

III – 7.11 UMCES Policy on Graduate Assistantships

Approved by the President September 26, 2011

Amended October 09, 2012, Amended November 27, 2012

I. Purpose and Scope

A. This UMCES policy, effective September 1, 2011, implements BOR III-7.11 Policy in support of graduate students who are appointed to assistantships. The purposes of graduate assistantships (GA) are:

1. To advance the student's graduate education through practicum-based experiences, including the development and application of teaching, research and other skills, while also advancing the mission of the institution.
2. To provide financial support, including stipends and tuition assistance, to aid degree-seeking students enrolled in USM masters or doctoral programs and appointed as graduate assistants in the pursuit of their graduate degrees.

B. This policy is intended to establish baseline standards for the administration of graduate assistantships, with a commitment to fair and continuous improvement in the treatment of graduate assistants in terms of compensation, level of effort and, opportunities for professional development.

C. This policy will be included and/or referenced in the UMCES Graduate Student Handbook that will include supplements with laboratory specific procedures, guidance and information. This policy and the UMCES Graduate Assistant Handbooks are available at www.umces.edu/education/graduate.

II. Appointments

A. Length: Appointments at UMCES are made on a 12-month basis and may be multi-year.

B. Time Commitment: A graduate assistant may serve on a full-time, half-time or other basis. For the purposes of this policy, such time commitments are as follows:

1. Full-time Assistantship: A graduate assistantship in which the graduate assistant's responsibilities will require an average of 20 hours per week.
2. Half-time Assistantship: A graduate assistantship in which the graduate assistant's responsibilities will require an average of 10 hours per week.

3. A GA working on research projects funded by grants is often also working on material directly related to their theses or dissertation. It is not unusual in such cases for grant work and personal work to merge and for the work time to consume far more than the usual 20-hour weekly average. A GA usually follows the project director's instructions regarding work when classes are not in session.

C. **Renewal of Appointments:** Students may be re-appointed to assistantships for successive terms, but renewal is not automatic or guaranteed. Factors entering into a decision to reappoint a graduate assistant may include:

1. Satisfactory academic performance and progress toward degree;
2. Satisfactory performance of assigned assistantship responsibilities and duties;
3. Availability of funds;
4. Lab or UMCES limits on the number of years for which an assistantship may be held; and
5. Specific lab/unit need, constraints and policies, including efforts to allow a large number of qualified students to benefit from assistantships.

D. **Notice of Appointments:** Except under justifiable circumstances, graduate assistants whose appointments are for more than one term will be notified of their appointments, and of decisions not to renew appointments, at least 60 days before the date upon which the appointment is to begin.

1. If a decision to renew an appointment cannot be made within that time line, the graduate assistant will be informed at least 60 days in advance of the assistantship's start date of an estimated date for the renewal decision.
2. Circumstances that may justify fewer than 60 days notice include, but are not limited to, uncertainty in lab funding and course enrollments.
3. Nothing in this section shall prevent a lab or unit from making an appointment to a graduate assistant on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.

E. **Appointment Letters:** Upon appointment, each graduate assistant will receive an appointment letter that contains detailed information concerning the terms and expectations of the assistantship. The appointment letter shall include, at a minimum:

1. The length of the appointment;
2. The starting and ending dates of the appointment, including the dates during which the graduate assistant is expected to be on campus to perform the duties of the assistantship;
3. The average weekly time commitment of the assistantship;
4. The basic responsibilities of the assistantship;
5. The economic benefits of the assistantship, including stipend and tuition assistance amounts, and any access to health and other benefits;
6. The lab or office to which the student will report, including the name of the faculty member or other individual who will supervise the assistantship, when feasible;
7. An affirmation that the provisions of the institution's graduate assistant handbook apply to the assistantship;
8. Any special requirements of the assistantship related to leave, scheduling, or other terms (e.g., coverage over breaks and weather emergencies) that may vary from the provisions of UMCES' graduate assistant handbook; and
9. Contact information where the graduate assistant may obtain additional information and advice concerning the appointment, the provisions of the handbook, and graduate assistant grievance rights and processes.
10. The template for the graduate assistant appointment letter can be found at: www.umces.edu/about/human-resources

F. Assignments: To the extent feasible, graduate assistants shall be given a written description of their teaching, research or other assignments, duties, and responsibilities at least two weeks before the beginning of the semester. However, labs will retain the flexibility to adjust assignments as necessary due to loss of funding, course enrollment fluctuations, or other unanticipated events, even after the semester has begun.

