vice President for Policy Studies, Ramazzini Institute	non-affiliated member

* non voting members must be so identified

***Veterinarian*: a veterinarian with direct or delegated program responsibility.

Scientist: a practicing scientist experienced in research involving animals.

Nonscientist: a member whose primary concerns are in a non-scientific areas (e.g. ethicist, lawyer, member of the clergy).

Non-affiliated member: a member who is not affiliated with the institution in any way other than as a member of the IACUC, and who is not a member of the immediate family of a person who is affiliated. This member is expected to represent general community interests in the proper care and use of animals and should not be a laboratory animal user. A consulting attending veterinarian may not be considered non-affiliated.

FACILITY AND SPECIES INVENTORY

Date:

NAME OF INSTITUTION: University of Maryland Center for Environmental Science

ASSURANCE NUMBER: A4160-01

Laboratory, Unit, or Building*	Gross Square Feet (including service areas)	Species Housed in Unit (use complete common names)	Approx. Average Daily Inventory
AL, Aquarium Rm 242	363	Midas cichli d	0
AL, Fish Ecol Rm. 243	1089	Midas cichli d	0
CBL, Truitt Rm 1101	477	Mummicho g, Diamondback Terrapin	100 mummicho g
CBL, Truitt Rm 1105	477	Silverside	20
		Mummicho g	30
		Sheepshead minnow	20
CBL, Truitt Rm 0101	680	Mummicho g	2,500
CBL, Truitt Rm 2105A	80	Mummicho g	50
HPL, Morris Mar. Lab 1114	2,200 (16 tanks, 160 gal ea)	White bass broodstock	125
		Striped bass, 2000 yr class	575
		Striped bass, 2001 yr class	3,000
HPL, Fish Hatchery	1,380 indoors + 1,200 outside	Atlantic menhaden	2,000
	(21 tanks, 4-12 ft diameters)	White bass	63
		Striped bass fin gerlings (2001)	6,000
		Striped bass 2000 yr class	400
		Atlantic sturgeon	12
		Hybrid striped bass	8
HPL Earthen Ponds	87,120 (4 ponds, 1/2 acre ea)	Striped bass 2000 yr class	500
		Striped bass fin gerlings (2001)	5,000
HPL Lined Ponds	87,120 (8 ponds, 1/4 acre ea)	Striped bass, 1995 yr class	8
		Striped bass, 1998 yr class	40
		Striped bass, 1999 yr class	400

*Institutions may identify animal areas in any manner, e.g., initials, ID number, etc. However, the name and location must be provided to OLAW upon request.



CONFLICT OF INTEREST IN RESEARCH OR DEVELOPMENT

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. UMCES 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 (USM) has enacted a Policy on Professional Commitment of Faculty (BOR II-3.10), which addresses external commitments and general conflict of interest concerns of faculty. In addition, the Board of Regents has enacted a Policy on Conflicts of Interest in Research or Development (BOR. III-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.



DEFINITIONS

3.1 Definitions^{1,2}

- 3.1.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 or the results of the research, and/or the determination of research or other professional and employment priorities.
- 3.1.b “Relationship” means any interest, service, employment, gift, or other benefit or relationship with an entity, that would be prohibited by 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.
- 3.1.c “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.

1 These policies have been reviewed for legal sufficiency by the Office of the Attorney General.

2 Policies recommended by the UMCES Faculty Senate and UMCES Administrative Council (5/5/99); authorized effective 1 July 1999 by President Donald F. Boesch.



POLICY

3.2 Policy

- 3.2.a A present or former official or employee of the University of Maryland Center for Environmental Science (UMCES) 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, if such relationship is disclosed and approved by the President of UMCES in accordance with these policies and procedures.
- 3.2.b The President, or a Vice President or one holding any other similar position designated by the USM Board of Regents may have such a relationship only if USM Board of Regents makes the following findings:
- 3.2.b.1 The relationship is necessary to the success of the research or development activity; and
- 3.2.b.2 Any conflict of interest can be managed consistent with the purposes of relevant provisions of the Public Ethics Law.
- 3.2.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.
- 3.2.d Nothing in this Policy allows an exemption on the part of any official or employee of UMCES from the provisions of Sec. 15-505 (Solicitation and Acceptance of Gifts) of the State Government Article.
- 3.2.d.1 An official or employee of UMCES 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 UMCES for personal gain or for the gain of another person.
- 3.2.e The approval of a relationship under this policy does not relieve the official or employee from the obligation to comply with other USM and UMCES policies, including the Board of Regents' *Policy on Professional Commitment of Faculty* (BOR. II 3.10, *Appendix VII-3-A*).



