

II – 2.31: Policy on Family and Medical Leave for Faculty

In the matter of family and medical leave for faculty, Salisbury University operates under **BOR II - 2.31 UNIVERSITY SYSTEM OF MARYLAND POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY** which is reproduced in full below.

I. Purpose and Applicability:

The purpose of this policy is to implement the Family and Medical Leave Act of 1993 (FMLA), P.L. 103-3. This policy applies to all faculty⁹ of the University System of Maryland (USM) who are covered by the provisions of **USM BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty**. Under certain circumstances it is the policy of the USM to provide a faculty member with up to a maximum of twelve (12) weeks of unpaid leave during a twelve (12) month period for certain family and certain serious health condition reasons.

II. Terms and Definitions:

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

- A. Accrued Leave: Earned and unused annual, holiday, sick, and personal leave.
- B. Alternative Position: A position to which a faculty member may be temporarily reassigned during a period of intermittent F&M leave and/or reduced schedule. The alternative position shall have the same benefits and pay as the position from which the faculty member was reassigned.
- C. Care: "to take care of" or "to care for". The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.
- D. Child: A person who is the son or daughter of a faculty member and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability during the period of the serious illness. The son(s) and/or daughter(s) may be the biological, adopted, step or foster child(ren) of the faculty member. A child is also someone who is the legal ward of the faculty member or someone for whom the faculty member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing in loco parentis.
- E. Faculty Member: An employee who is covered under the provisions of **USM BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty** and (1) whose date of hire is 12 months prior to the date of the requested leave, and (2) whose employment during the twelve months preceding the leave request was a least 50 percent or greater of full-time under a 9.5 month or longer contract, or who has been employed for at least twelve months (which need not be consecutive) and has worked at least 1,040 hours during the twelve months preceding at leave request.
- F. Equivalent Position: A position at the institution to which an faculty member shall be restored upon the completion of the F&M leave. The equivalent position shall have the

⁹For purposes of this policy, faculty member shall refer to "eligible" faculty member.

same benefits, pay, and other terms and conditions of employment as the position from which the faculty member took leave.

- G. Health Care Providers: Are doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners and nurse midwives, as authorized to practice by the State of Maryland; and Christian Science Practitioners listed with the First Church of Christ Scientist in Boston.
- H. Immediate Family Member: Is the faculty member's parent(s), spouse, or child(ren), or legal wards.
- I. In Loco Parentis: "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any faculty member claiming an in loco parentis relationship with a child, or any eligible faculty member claiming to be the child of an in loco parentis relationship may be requested to provide documentation of such relationship.
- J. Institution: Is the employing USM institution C the USM institution from which the faculty member is taking leave.
- K. Parent: Is the faculty member's biological, adoptive, step or foster mother or father, or someone who stood in loco parentis to the faculty member when the faculty member was a child.
- L. Restoration: As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the F&M leave the faculty member will be returned either to the same position from which he/she took leave, or to an equivalent faculty position.
- M. Serious Health Condition: Is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or home care, or continuing treatment by a health care provider. A serious health condition is also intended to cover conditions or illnesses that affect the faculty member's health or the health of the faculty member's immediate family to the extent that the family member is in the hospital or other health care facility or at home and unable to care for his/her own basic hygienic or nutritional needs or safety such that the faculty member must be absent from work on a regular and recurring basis for more than a few days for treatment or recovery. With respect to the faculty member, a serious health condition means that the faculty member must be incapacitated from performing the essential functions of his/her position.

Examples of serious health conditions applicable to the faculty member or the faculty member's immediate family member include, but are not limited to: heart conditions requiring heart bypass or valve operations; most types of cancer; back conditions requiring extensive therapy or surgical procedures; severe respiratory conditions; appendicitis; emphysema; spinal injuries; pneumonia; severe arthritis; severe nervous disorders; injuries caused by serious accidents; ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth. Additional examples are a faculty member or immediate family member whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or clinical depression, who is recovering from major surgery, or who is in the final stages of a terminal illness.

N. Spouse: The person to whom the faculty member is legally married -- a husband or a wife.

III. Reasons for Leave:

A. Faculty member is entitled to take F&M leave for the following reasons:

1. the birth of the faculty member's child,
2. the placement of a child with the faculty member for adoption or foster care,
3. the need to take care of the faculty member's child within a twelve (12) month period from birth or placement,
4. the need to take care of the faculty member's immediate family member who has a serious health condition, and
5. the serious health condition of the faculty member.

B. F&M leave is not intended to cover minor illnesses that last only a few days and short term medical and/or surgical procedures that typically do not involve hospitalization and require only a brief recovery period such as these that are normally handled through non-creditable and earned sick leave (see **USM BOR II - 2.30**).

C. Additionally, requests for leave to take care of the employee's school-age child under the age of fourteen (14) during school vacations may be granted to the extent that the leave does not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.

IV. F&M Leave Entitlement:

A. A faculty member is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave within a calendar year. F&M leave can be taken continuously or, under certain circumstances, on a reduced F&M leave schedule, or intermittently over the course of a calendar year. F&M leave entitlement shall not be carried over from calendar year to calendar year.

B. The actual F&M leave entitlement shall be integrated with the amount of other leave taken for F&M-related reasons during the calendar year within which the F&M leave is to begin.

C. A faculty member who regularly works full time is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave per calendar year. A faculty member who works less than full time is entitled to a pro rata share of the twelve (12) week/sixty (60) day maximum.

D. The spouse of a faculty member employed by the USM shall be entitled to a separate, individual, maximum family and medical leave eligibility amount. The amount of leave for which one spouse may be eligible, or the amount of leave used by one spouse shall not limit or enhance the leave amount or the leave usage of the other spouse. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum for reasons of a serious health condition of the faculty member and for the serious health condition of the faculty member's immediate family members. Requests for simultaneous F&M leave by spouses employed by the same institutional unit may be granted for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not substantially disrupt the academic program or unit of which the faculty members are a part.

V. Integration of Other Leave Taken with F&M Leave Entitlement:

Actual F&M leave entitlement shall be based on the faculty member's use of other leave during the calendar year within which the F&M leave begins. The faculty member's use of the following types of leave shall be deducted from the actual F&M leave entitlement:

- A. Any prior F&M leave taken within the applicable year, including accrued paid leave and noncreditable leave substituted for F&M leave.
- B. Accident leave used within the applicable year.
- C. Any type of unpaid leave for reasons related to family and medical circumstances taken within the applicable year.

VI. Compensation During Leave:

F&M leave is an unpaid leave. However, based upon either the election of the faculty member or the requirement of the chief executive officer or designee and in accordance with USM's and the institution's existing leave procedures, accrued paid leave and noncreditable leave used for purposes that qualify under FMLA shall be substituted for all or any part of the F&M leave.

VII. Status of Benefits While on Family and Medical Leave:

- A. A faculty member who is granted an approved F&M leave under this policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the F&M leave.
- B. A faculty member on F&M leave for reasons noted in **Section III. a.** may elect to continue employer- subsidized health care benefits during the period of leave. The chief executive officer or designee shall provide advance written notice to the faculty member of the terms and conditions under which premium payments are to be made by the faculty member. The subsidy shall cease if a faculty member gives notice that he/she no longer wishes to return to work. The institution shall recover its share of health premiums during unpaid F&M leave if the faculty member fails to return to work, or returns to work but fails to stay thirty (30) calendar days, unless the reason for not returning or staying is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the faculty member's control.
- C. Except as noted in **Section X, Job Protection**, upon return from leave a faculty member shall be restored with all the rights, benefits and privileges enjoyed prior to the leave.
- D. While on any unpaid portion of a F&M leave, a faculty member shall not earn or accrue any additional leave.
- E. A faculty member may elect to purchase service credit at the time of retirement for prior leaves without pay that are qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, a faculty member shall follow the institution procedure to assure that this option may be exercised.

VIII. Notice of F&M Leave:

Regardless of the reason for the F&M leave a faculty member shall give at least thirty (30) calendar days notice and provide the appropriate medical certification or legal certification of adoption or foster child placement, before taking a F&M leave. When the need for leave is not foreseeable, a faculty member shall give notice as soon as practicable but no less than two (2) working days of learning of the need for leave. If this is not possible due to a medical emergency, then the faculty member or the faculty member's designee shall give written notice and provide the appropriate certification as soon as practicable.