G. Performance Review: Each lab/unit is expected to develop protocols and provide graduate assistants with feedback concerning their performance in the assistantship.

H. Termination of Assistantships: An assistantship may be terminated within the term of the appointment under unusual and compelling conditions, for causes specified in within this policy or the UMCES graduate assistant handbook.

I. Each lab/unit will seek to identify alternative employment opportunities for graduate students whose assistantships are rescinded after the appointment has been made due to financial or other exigencies.

III. Due Process Protections

A. Informal Resolution of Concerns:

1. Graduate assistants are strongly encouraged to attempt to resolve grievances informally with their mentor(s) and/or supervisor(s).
2. The GA should provide a clear reason for complaint and suggest a remedy/resolution.
3. If a satisfactory resolution is not reached, they should next discuss the situation/unresolved grievance with their Lab Director.

B. Formal Grievance Policy:

1. Although most situations are worked through informally, if the Laboratory Director has not achieved a satisfactory resolution following informal consideration, the GA may initiate a formal grievance on matters related to:
 - a) Workload volume and scheduling;
 - b) Inappropriate work assignments;
 - c) Overload payment;
 - d) Termination of a graduate assistantship within the term of appointment; and
 - e) Non-renewal of an assistantship for arbitrary or capricious reasons including reprisal for filing a grievance.
2. This process offers a mechanism for review and formal consideration within UMCES Center Administration by the Vice President for Education (VPE) and the Director of Human Resources (HR).
3. A reprisal against graduate assistants for filing a grievance is prohibited under this policy.
4. To initiate this process a letter is sent to the VPE. To be considered, it must be received by the VPE within 30 calendar days from the action involved or from the GA having reasonable knowledge of it. Under exceptional circumstances, that deadline may be extended at the discretion of the VPE.
5. The letter must be signed and:

- a) Contain a clear description of the facts giving rise to the grievance; and,
- b) Identify the provision(s) of these Policies for Graduate Assistantships which have been violated; and,
- c) Set forth the desired remedy;
- d) Be copied to the faculty member and the Laboratory/Unit Director; and
- e) Elect to have the VPE decide the grievance either:
 - (1) In the manner described in Paragraph VI.6.c. (below) or,
 - (2) Following receipt of a recommendation from the GA a three-person panel appointed by the VPE to consider the matter.

6. Upon receipt of a letter of formal grievance, the VPE will:

- a) Share the letter with the Director of the appropriate lab/unit and solicit a written response,
- b) Share the letter with the Director of Human Resources,
- c) Together with the Director of HR, offer to meet with the GA and the faculty member, either individually or together, before reaching a decision. The VPE may consult with other persons the VPE believes may be knowledgeable about the policies and practices involved. The VPE shall endeavor to convey a written decision and, where appropriate, the remedy, to the GA and the faculty member within 15 calendar days of receipt of the letter of grievance.
- d) At the election of the GA, the VPE will appoint a three (3)-member panel. The panel will consist of a graduate student, as well as faculty members or administrators, who have no direct relationship with the lab/unit at issue or the individual parties to the grievance. Either party to the grievance may request that a panel member be substituted on the grounds that the panel member has a conflict of interest.

7. If the GA elects to have a panel, the panel shall offer to meet with the GA and the faculty member and proceed in the manner described in the above paragraph VI. B.6.d.

a) The Panel shall provide the VPE a written report containing a statement of the issues, the panel's findings of fact, the controlling policy provisions, the panel's conclusions regarding the merits of the grievance, and a recommended disposition of the grievance, including any suggested remedy.

8. The VPE shall decide the grievance and fashion any necessary remedy, giving substantial weight to the findings, conclusions, and recommendations of the panel.