PROCEDURES - OVERVIEW

3.3 Procedures - Overview

- 3.3.a These procedures implement the Board of Regents' *Policy on Conflicts of Interest in Research and Development* (BOR. III - 1.11, *Appendix VII-3-B*), and apply to situations where an "official," (hereinafter defined as the President, Vice President or an individual who holds a similar position) a faculty member or other employee seeks 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:
- 3.3.a.1 Is engaged in or participates in research or economic development; or
 - 3.3.a.2 Has a direct interest in the outcome of research or development.
- 3.3.b An official, faculty member, or other employee of UMCES 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:
- 3.3.b.1 The interest, service, employment, or other relationship is disclosed on a form filed with the Vice President for Administration and is maintained as a public record in the Office of Administration.
 - 1 A copy of the form shall also be filed with the State Ethics Commission.
 - 2 An annual report shall also be required for any interest, service, employment or other relationship that lasts more than a year.
 - 3.3.b.2 The interest, service, employment, or other relationship will not: (a) give improper advantage to the entity with which the relationship exists; (b) lead to misuse of institution students or employees for the benefit of such entities; or (c) otherwise interfere with the duties and responsibilities of the official, faculty member or other employee maintaining the relationship.
 - 3.3.b.3 The interest will not constitute a harmful interest as defined in these procedures or otherwise present an unacceptable conflict of interest.



PROCEDURES - OVERVIEW

- 3.3.b.4 The interest, service, employment, or other relationship with the entity is approved by the UMCES President in accordance with these procedures.

- 3.3.c If the requirements of these procedures are not met, the official, faculty member, or other employee is not exempt from any of the provisions of the Maryland Public Ethics Law. Approvals granted under these procedures do not affect the application of other University System of Maryland or UMCES policies, including the Board of Regents' Policies on Patents, Copyrights, and Professional Commitment of Faculty, or the obligation to adhere to provisions of the Maryland Public Ethics Law relating to prohibited gifts.

- 3.3.d Notwithstanding any approval under these procedures, an official, faculty member, or other employee may not (1) represent a party for contingent compensation in any matter before the USM Board of Regents or the State's Board of Public Works, or (2) intentionally misuse his or her position with the USM for personal gain or for the gain of another person.



SPECIFIC PROCEDURES AND GUIDELINES

3.4 Specific Procedures and Guidelines

3.4.a Request and Disclosure Provisions

3.4.a.1 In order to facilitate the disclosure and review process, each official, faculty member, or other employee who proposes to hold a relationship pursuant to these procedures is required to complete the *Research or Development Interest Form (Attachment VII-3-A)* at the time approval of the relationship is requested.

- 1 This form shall also be completed at such time(s) as the circumstances of the official, faculty member or other employee concerning the interest change, annually beginning one year from the date of the initial approval under these procedures, and upon termination of the approved activity.

3.4.a.2 The completed disclosure shall fully describe the relationship and provide such other information as may be required for an adequate review.

- 1 The official, faculty member, or other employee should also provide any supporting documentation and/or attachments, as necessary, to assist in describing the relationship.

3.4.a.3 It is the responsibility of the official, faculty member, or other employee to request approval of any relationship in a timely manner.

- 1 The forms shall be available from the UMCES Office of Administration and must be returned to the Vice President for Administration upon completion.
- 2 The official, faculty member, or other employee should maintain a copy of the disclosure and any attachments for their file.

3.4.b Review Process

3.4.b.1 Within thirty (30) days of receipt by the Office of Administration, the Vice President shall conduct an initial review of the form and shall convene the ***President's Ad Hoc Advisory Committee on Conflict of Interest***

- 1 The Committee shall consist of three voting members appointed by the President.
- 2 These members shall normally include a faculty member, a member of the UMCES administration, and the Vice President for Administration, unless circumstances exist which would make it inadvisable or impracticable for such persons to serve on the Committee.