IX. Job Protection:

- A. A tenure-track faculty member whose leave under the sick leave or FMLA leave policies totals at least one semester or six continuous months may request through his or her department chair or appropriate appointing authority that the mandatory tenure review be postponed. The request shall be forwarded through the faculty member's dean, for recommendation, to the chief academic officer of the institution for decision.
- B. Except as provided in **IX. C., D., E., and F.**, faculty member returning to work at the conclusion of a F&M leave shall be restored to their former position with the pay, benefits and terms and conditions of employment that they enjoyed immediately prior to the F&M leave.
- C. A faculty member is not entitled to restoration if the chief executive officer or designee determines that the faculty member had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the institution would not otherwise have continued to employ the faculty member.
- D. If at any point prior to or during the F&M leave the chief executive officer or designee determines that the faculty member's former position cannot be held available for the duration of the leave, the chief executive officer or designee, at the conclusion of the leave, shall restore the faculty member to an equivalent position.

If the determination of an inability to hold the former position available occurs after the F&M leave begins, the chief executive officer or designee shall immediately notify the faculty member in writing of details associated with the decision and the details of the equivalent position to which the employee will be restored. The faculty member shall have the right to return within fifteen (15) working days from receipt of such notice to keep his/her former position.

- E. If there are reductions in the work force while the faculty member is on F&M leave and he/she would have lost his/her position under the institution's retrenchment policy(ies) had he/she not been on leave, there is no obligation to restore the faculty member to his/her former or equivalent position.
- F. A faculty member shall be restored consistent with current, applicable, appropriate pay, benefits and other terms and conditions of employment.

X. Medical Certification:

- A. For leaves related to serious health conditions and to child birth, the faculty member shall provide medical certification(s) from the faculty member's or family member's health care provider. The faculty member shall have fifteen (15) calendar days to obtain the medical

certification unless not practicable to do so despite the faculty member's diligent good faith efforts. Such certification shall include but not be limited to:

1. A statement of medical facts meeting the criteria for "serious health condition,"
2. Date condition commenced,
3. Regimen of treatment to be prescribed,
4. The duration of absence from work,
5. In the case of the faculty member's serious health condition, certification that the faculty member is unable to perform the essential functions of his/her position and prognosis of the faculty member's ability to return to his/her position,
6. In the case of the faculty member's need to care for a seriously ill family member, certification of the necessity for and duration of the faculty member's presence; of the requirements of inpatient care; and of assistance for basic needs, safety and transportation,
7. Title and original signature of an accredited, licensed or certified medical provider.

- B. The chief executive officer or designee may require a second medical opinion at the institution's expense. In the case of conflicting opinions, the opinion of a third health care provider, agreed upon by both faculty member and the chief executive officer or designee and obtained at the institution's expense, shall be final. The second and third opinions shall not be provided by individuals who are employed on a regular basis by the institution.
- C. The chief executive officer or designee may require reasonable recertification as the F&M leave continues, and may require a faculty member to provide periodic progress reports as to the serious health condition for which he/she is taking leave and the faculty member's ability to return to work at the end of the leave. Recertification shall not be requested more often than every thirty (30) calendar days unless the faculty member requests an extension of F&M leave, changed circumstances occur during the illness or injury, or the institution receives information that casts doubt upon the continuing validity of the most recent certification.
- D. Consistent with FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the faculty member's official institutional personnel file.

XI. Intermittent or Reduced Leave:

- A. In the case of a documented medical necessity, a faculty member shall be entitled to intermittent leave and/or a reduced schedule that reduces regular hours per workday or workweek for purposes of the faculty member's or the immediate family member's serious health condition. The faculty member shall attempt to schedule intermittent leave or leave on a reduced schedule so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. A faculty member may be granted leave that reduces regular hours per workday or workweek for reasons of child birth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child to the extent that the intermittent or reduced leave does not represent an undue hardship on the academic program or unit of which the faculty member is a part.

- C. The chief executive officer or designee may temporarily reassign a faculty member on intermittent or reduced F&M leave to an alternative position that better accommodates reduced or intermittent periods of leave.

XII. Scheduling of Treatment In Instances of Serious Health Conditions:

- A. In instances of the serious health condition of a family member or of the faculty member himself or herself, and in keeping with the requirements of the appropriate health care provider, the faculty member shall make reasonable efforts to schedule any medical treatments so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. During the course of the treatment and as the chief executive officer or designee deem appropriate, the faculty member may be requested to provide certification from the appropriate health care provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the academic program or unit of which the faculty member is a part.

XIII. Providing Information About F&M Leave:

Regardless of the reason for the leave, a faculty member shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from a F&M leave.

XIV. Early Return from Leave:

A faculty member interested in returning to work from a F&M leave prior to the agreed upon end of the leave date shall provide the chief executive officer or designee with a written request at least seven (7) calendar days prior to the date on which the faculty member is interested in returning. The chief executive officer or designee shall make a good faith effort to restore the faculty member to his/her former or an equivalent position as soon as possible but no later than the thirty (30) calendar days after receipt of this request.

XV. Extensions of Leave

A faculty member may extend the date of return from a F&M leave to the extent that they have F&M leave entitlement available. A request for an extension of F&M leave shall be considered under this policy as if it was an initial request.

XVI. Failure to Return from Leave

- A. A faculty member who will not be returning to the institution at the conclusion of a leave shall notify the chief executive officer or designee in writing as soon as practicable. The chief executive officer or designee may request certification of reasons for the faculty member's failure to return to work. In the absence of written notification, failure to return from leave shall be interpreted as a resignation.
- B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the faculty member's last paid day.
- C. Employer costs of any payments made to maintain the faculty member's benefit coverage when on unpaid F&M leave shall be recovered if a faculty member fails to return to work as described in **Section VII.B.**

XVII. Abuse of F&M Leave

The chief executive officer or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the F&M leave program. Cases of bad faith, falsification of documents, or fraudulent information related to the F&M leave provided to the institution, or other abuses of the F&M leave program, may result in but are not limited to: revocation of the leave, refusal to restore, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

XVIII. Implementation Procedures

Each chief executive officer shall identify his/her designee(s), if appropriate, for this policy; shall develop procedures as necessary, for the posting, record-keeping and implementation of this policy; shall communicate this policy and applicable procedures to faculty members of his/her USM institution; and shall forward a copy of such designations and implementation procedures to the chancellor.

(BOR II - 2.31)

II – 2.40: Policy on Annual Leave for Faculty

- I. Faculty with Contracts of Less Than Twelve Months
 - A. A full-time faculty member serving on An academic-year contract of less than ten months is not entitled to paid annual leave.
 - B. A full-time faculty member serving on a ten-month contract is entitled to fifteen calendar days of paid annual leave which shall be the last fifteen days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.
 - C. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a ten-month contract is entitled to annual leave on a pro rata basis. Such leave shall be taken as the final days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.

- II. Faculty with Twelve-Month (Fiscal-Year) Contracts
 - A. A full-time faculty member serving on a fiscal contract shall earn twenty-two (22) days of paid annual leave and three (3) days of paid personal leave per calendar year. Beginning with the twenty-first year of employment, a full-time faculty member serving on a fiscal-year contract shall earn twenty-five (25) days of paid annual leave and three (3) days of paid personal leave per calendar year.
 - B. Paid annual leave shall accumulate at the rate of 1.83 work days per month beginning with the first full month of employment (22 work days per year).
 - C. The time taken as paid annual leave shall have the concurrence of the supervisor.
 - D. Annual leave may be accumulated, but only a maximum of fifty (50) work days may be carried into a new calendar year.
 - E. At the end of each calendar year, a supervisor may, through appropriate channels, recommend to the institution’s Chief Executive Officer or designee that a fiscal-year faculty member be paid for days of annual leave lost because of the denial of an annual-leave request. The supervisor’s recommendation for payment for lost annual leave shall be accompanied by a written explanation of why the lost annual leave was not taken at another time during the calendar year. Payment is at the discretion of the chief executive officer or designee. It is also limited to unused annual leave that is in excess of the maximum accumulation and that is lost by the employee at the end of the calendar year.
 - F. A fiscal-year faculty member transferring from one University System of Maryland institution to another shall be entitled to carry into the new position all unused annual leave accumulated at the time of transfer. Fiscal-year faculty members leaving the University System of Maryland to take another State position who are not entitled to transfer accumulated leave and fiscal-year faculty members leaving State service shall be compensated for all used annual leave accumulated up to the date of resignation.
 - G. For twelve-month faculty members who are paid in whole or in part from contracts or grants, constituent institutions may limit the number of days of unused annual leave for

which such employees may be paid upon leaving employment in the System. Any such limit shall be made a part of the employee's written employment contract.

