

### III – 7.50 - Policy on Inter-Institutional Graduate Faculty

In the matters of inter-institutional graduate faculty, Salisbury University operates under **BOR III - 7.50 UNIVERSITY SYSTEM OF MARYLAND POLICY ON INTER-INSTITUTIONAL GRADUATE FACULTY**, which is reproduced in full below.

#### I. Definitions

- A. A **degree-granting institution** is a USM institution authorized by law to award post-baccalaureate degrees, including, but not limited to, the M.S., Ph.D., and doctorals in Education, Engineering, etc.
- B. A **home institution** is the degree-granting institution in which a particular graduate degree-granting program resides and in which a student must be enrolled to participate in that program.
- C. **Institutional graduate faculty** refers to a body formally established by an USM institution to serve its graduate education activities.
- D. **Inter-institutional graduate programs** are those established jointly by institutions within the USM to serve students through courses and/or research supervision provided by faculty members drawn from the participating institutions.
- E. **Graduate program directors** are those appointed by the USM institutions to administer one or more specific graduate programs based at the degree-granting USM institutions, or they may be department chairs, academic deans, or other individuals so designated for this purpose by the institutions.

#### II. Principles of Organization

- A. The USM Inter-Institutional Graduate Faculty is established for the following purposes:
  - 1. In accordance with **III-7.10** of the USM Bylaws, Policies and Procedures of the Board of Regents, *Policy on Graduate Education*, to "...facilitate the inter-institutional participation of graduate students and faculty in programs throughout the University System of Maryland.
  - 2. To promote the wider use of USM resources in graduate education, particularly in the development and offering of multi- and trans-disciplinary programs that meet the demands for advanced study in an increasingly complex world.
  - 3. To facilitate graduate students' access to the expertise of faculty members from all component institutions within the USM.
  - 4. To assure that the studies of graduate students enrolled in inter-institutional programs are subject to the same level of rigor and review as provided by the policies and procedures of the individual institutions responsible for awarding advanced degrees.
  - 5. To provide each institution responsible for awarding post-baccalaureate degrees with a pool of faculty members from other USM institutions qualified to offer graduate-level courses and/or direct the research of graduate students.

- B. The following principles shall be fundamental to the organization of the USM Inter-Institutional Graduate Faculty and conduct of programs in which its members participate:
1. Establishment of the USM Inter-Institutional Graduate Faculty is intended to facilitate student access to faculty expertise across all USM institutions. The primary concerns of this policy shall be the interests and welfare of the graduate student.
  2. Assurance of program quality rests with the home institution and the individual program directors. The home institution shall retain final authority for approving a student's advisor, course of study, committee composition, and final certification for award of degree according to its established policies.
  3. Nothing in these policies shall be construed to circumvent the established policies and procedures, the completion of advanced degree requirements, and the conduct of graduate programs at any USM institution. In particular, no student or participating faculty member shall be exempt from requirements for the conduct of an institution's graduate programs, e.g., animal care and use, radioactive materials safety, etc.
    - a. Each institution shall have an academic misconduct policy or policies applicable to faculty and graduate students and consistent with the following:
      - 1) Charges of academic misconduct made against faculty members shall be governed by the policies of the institution(s) of salaried appointment; and,
      - 2) Charges of academic misconduct made against a graduate student shall be governed by the policies of the student's home institution.

### III. **Appointment and Membership**

- A. Appointment of a faculty member to the USM Inter-Institutional Graduate Faculty shall require all of the following:
1. Membership has not established such policies and procedures, or if it is not authorized to grant graduate degrees, a member of its faculty must first be formally appointed to another institutional graduate faculty in order to be eligible for appointment to the USM Inter-Institutional Graduate Faculty.
  2. Written letter from each individual requesting appointment, identifying the institutional graduate faculty of which he or she is a member, specifying the graduate degree(s) that he or she is qualified to supervise under the conditions of that appointment, and expressing a commitment to serve USM graduate students by participating in and contributing to the development of one or more specified graduate programs.

The letter shall be accompanied by current *curriculum vitae*.
  3. Written letter of endorsement prepared by the dean or appropriate official referenced above at the individual's institution of salaried appointment, identifying the faculty member by name and rank and certifying institutional graduate faculty appointment status.