3.4.b.2 The President's Ad Hoc Committee on Conflict of Interest shall be responsible for reviewing the *Research and Development*



SPECIFIC PROCEDURES AND GUIDELINES

Interest Form at the time of the initial request and shall determine if any further information must be disclosed and shall review the request 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 interests of UMCES.

- 1 If the justification for the proposed activity involves economic development issues or federally funded research, the Committee may consult with the Department of Business and Economic Development and with federal agencies, as necessary, in reviewing the request.

3.4.b.3 The President's Ad Hoc Committee on Conflict of Interest shall make recommendations of restrictions designed to manage, reduce, or eliminate any actual or potential conflict of interests.

- 1 Approval of the proposed relationship shall not be recommended unless the requirements set out in *Section III.A* of these procedures are met.
- 2 The Committee's recommendations must be supported by a majority vote of the Committee members.
- 3 Within thirty (30) days of receipt, the Committee shall prepare a report of its recommendations and forward it to the Vice President for Administration and to the President.
- 4 The Vice President for Administration shall review the report and the recommendations of the Committee and make a final determination of the appropriateness and feasibility of the proposed restrictions.
- 5 The Vice President for Administration shall provide any comments on the report and recommendations to the President within one week, or as soon as practicable.

3.4.b.4 If the request is submitted by an official, either the President, Vice President or persons in similar positions, the Committee shall submit its report of its recommendations within thirty (30) days to the Chancellor, or designee, for review and approval by the Board of Regents.

3.4.c Approval Process

3.4.c.1 The President shall approve each exemption in writing.

- 1 Approval shall not be granted unless the requirements of *Section VII-3.2.b* of these procedures are met

3.4.c.2 The President's determination shall be final

- 1 The approval may be subject to such conditions or restrictions, as the President requires.



SPECIFIC PROCEDURES AND GUIDELINES

- 2 Approval may be withdrawn if it is determined that the official, faculty member or other 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.
- 3.4.c.3 The faculty member or other employee will be notified of the decision by the President.
- 3.4.c.4 The Chancellor will notify in writing the official (*i.e.*, the President or Vice President or persons in similar positions) that their request has been approved by the Board of Regents.
- 3.4.d Additional Operating Guidelines
 - 3.4.d.1 Officials, faculty members, and other employees with relationships approved under these procedures shall:
 - 1 ensure that their activities, statements, evaluations, recommendations, judgements, and documentation of research/economic development programs do not give an improper advantage to the outside entity;
 - 2 ensure that unauthorized statistics, documents, reports, comparison information, and other data are not disclosed which would improperly give advantage to the outside entity because of its affiliation with the faculty member;
 - 3 be aware that legal restrictions regarding any 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, the Board of Public Works, or other State or local agency for a contingent fee, continue to apply, notwithstanding any approval under these procedures;
 - 4 continue to adhere to other USM and UMCES policies, including the Board of Regents' Policy on Professional Commitment of Faculty.



RECORD KEEPING AND REPORTING PROCEDURES

- 3.5 UMCES Record Keeping and Reporting Procedures
 - 3.5.a The UMCES Office of Administration shall submit quarterly reports of all approvals granted under these procedures and any concerns or issues raised in the implementation of the procedures to the Chancellor
 - 3.5.b UMCES shall develop and maintain a file, available for public review, which will contain all the approved exemptions with applicable disclosure statements.
 - 3.5.b.1 This file shall be maintained at UMCES Center Administration headquarters by the Office of Administration, with copies of forms and attachments sent to the State Ethics Commission.



COMPLIANCE WITH USPHS/NSF CONFLICT OF INTEREST POLICY

- 3.6 Compliance with U.S. Public Health Service/National Science Foundation Conflict of Interest Policy and Procedure
- 3.6.a Each official, faculty member, and other employee submitting a proposal or renewal application for funding to the U.S. Public Health Service (USPHS) (including all Institutes) and/or to the National Science Foundation (NSF) shall also be required to comply with the UMCES Conflict of Interest Policy for NSF and USPHS Compliance, *Sections VII-1.1 through VII-1.6* of the UMCES *Policies and Procedures Manual*.