- H. Unused paid personal leave days may not be carried forward into the next calendar year and are not eligible for compensation upon termination.

III. Exception for Fiscal-Year Faculty Funded by Grants and Contracts

- A. For fiscal-year faculty members who are paid in whole or in part from contracts or grants, constituent institutions may limit the number of days of unused annual leave for which such employees may be paid upon leaving employment in the System. Any such limit shall be made a part of the employee's written employment contract.
- B. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a twelve-month contract shall earn, use, accrue and be eligible for payment of annual and personal leave, on a pro rata basis, on the same terms available to full-time faculty members.

IV. Implementation Procedures

- A. Each Chief Executive Officer or his/her designee shall develop procedures as necessary to implement this policy and shall forward a copy to the Chancellor.
- B. Beginning in Spring, 2002, and continuing for three years, the Chancellor shall report annually to the Board of Regents, through its Committee on Education Policy, on the total cost of approved compensation for denied annual leave to faculty and exempt staff in the USM, by institution and employee category.

Approved by the Board of Regents, January 11, 1990
Amended by the Board of Regents, December 9, 1994
Amended by the Board of Regents, February 9, 2001

(BOR II - 2.40)

II – 2.50: Policy on Jury Service for Faculty Members

In the matter of faculty on jury service, Salisbury University operates under **BOR II - 2.50 UNIVERSITY SYSTEM OF MARYLAND POLICY ON JURY SERVICE FOR FACULTY MEMBERS** which is reproduced in full below.

The purpose of this policy is to establish for faculty members at USM institutions a leave category called Jury Service which permits absence from duty without loss of any pay or charge to personal or accrued annual leave.

A faculty member who is selected for jury duty shall notify the appropriate academic administrator of this selection without delay. The faculty member shall be permitted to be absent without loss of pay or charge to any leave for the day(s) of jury service. Upon request, the employee shall be responsible for providing documentation which verifies attendance. If, after reporting for jury duty, it is determined that the individual's services are not required and the individual is dismissed for the day, then the individual, time permitting, is required to return to the job.

(BOR II - 2.50)

II – 3.00: Policy on the Role of Faculty in the Development of Academic Policy

The Bylaws of the Salisbury University Faculty Senate establishes an Academic Policies Committee which ensures a faculty role in the development of academic policy at the university. The role and function of the Academic Policies Committee as described in the Bylaws is stated below.

Academic Policies Committee

The purpose of the committee shall be to establish academic policies, including those concerning academic standards and retention, the marking system and standards for academic probation. In addition, the committee will advise and adjudicate on individual scholastic problems and matters of academic dishonesty, and act as a board of appeal on academic matters for students and faculty. The committee shall consist of nine members, including eight voting members: a designated senator; four faculty elected at-large, serving two-year terms, with two retiring annually; two students serving one-year terms: one junior and one senior, selected annually in a manner determined by the Student Government Association, with the junior having the option of continuing to serve as a senior; and the vice president of student affairs, *ex officio*, or his/her designee, the provost or his/her designee shall be a non-voting, *ex officio* member, and the committee shall elect its chair annually.

(BOR II - 3.00)

II – 3.10: Policy on Professional Commitment of Faculty

In the matter of the professional commitment of faculty, Salisbury University operates under **BOR II - 3.10 UNIVERSITY SYSTEM OF MARYLAND POLICY ON PROFESSIONAL COMMITMENT OF FACULTY** and has developed specific procedures for regular faculty reporting of outside professional consulting and external professional services. BOR II - 3.10 appears below and includes Salisbury University's reporting procedure under **Sections III.B and C**.

I. INTRODUCTION

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

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

II. SCOPE AND PURPOSE

A. Scope. This policy applies to all faculty members in the University System of Maryland and shall be incorporated in the published policies of each institution. By explicit reference, some sections of the policy apply only to full-time faculty members.

B. Purpose. Recognizing the need for balance among personal, institutional, and social missions and goals, this policy establishes broad guidelines for avoiding conflicts of commitment and requires each institution to review or develop procedures for handling possible instances of conflict of commitment.

C. Definition. A conflict of commitment situation arises when outside activities substantially interfere with the person's obligation to students, colleagues, or the institution.

III. PROFESSIONAL SERVICES WITHIN THE INSTITUTION

Full-time faculty members may undertake consulting, overload teaching, or professional services within the constituent institution during an appointment period for a stipend only with the advance written approval of the President or designee.¹⁰

Revised 9/03

¹⁰For purposes of this policy, unless otherwise stipulated, in the case of a faculty appointment that is jointly held in more than one institution "the president" means the chief executive officer of the institution in which the majority of the appointment resides.

IV. EXTERNAL COMMITMENTS

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

A. Professional Services

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

V. DISCLOSURE TO PREVENT CONFLICT OF COMMITMENT

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

Revised 9/03

IV. IMPLEMENTATION

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

Approved by BOR November 1989
Amended by BOR June 2003

(BOR II - 3.10)

Revised 9/03

II – 3.20: Policy on Teaching Outside the University by Full-Time Faculty

In the matter of faculty teaching outside the University, Salisbury University operates under **BOR II - 3.20 UNIVERSITY SYSTEM OF MARYLAND POLICY ON TEACHING OUTSIDE THE HOME INSTITUTION BY FULL-TIME FACULTY** which is reproduced in full below.

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

(BOR II - 3.20)

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II – 4.40: Policy on Grievance Procedures

I. Policy

Introduction

Salisbury University has established the University Grievance Policy to give members of the University community a forum in which to express concerns related to matters involving discipline, unlawful discrimination, or the interpretation or application of University policies. The Policy provides a method for aggrieved individuals from all sectors of campus life, including students, employees, and faculty, to express substantive complaints about University faculty or administrators and have them resolved by disinterested parties in a timely fashion.

The following matters are not covered by these grievance procedures:

1. Claims involving sexual harassment;
2. Claims relating only to alleged violations of policies which were promulgated exclusively by the University System of Maryland, actions of the Board of Regents, or actions of the chancellor of the System, over which SU has no jurisdiction;
3. Retrenchment appeals.
4. Student disciplinary matters handled through the Judicial Boards.
5. Student disciplinary matters involving alleged violations of academic integrity.
6. Grievances against University police officers that could result in the imposition of any discipline against the officer(s).

The following groups shall have jurisdiction over grievances:

Grievances filed by faculty: In all matters involving denials of tenure, and any complaints that a faculty member's academic freedom has been directly restricted, including disputes with other faculty or administrators over grades or grading policies, the grievance shall be referred to the Academic Freedom and Tenure Committee. In matters related to other academic policy concerns, the grievance shall be referred to the Academic Policies Committee. In all other matters, the grievance shall be referred to the Faculty Welfare Committee.

Grievances filed by students: All formal student grievances are filed with the Office of the Vice President for Student Affairs. In campus life matters, the grievance shall be referred to the Student Campus Life Grievance Committee. In all academic matters, including grade disputes, students are expected to begin with the informal process. If the informal process is unsuccessful, then the student should file a formal grievance with the Office of the Vice President for Student Affairs. The grievance will then be referred to the Academic Policies Committee.

Grievances filed by regular¹¹ nonexempt employees: These grievances shall be handled in accordance with University System of Maryland Policies.

Grievances filed by administrative exempt employees: These grievances shall be handled in accordance with Procedures Governing the filing and Processing of Grievances for Administrative Staff Personnel, found in Appendix M of Laws Relating to and Governing Policies and Procedures of the Board of Trustees of State Universities and Colleges of Maryland.

Jurisdictional Disputes: If a dispute arises over the jurisdiction of the committee assigned to decide the matter, the jurisdictional dispute shall be resolved as follows: for a grievance filed by faculty, it shall be resolved by the president of the Salisbury University Faculty Senate; for a grievance filed by a student, it shall be resolved by the Office of the Vice President for Student Affairs.

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¹¹“Regular” means non-contingent employees.

II. Salisbury University Procedures

PROCEDURES

The Policy includes two different avenues through which a grievant, at his or her option, may initiate a complaint. Nothing in this policy is to be construed to inhibit or prevent the grievant from reconsidering a less formal option, once the formal grievance procedures have begun.