- B. The chair of the Inter-Institutional Graduate Council shall inform faculty members who have fulfilled the above requirements of their appointment to the USM Inter-Institutional Graduate Faculty. The letter of appointment shall specify whether or not a member is eligible to chair Ph.D. or other doctoral thesis committees according to the documents assembled in support of his/her appointment. The members of the Inter-Institutional Graduate Council shall be informed of all such appointments.
- C. Appointment shall be for an indefinite period of time. However, a member's appointment shall automatically cease should the individual's qualifying institutional graduate faculty appointment be terminated for any reason.

#### IV. **Rights and Privileges**

- A. These policies establish a reciprocal agreement among the USM institutions regarding a faculty member's eligibility to participate in graduate programs. Subject to the approval of the appropriate program director(s), the policies and procedures of a student's home institution, and the individual's conditions of appointment, a member shall be eligible to participate in any graduate program offered within the USM.
- B. A member of the USM Inter-Institutional Graduate Faculty shall be eligible to teach graduate-level courses and to participate in the supervision of candidates for advanced degrees as set forth in the individual's letter of appointment from the chair of the USM Inter-Institutional Graduate Council.
- C. All members shall be able to participate in the governance of the Inter-Institutional Graduate Faculty by bringing issues and recommendations before the Inter-Institutional Graduate Council for consideration.

#### V. **Administration**

- A. The USM Inter-Institutional Graduate Faculty shall be administered by the Inter-Institutional Graduate Council.
  - 1. Each USM institution shall be invited to appoint, according to its accepted internal procedures, one tenured faculty member, at the minimum rank of associate professor or equivalent, as a voting member of the Council.

Each voting member shall serve for a renewable term of two years.
  - 2. Each USM institution, and the USM vice chancellor for academic affairs, shall be invited to appoint one administrator as a non-voting *ex officio* member who will serve an indefinite term at the pleasure of the appointment office.
  - 3. The Council shall elect its chair from among its voting members. The chair shall serve for a term of one year and may be re-elected for not more than one additional contiguous term.

- B. Responsibilities of the Inter-Institutional Graduate Council shall include the following:
1. Review and action on requests for appointment to the USM Inter-Institutional Graduate Faculty.
  2. Review of issues brought to its attention that affect inter-institutional graduate education within the USM.
  3. Development of recommendations to facilitate faculty interaction between USM institutions for the purpose of encouraging and enhancing inter-institutional graduate programs.  
  
The development and implementation of new inter-institutional graduate programs shall remain the prerogative and responsibility of the participating institutions according to established USM procedures.
  4. At an institution's request, the Council may assist in the review of new institutional graduate faculty policies or policy revisions to ensure that such policies provide the level of rigor necessary for faculty members to be routinely authorized to participate in USM inter-institutional graduate programs.
  5. Any recommendations involving USM graduate education policy shall be made to the Academic Affairs Advisory Council and shall be submitted for institutional review by the appropriate governance structure prior to a final decision by the Council.
    - a. Recommendations approved by the Academic Affairs Advisory Council shall be forwarded to the Chancellor's Council.
    - b. If such recommendations involve change(s) in the policies of one or more USM institutions, they shall be accompanied by the written responses from the individual institutions.
- C. The Council shall make available to all USM institutions, a list of members of the Inter-Institutional Graduate Faculty and the specified conditions of each member's appointment.
- D. At the close of each academic year, the Council shall file a written report with the vice chancellor for academic affairs on the status of inter-institutional graduate education within the USM.
- E. The Office of the Vice Chancellor for Academic Affairs shall provide clerical staff support to the Council and maintain the official listing of all members of the USM Inter-Institutional Graduate Faculty.

## VI. **Policy Amendments**

- A. Proposed amendments to this policy shall originate with or be transmitted to the Inter-Institutional Graduate Council.

- B. The Council shall submit its recommendations concerning all proposed amendment to the Academic Affairs Advisory Council.
1. The Academic Affairs Advisory Council shall refer a proposed amendment to its member institutions for review and recommendation prior to rendering its decision.
  2. A proposed amendment must be unanimously endorsed by the USM institutions before it can be adopted.

**(BOR III - 7.50)**

**D. Section IV: Research**

**IV – 1.00 - Policy on Establishment and Review of Centers and Institutes**

1. Centers and institutes at Salisbury University facilitate teaching, research and service and are designed to activate and enhance the mission of the University. Unlike projects and grants which are more limited in nature, centers and institutes are generally created with a continuing mission.
2. Centers and institutes are accountable to the University through the appropriate structures each serves. At the time of initiation, each center or institute provides a mission statement specifying goals, operational structure, financial provisions (budget, sources, management), space needs, and accountability/evaluation plans to appropriate deans or directors who seek the approval of the provost. A copy of the approved mission statement is filed with that provost.
3. Regular center or institute reports are provided to the dean or director who conducts a periodic review of the center or institute.
4. Each center and institute must comply with Salisbury University's policies related to operation, personnel and finances.