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 3

ATTACHMENT

ATTACHMENT VII - 3

**UNIVERSITY OF MARYLAND
CENTER FOR ENVIRONMENTAL SCIENCE
RESEARCH OR DEVELOPMENT INTEREST
DISCLOSURE FORM**

**UNIVERSITY OF MARYLAND
CENTER FOR ENVIRONMENTAL SCIENCE
RESEARCH OR DEVELOPMENT INTEREST DISCLOSURE FORM**

FILER'S NAME: _____

UMCES TITLE: _____

CENTER/UNIT: _____

CHECK APPLICABLE PERIOD:

_____ INITIAL REPORTING PERIOD _____

_____ ANNUAL REPORTING PERIOD _____
(Previous Calendar Year)

_____ TERMINATING REPORTING PERIOD _____

Schedule I. Ownership Interest Disclosure

Use the space below to report interests in the corporation, partnership or non-corporate business entity that is involved with the UMCES/USM in the research or development or has a direct interest in the outcome of this activity.

1. Name and Address of the Principal Office of the Business Entity

2. Nature and extent of the interest. (Include if direct or attributable, solely or jointly held. If jointly held, state % of interest. Attributable means holding the interest through another company or entity)

3. Amount of interest. (% of ownership or dollar value or number of shares)

4. Other interest in the entity. (Include any notes, bonds, etc. State type and value)

5. Conditions and encumbrances affecting interest. (Include mortgages, liens, pledges, contracts, options, etc. and the name of lender or creditor).

6. Date and manner of acquisition of interest if it was acquired during the reporting period (Indicate whether a purchase, gift, will, devise, etc.)

7. Identity of person from whom interest acquired if acquired during the reporting period.
8. Nature and amount of any consideration or fair market value at time of acquisition if not acquired by purchase if acquired during the reporting period. (Include dollar amount).
9. Transfer of interest during reporting period. (Include (i) portion transferred (if less than all); (ii) dollar amount of consideration received or its term and fair market value if other than money; (iii) name of transferee.)

Schedule II: Employment or Officer Disclosure

Report below any existing or proposed employment, office, board membership, or working relationship with an entity involved in research or development having a direct interest in the outcome of the activity.

1. Name and Address of Entity
2. Position(s) Held or To Be Held (Include a brief description of duties for each and the dates held.)
3. Compensation (include dollar amount if applicable, and/or fair market value of non-cash compensation.

Schedule III: Gift Disclosure

Report below any gift received during the reporting period of \$25 or more or a series of gifts of \$100 or more from the entity involved in research or development or having a direct interest in the outcome of research or development. (Honorariums are one of the types of gifts to be included here)

1. Nature and the value of the gift and the date gift received.
2. Identity of the donor (Include relationship, if applicable).

3. If given to another person at your direction, give the identity of that person.

4. Date gift received.

Schedule IV: Other Interest or Relationship

Report below any other relationship not disclosed in Schedules I, II or III to the entity engaged in research or development or an entity having a direct interest in the outcome of the research or development. Also include here, where applicable, the name of a spouse or dependent child who has employment or an interest in the entity.

1. Name and Address of Entity

2. Nature of the relationship

Schedule V: Nature of Conflict Disclosure

Fully describe below (add additional sheets if necessary) the nature of the research and development and the entity's interest in the outcome of the research and development. Fully describe how an interest, employment or other activity disclosed on the prior schedules could be involved in, affect, or be affected by the research and development, and vice-versa. Also describe existing agreements or understandings that would increase or decrease the interest held or financially impact the employment office or directorship disclosed.

I hereby make oath or affirm that the contents of this disclosure statement are true and correct to the best of my knowledge, information and belief.

Signature of Person Filing

Date



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 3

APPENDICES

APPENDIX VII - 3 - A

III-1.11 - BOARD OF REGENTS' POLICY ON CONFLICTS OF INTEREST IN RESEARCH OR DEVELOPMENT



University of Maryland
CENTER FOR ENVIRONMENTAL SCIENCE

POLICIES AND PROCEDURES

Section VII - 3

APPENDICES

APPENDIX VII - 3 - B

II-3.10 - BOARD OF REGENTS' POLICY ON PROFESSIONAL COMMITMENT OF FACULTY