A. Informal Process

All members of the University community are encouraged to attempt to resolve differences between themselves and others in an informal manner. This may entail only a conversation in which the views of both parties are aired in a mutually satisfactory manner or a conversation using a neutral third party for mediation. If this step does not satisfy the grievant, a written complaint should be prepared, which should be provided by the grievant to the person alleged to be responsible, either directly or because of a supervisory role, for the alleged wrong. The complaint should set forth a chronology of events leading up to the grievance, and should include the names of persons with knowledge of the events in question, pertinent dates, a description of the actions taken against the grievant which led to dissatisfaction, and a proposed resolution to the problem. If known, information about relevant University policies should be provided. The responsible individual should respond in writing to the complaint. If the response is not satisfactory to the grievant, he or she may solicit the assistance of the supervisor of the responsible person to resolve the complaint. If no resolution is possible, the grievant may elect to not proceed with the complaint or may begin the formal grievance process.

In cases of grade disputes, under normal circumstances the student should:

- Contact the instructor of the course. This should occur by the end of the second week of the fall or spring semester following the semester when the grade was awarded.
- If it is not possible to resolve the dispute with the instructor, contact the chair of the department.
- If the dispute has still not been resolved, contact the dean.
- If the dispute has still not been resolved, begin the formal process.

Formal Process

1. Filing the Grievance

If the informal process is not successful in resolving a complaint, a formal grievance may be initiated. To initiate the process, a student or faculty grievant shall file a written complaint, similar in content to that filed in an informal grievance, with the Office of the Vice President for Student Affairs or Office of the Provost, respectively. An exempt or nonexempt employee grievant shall file a written complaint in accordance with System policy.

2. Referral to Committee

The Provost or Vice President for Student Affairs or his or her designee shall refer the grievance to the appropriate University committee for review and recommendation. The committee shall meet and determine in its sole discretion whether sufficiently significant questions have been raised and remain unresolved. Committees then have the following

options: 1) to initiate an investigation, 2) to forego an investigation and initiate a formal hearing or 3) to render a written decision based on evidence submitted.

3. Committee Investigation

If the committee determines that an investigation or hearing should be undertaken to resolve the grievance, it shall send written notice to all parties that the committee will be investigating the grievance through a series of interviews at which the committee will collect additional information and evidence necessary for it to render an informed and reasoned judgment. The investigation may include interviews with the parties to the grievance and with any witnesses to the events, a review of any pertinent documents and any other actions that the Committee deems appropriate.

1. Hearing

If a hearing is to be held, the committee shall send written notice of the time, date and location to all parties. The hearing shall be conducted as follows:

- a. The hearing shall be held at a reasonable time when all parties are available or have an opportunity to be present.
- b. The parties shall be entitled to make opening and closing statements.
- c. The parties shall be entitled to present evidence through witnesses and documents, and shall be entitled to cross examine the opponent's witnesses.
- d. The hearing shall be closed to all persons but the grievant, the alleged responsible person, and the committee, unless all of the above persons agree otherwise.
- e. No one may be represented by an attorney at the hearing, unless the accused is facing or may face criminal charges relating to the subject of the grievance. If so, both parties may elect to have counsel assist them. In this case, counsel for the committee may be present. The role of legal counsel in these hearings shall be limited to the role of advocate for their party in procedural concerns and assistance in the process. At no time may legal counsel give statements or participate in questioning witnesses and committee members. In all other grievances, the grievant and the subject of the grievance may be accompanied to the hearing by a non-legal advocate of his or her choosing who may provide support to the individual but otherwise shall not participate formally in the proceedings. The advocate shall be a member of the University student body, faculty, staff or administration.
- f. Formal rules of evidence need not be followed at the hearing. The committee may receive such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a document or the reasonableness, relevance or redundancy of evidence, the chair of the committee shall be the final decision-maker on the evidence's admissibility.

- g. The parties may request, in writing, that the committee contact specified persons to appear at the hearing to testify on behalf of the parties. The request must be made at least five working days before the scheduled hearing in order to allow ample time for the committee to make the requests.
- h. The chair of the committee shall be responsible for conducting the hearing in an efficient and decorous manner and shall rule on all disputes related to the procedures used throughout the proceedings. The chair may set reasonable limits on the length and nature of the opening statements, the evidence presented and on the duration of the hearing. At any time, the chair may seek the advice of legal counsel.
- i. The grievant has the burden to prove by a preponderance of the evidence that the action or inaction complained about did occur and that it was contrary to University policy or procedures.

5. Findings

After the investigation or hearing has been held, the committee shall meet to consider the merits of the grievance. It shall consider only that evidence that was admitted in the investigation or hearing, and only those grievances which were formally part of the process. The deliberations shall be private and no recordings shall be made, nor shall any notes be kept other than purely personal notes of the members.

Upon the conclusion of its deliberations, the committee shall send a brief written notice of a preliminary finding of adequate or inadequate support for the grievance to the Provost or Vice President for Student Affairs and to the parties.

Upon receipt of the written notice, the grievant shall have five working days to decide to pursue or withdraw the grievance. In order for a sanction to be imposed or a decision reversed, the grievance must be pursued beyond the committee's deliberations. The grievant may confer with the chair of the committee before making this decision at which time the chair will explain the committee's rationale for its decision.

If the grievance is pursued, the committee shall issue a full report of its findings and its recommendations, including any dissenting views, after the report has been reviewed by all committee members. The report shall be sent to the Provost or Vice President for Student Affairs, who will send a copy to the grievant and the allegedly responsible party.

The Provost, in instances of grievances filed by faculty and instances of grievances filed by students grieving academic matters, or the Vice President for Student Affairs, in instances of grievances filed by students other than academic matters, will make a final determination as to findings and sanctions, will make a final report, and convey it to the parties and the chair of the committee.

6. Appeal

If either party is dissatisfied with the findings of the committee, Provost or Vice President of Student Affairs, he or she may file an appeal to the President of the University. The bases for an appeal are only the following: (1) committee's failure to follow the procedures set forth in this Policy in a way which could have significantly prejudiced the appellant; (2) bias on the part of a committee member; or (3) the decision was based on a clearly erroneous interpretation of the evidence. The President may review the matter at his or her

discretion, and shall issue a decision upholding or rejecting in whole or in part the findings of the committee. The decision of the President shall be final.

7. Time Frame

The following suggested deadlines shall be used for the various events that occur during the grievance process. They shall be followed unless unforeseen circumstances prevent compliance. The total amount of time from incident through a final decision from the President may be as much as 90 working days. All time limitations contained within this policy may be extended for good cause as determined by the relevant committee. Failure to adhere strictly to the suggested deadlines shall not be grounds for appeal unless significant prejudice has occurred.

- a. Filing the formal grievance: this must occur within thirty (30) working days¹² of the date on which the grievant knew or should have known of the grievable incident. There must be strict compliance with this deadline. Unless the grievant and responsible party agrees in writing to stay the enforcement of this deadline, the thirty working day period applies even if the informal process has not been completed.
- b. Response to the complaint: within ten working days of the receipt of the complaint.
- c. Decision to proceed with an investigation and possible hearing: within ten working days of the receipt of the formal complaint by the committee.
- d. Investigation, interviews and/or hearings: Completion within twenty working days of the decision to proceed with an investigation or hearing.
- e. Issuance of committee's decisions and recommendation to the Office of the Provost or the Office of the Vice President for Student Affairs: within five working days of the decision to proceed without an investigation or hearing or within five working days of the last interview or hearing.
- f. Grievant has five days to decide to pursue or withdraw the grievance.
- g. Issuance of committee report: within ten working days of the request of the grievant.
- h. Issuance of the Provost's or vice President's determination to the parties: within five working days of issuance of the committee's findings to that Office.
- i. Filing of appeal: within five working days of the issuance of the Provost's or Vice President's determination.
- j. President's final ruling: within ten working days of the receipt of the appeal.

¹² For faculty, the applicable period for "working days" is the contract year, August 15th through June 15th. For students, the applicable period includes the fall and spring semesters of the academic year.

8. Miscellaneous

The matters addressed in any grievance will be kept in confidence by the parties directly involved. Under no circumstances shall any findings be provided to anyone other than the committee members, the Office of the Provost, the Office of the Vice President of Student Affairs, the Office of the President, the grievant, the person(s) allegedly responsible and their attorneys if such have been consulted. The committee may seek the advice of legal counsel at any time during the process.