As of September 1998, the following centers and institutes are operating at Salisbury University.

<b>Name</b>	<b>Mission</b>	<b>School</b>
Business Resource Center	Providing services to all sizes of businesses and industries.	School of Business
Center for Adolescent Health	Undertaking research that focuses on the development and evaluation of programs and policies that promote health and prevent diseases.	School of Science
Center for Applied Mathematical Sciences	Involving students in solving problems from business and industry.	School of Science
Center for Bilingual Education	Improving recruitment and training opportunities for ESOL and bilingual teachers and improving the learning abilities of limited-English students.	School of Liberal Arts
Center for Conflict Resolution, Inc.	Conflict resolution.	Office of the President
Center for Economic Education	Improving and expanding the level of economic understanding of school children.	School of Business School of Education & Professional Studies
Center for Social Program Development and Evaluation	Provides consultation and evaluation services to human service organizations	School of Education & Professional Studies
Center for Technology Resource Center	Providing basic training in state-of-the-art technology applications in the classroom or any education setting.	School of Education & Professional Studies
Eastern Shore Export Assistance Center	Providing companies in the eight eastern shore counties with international business, trade and investment.	School of Business

Eastern Shore Regional Safe Communities Center	Providing resource materials on highway and community safety, alcohol and drug issues affiliated with Student Affairs.	Student Affairs
Eastern Shore Small Business Development Center	Providing small business counseling and training for the nine counties of the Eastern Shore.	School of Business
Enterprise Development Group	Acting as the “entrepreneurial arm” of SU by providing one-stop-shop access to the University’s technology, know-how and other outreach assets.	School of Business
European American Business Institute	Working on international projects and promoting international business exchange.	School of Business
Institute for Service Learning	Advancing service learning programs in a three-county region of Maryland’s Lower Eastern Shore through faculty development, curriculum development and by engaging youth and young adults in meaningful service to their communities.	Student Affairs Academic Affairs
John B. and Florence Simoñds May Literacy Lab	Provides literacy tutoring for community members.	School of Education & Professional Studies
Lower Shore Child Care Resource and Referral Center	Provides referrals for child care and resources and training to child care provider.	School of Education & Professional Studies
Maryland Summer Center for the Arts	Providing a integrated arts enrichment program in the visual and performing arts for gifted and talented students in grades 7-11.	School of Liberal Arts
The Mid-Atlantic Sales and Marketing Institute	Providing marketing-related consulting services to area business.	School of Business
Partnership for Adolescents on the Lower Shore	An AmeriCorps national service program, which delivers services to adolescents in a four-county region of Maryland’s Lower Eastern Shore.	Student Affairs Academic Affairs
The Perdue Center for Professional Development	Sponsoring and conducting seminars for regional business owners and other professionals.	School of Business
BEACON	Offering a variety of business, economic, enterprise and community development consulting services to a variety of clients.	School of Business
Edward H. Nabb Research Center for Delmarva History & Culture	Preserving the history and culture of the Maryland, Delaware, and Virginia region.	School of Liberal Arts
Shore CAN Volunteer Center	Generating citizen action through volunteer service to address community needs on Maryland’s Lower Eastern Shore.	Student Affairs Academic Affairs
Small Business Institute	Coordinating assistant to regional business.	School of Business

(BOR IV - 1.00)