9. The decision of the VPE regarding the merits of a grievance and, where appropriate, the remedy, shall be final.

10. General Principles Controlling Formal Grievance Procedures: These grievance procedures are not intended to mimic a courtroom and be adversarial in nature. Rather, they are formal in the meaning of offering a structured method to investigate, weigh and remedy differences. They are designed to preserve collegiality and minimize injury to the student-faculty relationship. Because grievances, if not made known or not considered expeditiously, threaten the learning experience, GAs, faculty, and administrators share responsibility alike to deal with them promptly. Experience has shown that the following rules promote the orderly and efficient disposition of grievances. Accordingly, they shall be observed:

a) There is a burden of proof. The GA has the responsibility of convincing the VPE or panel of three things: 1) that the Policies of Graduate Assistantships has not been followed; 2) that the GA has been adversely affected; and 3) and that the requested remedy is appropriate.

b) All matters to be considered in support or defense of a grievance should be made known as early in the informal process as possible. Absent extenuating circumstances, matters not raised in the informal process should not be considered in the formal process. In both the informal and formal process, it is the responsibility of the GA and faculty member, respectively, to produce in a timely way the evidence they each wish considered, including any documents and witnesses.

c) The Grievance Procedure is not a trial. Formal rules of evidence commonly associated with criminal and civil trials may be counterproductive in an academic investigatory process and shall not be applied. The Laboratory Director, the VPE and three-member panel shall give effect to the rules of confidentiality and privilege, but shall otherwise accept for consideration all matters that reasonable persons would accept as

having probative value in the conduct of their affairs, giving it such weight as they consider proper. Unduly repetitive, irrelevant, or personally abusive material, however, should be excluded. They may also consider matters within the common knowledge and experience of UMCES faculty, including published policies of the University System of Maryland and UMCES.

d) The GA may be assisted at any meeting by an advisor, who must be a registered, degree-seeking graduate student at the University. Although the GA is expected to take an active role in all meetings, the advisor may help with the presentation of arguments and evidence.

e) UMCES has in place other grievance procedures and administrative processes designed to address specific types of claims. (see section xx) These are meant to be the exclusive avenue for review and redress. Grievances that by their subject matter may be considered under other established institutional procedures must be brought under those procedures and may not be considered under this policy. Matters pertaining to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing are not grievable. Matters expressly excluded from consideration under other procedures may not be grieved under these formal procedures. These procedures also may not be used to challenge faculty judgment about a GA's academic performance (including, for example, test scores, grades, waivers, dissertation defenses and other indicia of mastery of subject matter and taught skills).

f) The filing of a grievance does not relieve the GA of the obligation to perform all duties as assigned unless and until otherwise decided pursuant to a decision under these procedures. All remedies will operate prospectively. The resolution of a "workload" grievance, for example, may entail reduction of work hours, future overload pay when approved and budgeted or time management training. Financial awards (e.g., "back pay," "damages," "compensation," and "raises") may not be awarded. The acceptance of a proposed remedy by the GA shall terminate the grievance process. The matter may not then be further considered or additional remedies sought under other campus procedures.

g) A decision may not be made at any step that conflicts with or modifies a policy, regulation, or grant of authority approved by the Board of Regents, the Chancellor, the President or the UMCES Faculty Senate or with any applicable Federal or State of Maryland law.

h) Only currently enrolled UMCES graduate students may initiate a formal grievance. The grievance must pertain to the GA's personal services, not those of another GA. Group grievances are not permitted, although similar grievances may be consolidated and processed together as a single issue. As a general matter, where a number of individual grievances have been reduced into a single grievance, not more than three GAs selected by the group may be excused from their duties to attend.

i) Because it is critical to address potentially corrosive grievances sooner than later, and because the remedies available are prospective, the time requirement established for initiating a formal grievance is necessary to the effective administration of the graduate program. Unless otherwise agreed in advance among the GA, the faculty member, and the VPE, strict adherence to them is a condition of review and appeal under these grievance procedures. Time requirements are measured from the first occurrence of an event; "continuing" wrongs are not recognized for the purpose of satisfying time requirements.

C. Other USM or UMCES Policies that may address other areas of specific concerns include:

1. BOR III-1.10 Policy on Misconduct in Scholarly Work
2. BOR III-1.20 Policy for Review of Alleged Arbitrary and Capricious Grading
3. BOR VI-1.20 University of Maryland System Policy on Sexual Harassment
4. Graduate assistants may raise concerns regarding suspected on-campus fraud or fiscal irregularities through the confidential University System of Maryland hot-line mechanisms established in USM Policy VIII-7.10, "Policy on Reporting Suspected or Known Fiscal Irregularities," institution fraud reporting policies, and any relevant state or federal "whistleblower" laws.
5. Go to www.umces.edu/about/consolidated-policies for all USM and UMCES Policies and Procedures.