**(Revised Document Approved by the Faculty Senate on May 11, 1999;
Second Revisions of Document Approved by Faculty Senate on March 13, 2001)
Revisions Approved by Provost October 7, 2002**

BOR II – 4.40

II – 5.00: Policy On Faculty Employment Of Members Of The Same Family

In the matter of employment of members of the same family to the faculty, Salisbury University operates under **BOR II - 5.00 UNIVERSITY SYSTEM OF MARYLAND POLICY ON FACULTY EMPLOYMENT OF MEMBERS OF THE SAME FAMILY** which is reproduced in full below.

1. It is the policy of the University System of Maryland that appointment and promotion of faculty be based on the qualifications and performance of the person(s) under consideration.
2. In keeping with this policy, members of the same family, including husband and wife, are eligible for employment as faculty members. However, a direct supervisory relationship shall not exist between the parties in these instances at the time of employment or thereafter, nor shall one member of the family assume for the other the formal role of advocate or judge with respect to conditions of employment, promotion, or tenure. Where members of the same family are recommended for employment in the same department or unit, the arrangement shall be approved in advance and in writing by the provost.

(BOR II - 5.00)

II – 8.00: Policy On Faculty Retrenchment

1. General Principles

- a. The term "retrenchment" means the termination of a faculty appoint as authorized in the November 29, 1990, **University of Maryland (USM) Board of Regents Policy on Faculty Retrenchment (II-8.00)**.¹³
- b. The retrenchment procedures which follow do not apply to such normal staffing actions as:
 - 1) Not filling vacant positions;
 - 2) Deciding against contract renewal in the ordinary course of contract renewals;
 - 3) Reallocating vacant positions to programmatic areas with high need.
- c. These retrenchment procedures are applicable only to a rank identified or permitted under the **USM Policy on the Appointment, Rank and Tenure of Faculty (II-1.00)** of the USM Bylaws, Policies and Procedures of the Board of Regents.

The USM Retrenchment Policy and these retrenchment procedures are in addition to and not in limitation of other USM and Salisbury University's policies and procedures concerning faculty appointment, nor are they in limitation of any USM or Salisbury University's policy on academic program review.

2. Initiation of Retrenchment

The president has the sole authority within Salisbury University, subject to the authority of the Board of Regents, to initiate retrenchment. The president shall initiate retrenchment when the president determines that retrenchment is necessary, consistent with the USM and Salisbury University's policy on Appointment, Rank and Tenure. Before determining that a fiscal crisis necessitates retrenchment, the president shall consult with the chancellor and the Board of Regents. The Board may request relevant information from the president and may consider comments from representatives of campus and faculty governance bodies and other interested persons.

The policy of Salisbury University is to make every reasonable effort to avoid retrenchment, even under the extraordinary circumstances of budgetary or programmatic contraction. However, program review is a part of routine institution planning. While such reviews may be motivated in part by broad financial considerations, they normally occur as part of the ongoing management of the institution. Resulting program eliminations provide a basis for faculty terminations without the necessity of showing a lack of appropriations. 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 educational planning, and may call for program reductions and/or program eliminations. A lack of appropriations exists when, in the president's judgment, there is a fiscal crisis that threatens or endangers the institution's ability to carry out its mission as defined in the most recent mission statement approved by the Board of Regents, 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.

¹³For the purposes of these procedures, "restricted funding" as used in the USM's policy on faculty retrenchment shall mean as applicable i) the lack of appropriations of 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.

The university prefers, nevertheless, the following measures to retrenchment of faculty:

- 1) retraining of faculty;
- 2) reducing the use of part-time and contractual faculty positions;
- 3) transferring faculty to other duties (in other academic departments or administrative units);
- 4) encouraging early retirements;
- 5) leaving vacant positions unfilled;
- 6) not renewing tenure-track appointments.

Only when the president believes that such measures are inadequate or inappropriate will the university retrench faculty.

3. Procedures

- a. Prior to faculty retrenchment, a Retrenchment Committee shall be formed.

The committee shall consist of the following:

The committee shall consist of ten voting members: Six ex officio members: the President of the University, the Provost or his/her designee, the chairperson of the Faculty Welfare Committee, the chairperson of the Academic Policies Committee, and the two Faculty representatives to the State Faculty Council; three department chairpersons serving three-year terms with one retiring annually, elected by their chairperson peers from departments not already represented by Faculty designated above; and a Designated Senator (voting) from a department not already represented above. The President of the University shall be the chairperson. Should a committee member's program or department be recommended for retrenchment, the President of the University shall so notify the Membership and Elections Committee who in turn shall remove the Faculty member from the committee and designate a replacement. Members of the Faculty Mediation Committee, Faculty Hearing Committee, and the Retrenchment Appeals Committee may not serve on this committee.

- b. The Retrenchment Committee shall develop a plan for retrenchment considering the following factors in accordance with the mission of the university:

- 1) The educational mission of the university
- 2) The programmatic mission of the university
- 3) Budgetary constraints of the university
- 4) The impact of any proposed action of retrenchment on students
- 5) The impact of any proposed action on the faculty
- 6) Termination of appointment for the purpose of retrenchment should be a last resort. Every reasonable effort should be made to locate the faculty scheduled for retrenchment elsewhere on the campus.

- c. The Retrenchment Committee may investigate and suggest all reasonable alternatives to retrenchment. If retrenchment must be implemented, the unit of retrenchment shall be the school, department, or curricular concentration. When making the list of appointments within the retrenchment unit, the only faculty members to be included on the list are those whose appointments are made within the school, department, or curricular concentration in which the retrenchment unit is located. The list shall not include faculty members assigned to the retrenchment unit, but whose appointments are in another school, department, or curricular concentration. After the approval of these procedures, any new, renamed or reorganized school, department or curricular concentration created within the University shall constitute a separate retrenchment unit.

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When the president has requested a plan for retrenchment, the Retrenchment Committee shall produce such a plan. Should the committee fail to do so, the president shall have the right to appoint a new committee. The Retrenchment Committee normally shall have at least two (2) months to develop a plan. Nevertheless, the president retains the authority to establish a shorter time period when the president believes that swifter action is required.

- d. The committee shall submit the retrenchment plan to the president for approval at least three (3) months prior to the implementation date, as established by the president. The president shall report the retrenchment plan to appropriate committees and the institution. All options considered by the Committee, and the expected consequences of each shall be presented with the recommendation of the Committee. The recommendation of the Committee shall include an explanation of its identification of the retrenchment unit recommended for retrenchment. Consistent with applicable law, deliberations about specific personnel decisions of any committee shall be confidential.

4. Authority of the President

The president has final authority over any decision or determination under these retrenchment procedures. In addition to the advice of the committees established under retrenchment procedures, the president may seek the advice of any individual, group or office within Salisbury University or outside the institution. The president may adopt recommendations from any committee identified in the retrenchment procedures, adopt them with modifications, or reject them and make substitutions for them.

If the president does not accept the recommendations of the committee in whole or in part, he/she should consult with the committee concerning the reasons for this action.

The president shall have the right to adjust any schedule referenced in the retrenchment procedures except for those pertaining to the notice for termination and to the appeal process. An effort will be made to give advance notice of any such adjustment. Failure to comply with such schedules, however, shall not be grounds for appeal under these retrenchment procedures.

5. Notification of Termination

The president shall give a written notice of termination to each faculty member whose appointment is to be terminated pursuant to these retrenchment procedures. The termination notice shall include:

- a. notification that the appointment is being terminated pursuant to these retrenchment procedures;
- b. the applicable notice period;
- c. the effective date of termination;
- d. a statement that System Administration shall send, for a period of one year, written notice of faculty openings within the System to the last address that the faculty member has on record with the institution;
- e. notification of the right of the faculty member to appeal the termination of appointment and a copy of these retrenchment procedures;
- f. if applicable, a statement that deviation was made from the order of termination and the circumstances of the deviation.

In all cases of retrenchment, the position of the faculty member concerned shall not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement. A faculty member would have no more than 90 days to accept or reject reinstatement. If the University, because of retrenchment terminates a faculty member within a retrenchment unit, the University shall not make a new appointment(s) or create new position(s) with equivalent duties and responsibilities in that retrenchment unit, or a successor unit, within a period of three years unless the released faculty member(s) has been offered reinstatement, at the same or higher rank and tenure status and up to 90 days in which to accept or reject reinstatement.

6. Notice Period For Termination

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

Non-tenure track faculty, as defined in the University System of Maryland Policy on Appointment, Rank and Tenure of faculty, shall be given written notice of up to one year prior to the date of termination of appointment.

Non-tenured, tenure-track faculty shall be given notice of termination not less than one year prior to the date of termination of appointment.

Full-time instructors or lecturers, with seven or more years of continuous service to the institution, coming July 1, 1984, shall be given written notice of termination of at least one year prior to the date of termination of appointment.

Tenured faculty members shall be given notice as set forth in University System of Maryland Policy on Appointment, Rank and Tenure of Faculty, Section I.C.9. or corresponding sections of earlier faculty appointment agreements still in effect, as applicable.

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

An institution shall offer within three years to a tenured or tenure-track faculty member whose appointment was terminated pursuant to these retrenchment procedures any new positions with equivalent duties and responsibilities within the retrenchment unit prior to hiring any other person.

7. Order of Termination

a. Retrenchment within a retrenchment unit shall be as follows:

- 1) Part-time faculty on non-tenured track temporary contract;
- 2) Full-time faculty on non-tenured track temporary contract;
- 3) Tenure-track faculty;
- 4) Tenured faculty.

Deviations from the order of termination may be made only when the termination of the appointment of the faculty member would significantly impede the ability of the institution or retrenchment unit

affected by retrenchment to fulfill its mission and goal or to fulfill commitments under grants and contracts.

The reason and basis for making a decision to deviate from the order of termination shall be adequately documented.

b. Seniority

The termination of employment of tenured faculty shall be by ascending length of service. Seniority is based on length of service at the University dating from the respective date of initial appointment in the tenure-track position, not the date tenure was awarded. Faculty members with equal seniority shall be released in reverse order of obtaining tenure status. Faculty members of equal seniority and with equal years of tenure status shall be released in ascending order of academic rank.

8. Appeals Process

a. Retrenchment Appeals Committee

The composition of all committees established with the institution's retrenchment procedures shall include at least 50% faculty within its membership of which one half are elected by the faculty and the remaining half appointed by the president. The committee shall have five voting members: five members of the Faculty elected at-large serving three-year terms, no two from the same department, no fewer than three of whom are tenured, with two retiring in each of two years and one the next. Members of the Faculty Mediation Committee, Faculty Hearing Committee, and the Faculty Retrenchment Committee may not serve on this committee. The Membership and Elections Committee shall appoint a temporary replacement for a committee member should a member of his/her department or program be appealing retrenchment. Should an elected faculty member not be the Designated Senator, a non-voting Designated Senator shall also serve on the committee. The committee shall elect its chairperson annually.

No Retrenchment Appeals Committee member will participate in a hearing in which the committee member is subject to a conflict of interest. Conflicts of interest include, but are not limited to, being a member of the same department or program as the appealing faculty member. An appealing faculty member shall be entitled to disqualify one committee member, whether elected or appointed, for any reason. Anytime an elected committee member is removed or fails to serve, the Nominations and Elections Committee shall appoint a replacement member.

The committee shall elect its chair annually.

If the faculty decline to elect faculty member(s) in a timely manner, or if the faculty decline to serve, the president shall appoint the required number of committee members to serve on the committee.

The committee shall consider the appeal of any faculty member terminated under a retrenchment plan and shall use for these cases procedures set forth herein.

b. Filing an Appeal

A faculty member whose appointment is terminated under these retrenchment procedures shall have a right to appeal in accordance only with these procedures. No other appeal procedures within Salisbury University are applicable.

The faculty member must include all grounds for appeal in the written request for appeal.

The filing of a request for appeal will not alter the effective date of termination of the appointment.

c. Appeal Schedule

- 1) A request for appeal must be filed with both the president and the chair of the University Forum within ten (10) working days¹⁴ after the effective mailing date of the notice of termination. The president will notify the chair of the Retrenchment Appeals Committee of the appeal.
- 2) The committee shall inform the faculty member of the date, time and place of the hearing no later than ten (10) working days after the President's receipt of the request for appeal. The committee must schedule the hearing to occur within 30-45 calendar days after the President's receipt of the appeal.
- 3) The faculty member may, at the Committee's discretion, amend the original request for appeal to include or delete grounds for appeal. Such amendment must be in writing and must be made no later than ten (10) working days before the hearing is scheduled to occur. The faculty member must file the amended appeal with the president ten (10) working days before the hearing is scheduled to occur.
- 4) The faculty member must provide to the committee a statement of facts on which the appeal is based and a list of witnesses and documents to be introduced at the hearing no later than five (5) working days prior to the date of the hearing.
- 5) The institution must provide the committee a list of witnesses and documents to be introduced at the hearing no later than five (5) working days prior to the date of the hearing.
- 6) The committee shall send its recommendation to the president no later than ten (10) working days after the conclusion of the hearing. Written minority opinions may also be sent to the president at the request of the dissenting members.
- 7) 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.

d. Grounds for Appeal

The grounds for appeal shall be limited to:

- 1) error in the application of the order of termination of appointment;
- 2) procedural error;
- 3) insufficiency of notice of termination;
- 4) whether any deviation from the order of termination was made without reasonable grounds; and
- 5) the termination was otherwise unlawful.

¹⁴Working days are defined as Monday through Friday, inclusive, exclusive of holidays recognized by the institution.

e. Conduct of the Hearing

The Institution will be represented by the Office of the Attorney General or its designee. The faculty member may be represented by legal counsel throughout the appeal proceedings at the faculty member's expense.

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

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

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

The faculty member's failure to appear at the hearing shall be deemed a voluntary dismissal of the appeal in the absence of extraordinary circumstances.

Postponement of the hearing may be granted at the discretion of the committee upon the written request of the faculty member.

The appeal committee must make the decision based on the record. Consistent with applicable law, the committee's deliberations about specific personnel decisions shall be confidential. The committee's decision will be based on a simple majority vote with a quorum of at least seventy-five percent of the membership present and voting.

The committee shall send its recommendation to the president no later than ten (10) working days after the date of the conclusion of the hearing. Written minority opinions may also be sent to the president at the request of the dissenting members.

(BOR II - 8.00)

C. Section III: Academic Affairs

**III – 1.00: Policy on Faculty, Student,
and Institutional Rights and Responsibilities for Academic Integrity**

Integrity is a principle which permeates all the activities of the university and guides the behavior of faculty, students and staff. The principle of academic integrity is manifested in a spirit in which truth is pursued, in a process by which students learn about the concept of integrity, and in a procedure for determining individual accountability for the standard of integrity.

The *spirit* of academic integrity denotes adherence to the precept that "one's work is one's own." The *process* by which integrity is upheld assumes clear communication of university expectations, standards, and policies and clear communication of student's and faculty's rights and responsibilities. The *procedure* is grounded in commitment to the protection of individuals' rights.

A. Faculty's Rights and Responsibilities

1. Faculty members share with students and administrators the responsibility of academic integrity. Faculty members enjoy freedom in the classroom to discuss all subject matter reasonably related to the course. In turn, they have responsibility to encourage students' free and honest inquiry and expression. Consistent with the principles of academic freedom, faculty are responsible for presenting courses that are consistent with their descriptions in the Salisbury University catalogue. Faculty members also have the obligation to make students aware of course expectations, evaluation procedures and grading policies in the following way:

- a. A course syllabus must be provided for each course and must be handed out at the first class meeting. The syllabus should include information about the purpose of the course; prerequisites; whether or not the course satisfies a General Education requirement and if so, in which group; textbook(s) to be used; topics to be covered; and schedules of major tests.

The syllabus must also include policies and procedures related to class attendance, assignments, tests and quizzes, grading and office hours and information about how the course meets the university's Writing Across the Curriculum requirement. These policies and procedures constitute a commitment by the faculty member to students and must be followed throughout the semester.

- b. Full and part-time faculty have the obligation to provide students with adequate notice of their academic progress. Students who are performing unsatisfactorily in any course at midsemester should be notified of inadequate performance by the course instructor. Failure to do so is not only unfair to the students, but may place the faculty member at risk with respect to student grievances about grades.

- c. Final Exams and Grades

Courses at Salisbury University are normally culminated by final examinations. These examinations are to be given during the time reserved by the Registrar's Office. Final examinations are not to be given during the last scheduled week of

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classes. If an exam or test is given during the last week of classes, a final exam must also be given during exam week. Faculty may not publicly post grades, but may inform students of final grades before grades are sent out by the Registrar by mailing grades to students in student-provide stamped, addressed envelopes.