IV. Professional Development

- A. Orientation and Information: Each lab/unit is responsible for providing graduate assistants with initial graduate assistant orientation and access to a graduate assistant handbook that contains all relevant policies and procedures applicable to graduate assistants.
- B. Opportunities: Each lab/unit shall support professional development opportunities for graduate assistants, which may include special events for graduate assistants, and invitations to lab and other faculty development events.
- C. Each lab/unit shall ensure that faculty and staff who supervise graduate assistants must be familiar with the UMCES's policies and procedures for graduate assistants. Each faculty member who supervises a graduate assistant shall have access to the UMCES's graduate assistant handbook and shall receive a copy of the graduate assistant's appointment letter.

V. Financial Assistance and Benefits

- A. Stipend/Salary
 - 1. Stipends:
 - a) Three categories (called Steps) are currently used for the classification of graduate assistantships. These steps, based on a student's experience and progress toward the degree, determine compensation levels. Graduate Assistants fall into one of the three steps: Step I is only for first-year GAs; Step II is for second-year GAs, as well as for those students, new or continuing, holding a master's degree; and Step III is reserved for doctoral candidates.
 - b) UMCES sets stipend levels. All GAs working within a particular step, in a particular laboratory, are to be paid the same assistantship stipend. Exceptions to this must be approved by the laboratory director and the Vice President for Education (VPE). UMCES stipend levels for graduate assistants are posted at www.umces.edu/about/human-resources.
 - 2. Additional Employment Within UMCES
 - a) Fulltime GAs (50% effort / 20 hours a week) may be employed up to an additional 10 hours per week, on an hourly basis, beyond their assistantship duties, with an overload approval. No individual may be employed in two capacities in the same lab without an overload approval.
 - b) Part-time GAs (25% effort/10 hours a week) may be employed up to an additional 20 hours, on an hourly basis, per week.

c) International students may be limited to a certain number of hours of employment according to their visa status and whether they are full or part time GAs; these students should check with the Director of Human Resources at 410-221-2018.

d) Domestic GAs holding more than one position within these guidelines are paid for time beyond the assistantship on an hourly basis without benefits and under the Labor & Assistance sub code (2075).

3. Additional Employment Outside of UMCES

a) It is expected that the combined responsibilities of graduate studies and assistantship duties will fully occupy a student. UMCES does not, however, prohibit GAs from accepting outside employment in addition to their assistantship appointment. It is up to the GA to determine how much time, if any, he or she can devote to additional activities while still maintaining satisfactory progress toward the degree and satisfactory fulfillment of the assistantship responsibilities.

b) UMCES has the discretionary right to make appointment to students whose commitment suggests that they are most likely to attain their educational goals and assistantship responsibilities.

4. Overload Payments for Graduate Students

Overload requests are intended for temporary, short-term arrangements and requests must be processed and approved before the additional work begins.

5. International Students

Federal Law Prohibits international students from working more than 20 hours per week while classes are in session; international students holding a full-time assistantship (20 hours) are therefore ineligible for overload assignments during the Fall and Spring semesters.

B. Tuition & Mandatory Fees:

1. Graduate Assistants on a full-time appointment (20 hours per week) are eligible for 10 credits of tuition remission in the Fall and Spring semesters and 4 credits in Winter Term. GAs on a half-time appointment (10 hours per week) are eligible for 5 credits of tuition remission in the Fall and Spring semesters and 2 credits in Winter Term. GAs on a full-time 12-month appointment are also eligible for up to 8 credits of tuition remission during Summer; and GAs on a half-time 12-month appointment are eligible for up to 4 credits during Summer.

2. Tuition remission is credited at the prevailing standard in-state credit hour rate at the time the class is taken. Some programs have higher credit hour rates or flat fee pricing. The tuition remission benefit does not cover the difference, which remains the responsibility of the GA.

3. Tuition remission does not cover Mandatory Fees. Some mandatory fees for University of Maryland College Park students in the MEES program may be waived for UMCES GAs if the student is located entirely off-campus and agrees to not use services such as shuttle bus, tickets to athletic events and use of recreational facilities.

4. Residency: All Graduate Assistants on a full-time or half-time appointment are billed at the in-state rate for credits taken during their appointment, including any credits taken over the tuition remission allowance. Official residency classification, however, does not change. Consequently, at any time when a graduate student is no longer supported by an assistantship, he or she will be billed according to the official residency status that was assigned upon admission.

C. Retirement and Social Security (FICA):

1. Retirement benefits are not applicable to or withheld from GA salaries.

2. GA's are exempt from Federal Insurance Contribution Act (FICA) taxes provided that they maintain enrollment and are registered with at least half-time student status.

D. Health Insurance:

1. Graduate Assistants on a full-time or half-time appointment may enroll in the university employee health benefits program.

2. GAs must enroll within 60 days of their initial employment to be eligible for a health care program. GAs may enroll their spouses and children under this program.

3. The personnel coordinator in the student's lab business office should be able to provide appropriate forms.

E. Facilities: It is the expectation that departments will provide Graduate Assistants with suitable workspace, laboratory space, and, when necessary, office space. A GA will also generally have access to desks, file space, mailboxes, computers, telephones, and duplicating machines or services.

F. Time Away from Duty: Graduate Assistants do not earn paid annual, personal, or sick leave but are granted some Time Away from Duty:

1. Graduate Assistants working full-time on 12-month appointments may have time-away from their duties. A full time (20 hours per week), 12-month assistantship carries the expectation that the GA will be allowed ten workdays (40 hours) of collegially supported absence. This time away from duties must be taken during the current appointment. It may not be accumulated or transferred. It does not include time when the UMCES is closed. Because colleagues must perform the GA's responsibilities during an absence, reasonable notice and prior approval by the GA's supervisor are required. Time-away from duty may be used for such purpose as the GA elects.

2. If a Graduate Assistant becomes ill, time away from duties should initially be supported collegially. Occasional, short-term absences on account of illness generally will not require the use of the allowable "time-away from duty" days.

3. In the event an absence due to illness extends for a period longer than two weeks, support for time away from duties must be requested by the GA and lies in the discretion of the head of the funding unit (in the case of a State supported assistantship) or of the Principal Investigator or other grant administrator (in the case of an externally funded assistantship). The GA's request must be accompanied by supporting medical documentation satisfactory to UMCES, including a letter from a physician or other licensed healthcare professional that provides (1) the nature of the illness; (2) a statement that the GA should not return to work for health reasons; and (3) the duration of the required absence. UMCES may require the GA to have a fitness for duty examination prior to resuming duties.

G. Tax Status: Pursuant to current U.S. federal tax code all graduate students are liable to pay income tax on compensation received for graduate assistantships. The amount remitted for tuition is a benefit and is not taxed. A GA with questions about tax obligations should consult a tax counsel or the Internal Revenue Service (1-800-829-1040).

VI. Communication with Administration

A. The Graduate Student Council for UMCES is established as the organization representing graduate students, including graduate assistants, supervised by UMCES faculty members for the purposes of:

1. Communicating their concerns and interests to the President and Administration;
2. Providing advice in the development and implementation of policies and procedures related to graduate students and graduate assistants;
3. Participating in graduate assistant orientation, and
4. Otherwise participating in shared governance.

B. Functions

- 1.** The Graduate Student Council will consider issues related to graduate student affairs; participate in the formulation of relevant research and educational policies; and assist in the creation, maintenance and protection of an environment conducive to growth of scholarship, creativity, learning, teaching, research, service and respect for human dignity and rights.
- 2.** The Graduate Student Council shall function as the graduate assistant advisory committee to represent the interests of the graduate assistants of UMCES pursuant to University System of Maryland policy III – 7.11 VI C.
- 3.** Pursuant to University System of Maryland Policy III – 7.11 VI D, graduate assistants may elect to engage a representative, which may be a labor organization, to assist them in “meet and confer” discussions with the Administration over issues of concern to graduate students, including stipends, benefits and terms of appointment. Such election shall comport to procedures established by the University System of Maryland.

C. Reporting

- 1.** At least one of the Graduate Student Council members from a Laboratory unit shall be invited to participate in regular meetings of that unit’s faculty.
- 2.** The Chair and Vice Chair of the Graduate Student Council shall be invited to participate in the annual UMCES Faculty Convocation and to one meeting per year of the UMCES Administrative Council.
- 3.** The Vice President for Education shall be invited to participate in a meeting of the Graduate Student Council once per year.
- 4.** The Graduate Student Council may express its opinions, concerns and recommendations in writing to the President.

D. The Graduate Student Council is comprised of two members from each of the UMCES Laboratory units.

- 1.** Graduate students within each unit shall elect members on an annual basis.
- 2.** At least one of the two members from each unit shall be a graduate assistant.
- 3.** Members of the Graduate Student Council shall elect a Chair and Vice Chair from among its membership.