To assist students and faculty members in cases of disputes over grades, all final examinations should be kept for one calendar year. Faculty members who leave the university should turn in final exam and grade books to the department chair.

A student who has more than two final examinations scheduled for the same day need not take more than two of these examinations on that day. If the student wants to use the following procedures for rescheduling examinations, then, no later than one full week before final examinations begin, the student must provide each of the professors involved with a written copy of his complete examination schedule, including course numbers, section numbers and name of professors. The professors of those courses whose final examinations are scheduled second, fourth, fifth, etc. in the day will then reschedule their examination for that student on a day of the final examination period on which the student has fewer than two examinations scheduled and inform the student prior to the last day of classes when and where the examination will be given. In the event that the professor may contact the other professors involved, making alternate arrangement so that the student takes all of his final examinations during the final examination period and has no more than two examinations scheduled for the same day. That professor will then inform the student of those arrangements prior to the last day of classes.

A student who has more than one examination scheduled for the same time should contact the appropriate professors and make alternate arrangements.

d. The following grades are used to indicate a student's achievement in individual courses:

- A - Excellent.** Superior achievement. The "A" grade is reserved for outstanding performance.
- B - Very good.** High achievement. It is a mark of distinction.
- C - Satisfactory.** Adequate achievement.
- D - Passing.** Marginal achievement. The "D" grade indicates minimal exposure to the principles and techniques presented.
- F - Failure.** Inadequate achievement. The "F" grade is also given for late or unofficial withdrawals.

The following grading symbols are not accompanied by quality points and do not contribute to the student's grade point average. They may, however, appear on a student's permanent record and are defined accordingly:

I - Incomplete. Non-completion of a course due to unavoidable circumstances beyond the student's control. The "I" automatically becomes an "F" if course work is not completed prior to mid-semester of the next full semester for which the student is enrolled, or at the end of one calendar year, whichever is earlier. In extreme cases extensions may be granted by the Office of Academic Affairs.

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PS - Pass. A passing grade ("D" or better) for credit-bearing courses taught or taken on a Pass/Fail basis.

S - Pass. Not for university credit--a passing grade in those courses which cannot be applied to undergraduate degree requirements.

CS -Continuing Satisfactorily. Satisfactory progress in a developmental studies course which extends into a subsequent semester.

AU -Audit. Approved attendance without credit.

W - Withdrawal. Official withdrawal from a course during the Schedule Adjustment Period.

WP/WF- Withdrawal Passing/Withdrawal Failing. Official withdrawal from a course after Schedule Adjustment Period, denoting passing/failing status at the time of withdrawal.

NR -Grade Not Reported. Instructor has not filed a grade.

IP - In Progress. Used for grading on-going theses and research projects, internships, or independent studies which extend into a subsequent term. Unlike the I grade, the IP grade does not automatically become an F at the end of a given time interval.

R - Repeated Course. Preceding a grade, denotes that the course has been repeated: **RA, RB, RC, RD, RF.**

X - Clemency Grade. Preceding a grade of D denotes that the grade has been removed from the grade point average. Credit for the course has been removed from Attempted Hours (AHRS) and Earned Hours (EHRS).

Note: Warning - Students who need to meet eligibility criteria for athletics, financial aid, scholarships, etc. should be aware that courses with grades of W, WP, WF, I or IP will not be included in credits successfully completed.

e. Ghost Policy

During the drop/add period, instructors may drop from their rosters students who miss two, consecutive class sessions and who fail to notify instructors that they wish to remain in the course from which they have been absent. Instructors initiate this "ghost policy" by notifying the Registrar's Office in writing of students who are to be dropped from a roster. This written notification must include the student's name and social security number as well as the course name and number, its section number and the department in which the course is taught.

2. Faculty members are obligated to evaluate students fairly, equitably and in a manner appropriate to the course and its objectives. Grades must be assigned without prejudice or bias. If there is a need to change a grade, a faculty member submits a *Change of Grade* form to the registrar. This form may be obtained from the Office of the Provost and must be signed first by the department chair, the dean, and then by the associate provost of academic affairs before it is submitted.

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3. Faculty members shall make all reasonable efforts to prevent the occurrence of academic dishonesty by appropriately designing and administering assignments and examinations, carefully safe guarding course materials and examinations and regularly reassessing evaluation procedures. If faculty suspect instances of academic dishonesty, they have a responsibility to take appropriate action in accordance with Salisbury University regulations described below.

B. Students' Rights and Responsibilities

1. Students share with faculty members and administrators responsibility for academic integrity. They have right of free and honest inquiry and expressions in their courses, and the right to know course requirements, evaluation, and grading procedures. Students have the obligation to complete course requirements in the time and manner prescribed by their teachers and to submit their work for evaluation.
2. Students have the right to be evaluated fairly, equitably and in a timely manner appropriate to the course and its objectives. When students believe they have not been fairly evaluated, they may appeal such evaluations according to the procedures detailed in **Salisbury University's Policy on Review of Alleged Arbitrary and Capricious Grading**.
3. Students must not submit as their own work any which has been prepared by others. Students may have appropriate assistance in the preparation of their work from librarians, tutors, typists or others as specified or approved by the appropriate faculty member.

The following defines academic misconduct at Salisbury University.

Academic Misconduct, a breach of academic integrity, may include but is not limited to the following:

- a. Plagiarism: presenting as one's own work, whether literally or in paraphrase, the work of another.
 - b. Cheating on exams, tests and quizzes: the wrongful giving or accepting of unauthorized assistance, the giving or taking of unauthorized exam material, and/or the use of illegitimate sources of information.
 - c. Illicit collaboration with other individuals in the completion of course assignments.
 - d. The use of fraudulent methods in laboratory, studio, field work or computer work.
 - e. Other acts generally recognized as dishonorable or dishonest which bear upon academic endeavors.
4. Students shall make all reasonable efforts to prevent academic dishonesty. They shall encourage academic integrity by their own example and shall not engage in acts of academic misconduct. When students expect instances of academic dishonesty they have the right and responsibility to bring this to the attention of the faculty or other appropriate authority.

C. Institutional Responsibilities

1. Salisbury University is committed to fostering academic integrity by ensuring implementations of the procedures described in this policy.
2. Students who are expelled or suspended from Salisbury University for reasons of academic dishonesty are not admissible to any other University System of Maryland if expelled or during any period of suspension.

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(BOR III - 1.00)

III – SU: Policy on Academic Integrity

Introduction – Integrity is a principle which permeates all the activities of the University and which guides the behavior of faculty, students and staff. The principle of academic integrity is manifested in a spirit in which truth is pursued, in a process by which students learn about the concept of integrity, and in a procedure for determining individual accountability for the standard of integrity.

The spirit of academic integrity denotes adherence to the precept that “one’s work is one’s own.” The process by which integrity is upheld assumes clear communication of University expectations, standards, and policies and clear communication of students’ and faculty’s rights and responsibilities.

Scope – This policy is intended to foster student academic integrity and to address cases of student academic misconduct.

In order for the University community to foster academic integrity, it is necessary to describe what constitutes breaches of academic integrity, that is, academic misconduct.

Definition of Academic Misconduct – Academic misconduct, a breach of academic integrity, may include but is not limited to the following:

- plagiarism; presenting as one’s own work, whether literally or in paraphrase, the work of another.
- cheating on exams, tests and quizzes; the wrongful giving or taking of unauthorized exam material, and/or the use of illegitimate sources of information.
- illicit collaboration with other individuals in the completion of course assignments.
- the use of fraudulent methods or communications related to laboratory, studio, field or computer work.
- other acts generally recognized as dishonorable or dishonest which bear upon academic endeavors.

Procedures for Handling Cases of Academic Misconduct

Faculty Action – Individual faculty members have the right and responsibility to deal directly with any cases of academic misconduct that arise in their courses. If a faculty member believes a student has committed an act of academic misconduct, the faculty member will advise the student in a timely fashion of the accusation and will allow the student an opportunity to question it before implementing a sanction. Prior to the faculty member imposing a sanction, the faculty member may check with the University judicial administrator to ascertain whether there is a previous history of academic misconduct. The faculty member may impose an appropriate sanction which reflects the seriousness of the act and which may range from a written warning to (but not greater than) removal from the course and issuance of an F in the course.

If a sanction is issued it must be placed in writing within five working days of advising the student of the accusation, with a copy sent to the student and a copy sent to the University judicial administrator. The faculty member has the responsibility to retain any materials or documents that may be pertinent to the case until its final resolution.

If the faculty member believes the misconduct warrants a sanction greater than an issuance of an F in the course, the faculty member must refer the case in writing to the Academic Policies Committee. Additional sanctions can include, but are not limited to, dismissal from a major, dismissal from a program, suspension from the University, or expulsion from the University. A copy of all such referrals must be sent to the student and to the University judicial administrator. The written materials must include a letter endorsing the recommended sanction signed by the Chair of the department or program involved and a letter of endorsement signed by the Dean of the school.

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Student Appeals – The student’s right to appeal is outlined in the following procedures. Students are entitled to the assistance of an advocate in advance of and during the appeal process. An advocate assists the student in the preparation and presentation of the case. The advocate may be selected by the student or, at the request of the student, appointed by the University Judicial Administrator. In all cases, the advocate must be a member of the University faculty, staff or student body.

The appeal process must be in accordance with the following provisions:

1. A student appeal, including the grounds for the appeal, is submitted in writing to the University Judicial Administrator in the Office of the Vice President of Student Affairs within five working days of receiving notice of the sanction from the faculty member.
2. The student’s written appeal ordinarily will be forwarded to the Academic Policies Committee by the University Judicial Administrator within five working days of its filing. In the event the Academic Policies Committee is not available, the University Judicial Administrator will forward the appeal to the Provost, who will create an ad hoc committee to handle the review. (All further references in this Policy to the Academic Policies Committee include the ad hoc committee where appropriate.)

Reviews by Committee – The Academic Policies Committee will review all documentation submitted in the case and will then have the following options: 1) to render a written decision based on evidence submitted and/or 2) to initiate an investigation and/or 3) to initiate a formal hearing. In all cases where suspension or expulsion is recommended, a hearing will be granted.

Investigation – If it is determined that an investigation should be undertaken, written notice shall be sent to all parties that the case will be investigated through a series of interviews for the purpose of collecting additional information and evidence necessary for an informed and reasoned judgment to be rendered. The investigation may include interviews with the parties in the case and with any witnesses to the events, a review of any pertinent documents and any other actions deemed appropriate.

Hearing – If a hearing is to be held, written notice of the time, date and location shall be sent to all parties. The hearing shall be conducted as follows:

1. The hearing shall be held at a reasonable time when all parties are available or have an opportunity to be present.
2. The parties shall be entitled to make opening and closing statements.
3. The parties shall be entitled to present evidence through witnesses and documents, and shall be entitled to cross-examine witnesses. At the discretion of the chair, direct questioning by a party of a witness, including an opposing party, may not be permitted; rather, the parties may be required to convey their questions to the chair, who will then convey them to the witness.
4. The parties shall be entitled to each have an advocate to assist in the preparation and presentation of the case.
5. No one may be represented by an attorney at the hearing, unless the student is facing or is likely to face criminal charges relating to the alleged academic misconduct. If so, both the student and the faculty member may elect to have counsel assist them. Counsel for the hearing body may also be present. Legal counsel may not give opening or closing statements, present documents, or question witnesses.
6. The hearing shall be closed with attendance limited to individuals directly connected with the case as determined by the chair.
7. Formal rules of evidence need not be followed at the hearing. The hearing body may receive such evidence as a reasonable person would consider reliable in making important decisions. If a question arises about the authenticity of a document or the reasonableness, relevance or redundancy of evidence, the chair of the Academic Policies Committee (or administrator hearing the case) shall be the final decision-maker on the admissibility of the evidence.

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8. The parties may request, in writing, that the committee contact specified persons to appear at the hearing to testify on behalf of the parties. The request must be made at least five working days before the scheduled hearing in order to allow ample time for the hearing body to make the requests. The chair of the Academic Policies Committee (or administrator hearing the case) shall be responsible for conducting the hearing in an efficient and decorous manner and shall rule on all disputes related to the procedures used throughout the proceedings. Reasonable limits may be set on the length and nature of the opening and closing statements, the evidence presented and on the duration of the hearing. At any time, the chair (or administrator hearing the case) may seek the advice of legal counsel.
9. The party that has imposed or recommended sanctions under this policy has the burden to prove by a preponderance of the evidence that a violation of this policy did occur.
10. Since the University lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's due process rights cannot be coextensive with or identical to the rights afforded the accused in a civil or criminal legal proceeding. The procedures outlined are designed, however, to assure fundamental fairness and to protect students from arbitrary or capricious disciplinary action. Deviations from these procedures shall not necessarily invalidate a hearing or the results of a hearing unless significant prejudice results.

Findings – After it has completed its review, the Academic Policies Committee shall issue written findings of fact and conclusions, and shall provide a copy of the findings along with the sanction to be imposed to the student, faculty member, and judicial administrator.

Appeals from the Academic Policies Committee Findings – For sanctions of written warning, imposition of an F and/or dismissal from a course, the decision of the Committee is final and no further appeal will be allowed. For more severe sanctions, an additional appeal of the Committee's findings will be allowed. Appeals must be filed within five working days of receiving notice of the Committee's decision. The written appeal must be filed with the Provost and should set forth all of the reasons that support reversal of the Committee's findings. It will be handled as follows: (1) When the Committee recommends the sanction of dismissal from a major or program, the Provost will review the written appeal and the documentation associated with the case. The Provost has the discretion to take any action necessary to thoroughly complete a review, and then will issue a decision, which will be binding and final. (2) When the Committee recommends the sanction of suspension or expulsion from the University, the University President will review the appeal, take all necessary action, and make the final, binding decision. In all cases, the decision will be conveyed in writing to the student, the faculty member, the Judicial Administrator, and the Academic Policies Committee.

Academic Polices Committee – Under this policy the Academic Policies Committee serves to review appeals of faculty imposed sanctions and to hear cases referred by faculty members where the sanction may include dismissal from a major or program, suspension, or expulsion from the University.

University Judicial Administrator – The role of the University judicial administrator is outlined under Judicial System Policies and Procedures.

University System of Maryland Policy – In accordance with Board of Regents policy, students expelled or suspended for reasons of academic dishonesty by any institution in the University System of Maryland shall not be admissible to any other System institution if expelled, or during any period of suspension.

Revisions Approved by the Academic Policies Committee on February 15, 2001, June 4, 2003

Revisions Approved by the Faculty Senate on March 13, 2001

Revisions Approved June 4, 2003

Revised 9/03

III – 1.10: Policy on Misconduct in Scholarly Work

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in science, in scholarship and in institutions of higher education. Salisbury University expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The University considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly:

1. It is the policy of Salisbury University to maintain high ethical standards in science and other scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and to resolve instances of alleged or apparent misconduct.
2. It is the policy of Salisbury University to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
3. It is the policy of the Salisbury University to award no degree if misconduct in science or other scholarly work contributed to that degree, and when warranted, to revoke such a degree if misconduct is discovered after its award.

The policy applies primarily to faculty, staff, and student research, scholarly writing, and the creation of works of art. It is not intended to address issues, such as the conduct of students in examinations and in fulfilling course requirements, which are covered by other policies.

Procedures Handling Cases of Misconduct in Scholarly Misconduct

Allegations of student scholarly misconduct as described in the Salisbury University Policy on Misconduct in Scholarly Work will be lodged in writing with the Academic Policies Committee for investigation and hearing. The Academic Policies Committee shall follow the procedures described in the Policy on Student Academic Integrity.

Allegations of faculty scholarly misconduct as described in the **Salisbury University Policy on Misconduct in Scholarly Work** will be filed in writing with the Academic Policies Committee. The Academic Policies Committee shall investigate and hear such allegations, make findings of fact based upon the merits of the allegations and will provide a recommendation to the president as set forth in subparagraph C.7 of the **Salisbury University Policy on Appointment, Rank and Tenure of Faculty**.

Allegations of administrative staff scholarly misconduct as described in the **Salisbury University Policy on Misconduct in Scholarly Work** will be filed with the provost. The provost will investigate and hear such allegations, make findings of fact based upon the merits of the allegations and forward the same to the president for disposition under the **Salisbury University Policy on Misconduct in Scholarly Work**.

(BOR III - 1.10)