#### **IV – 2.00 - Policy on Solicitation and Acceptance of Sponsored Projects**

1. The Office of Grants and Sponsored Research has responsibility for grants administration and works with administrators and faculty interested in securing federal, state or private funds for projects requiring outside support.
2. Administrators and/or faculty initiate, conceive and develop proposals for prospective grants and awards. All proposals for specific sponsored projects shall be reviewed by institution personnel for consistency with all University System and institutional policies, for appropriateness to the mission of the institution, for liability assessment, and for program conduct and university support by relevant department chairs and deans and the provost. Where grant proposals require university financial or other support, proposal initiators need to secure necessary support from appropriate offices.
3. Grant applications must be submitted to the Office of Grants and Sponsored Research at least two (2) weeks before the day of final submission. The office recommends that all who are involved in proposal writing should submit preliminary budgets when they are first developed and well in advance of complete proposal submission and provide guidelines which appear in **Appendix J**. This will ensure assistance from the office in necessary budget review and possible revision.
4. Each grant application and contract agreement must be accompanied by a completed Internal Review Form (**Appendix L**) available from the Office of Grants and Sponsored Research or at [www.salisbury.edu/grants/Resources.html](http://www.salisbury.edu/grants/Resources.html). Provost's signature will be obtained by the Grants Office.
5. Once administrative review and the Internal Review Form for a proposal or contract is complete, the Grants Office will have the final proposal duplicated, distribute it to appropriate campus officials and submit it to the granting agency.
6. The Grants Office will work with grant and award recipients to help them fulfill administrative requirements and to ensure that the provisions of the grant are completed. The office also notifies the Office of Administration and Finance of grant approval so that accounting and fiscal records can be established, funds augmented to appropriate accounts or expended locally in accordance with current regulations, restrictions and grant agreements.
7. The Grants Office maintains files of guidelines, general information, application forms and other materials related to grant programs sponsored by many federal, state and local agencies.
8. The Grants Office submits annually to the chancellor a summary of sponsored project activity. The content and format of the report is determined by the University System of Maryland Office and includes, at a minimum, the number of awards and their dollar value.

**(BOR IV - 2.00)**

**Amended August 2003 – BOR**  
**Revised and Approved by Provost's Office on August 2003**  
**Revised and Approved by Grant's Office on August 2003**

Revised 9/03

#### **IV – 2.10 Policy on Human Subjects Research**

The policy of the University of Maryland System is to respect and protect the rights and welfare of individuals. In the conduct of research, actions of the University of Maryland System and its constituent institutions will be guided, to the extent that they are applicable, by principles as set forth in such nationally accepted documents as the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Ethical Principles and Guidelines for the Protection of Human Subjects of Research (April 18, 1979). Actions of the University of Maryland System and its constituent institutions will also conform to applicable federal, state, and local laws and regulations.

In accordance with this policy, all University of Maryland System research activities which involve human subjects, regardless of the level of risk foreseen, require review and approval, prior to the initiation of the activity. An Institutional Review Board (IRB) shall have jurisdiction over all reviews and approvals in accord with procedures set forth in recognized documents, e.g. Multiple Project Assurance document, and/or applicable regulations and policies including other policies adopted by the System or an institution. Those research activities in which human subjects may be exposed to more than minimal risk must be reviewed at a convened meeting of an IRB; other research activities may be reviewed in the manner determined by the IRB under its procedures. An individual is considered to be at more than minimal risk if exposed to the possibility of harm -- physical, psychological, social, legal, or other -- as a consequence of participation as a human subject in any research activity which departs from the performance of routine physical or psychological examinations and tests, or which departs from established and accepted procedures necessary to meet the individual's needs, or which increases the probability or magnitude of risks ordinarily encountered in daily life.

This policy applies to all research activities and to all development, training, and improvement or other related activities containing a research and development component. Furthermore, it applies to any such activity performed on the premises of the University of Maryland System or its constituent institutions and to any such activity performed elsewhere by faculty, students, or employees under University of Maryland System auspices.

To carry out this policy the University of Maryland System institutions will maintain a sufficient number of IRBs with appropriate membership to provide for adequate reviews. The IRBs will have the authority to approve, to require modification as a condition of approval, and to disapprove proposed activities that are covered by this policy. Furthermore, the IRBs will have the authority to determine whether or not any activity is covered by the policy and whether it requires review by an IRB.

**Note:** Applications for review can be obtained in the Office of Grants and Sponsored Research.

**Approved by BOR April 25, 1991**

**(BOR IV - 2.10)**

**Revised 9/03**

## IV – 2.20 - Policy on Classified and Proprietary Work

In the matter of classified and proprietary work, Salisbury University operates under **BOR IV - 2.20 UNIVERSITY SYSTEM OF MARYLAND POLICY ON CLASSIFIED AND PROPRIETARY WORK**, which is reproduced in full below.

The mission of the University System of Maryland is to generate and to disseminate knowledge. University System interests and purposes are well served by the conduct of extramurally sponsored activities. Sponsors may operate within a proprietary or classified environment while the University functions on the principle of free inquiry and open expression. To serve the common interests of both the University System and the external sponsors, reasonable and workable guidelines for collaborative work which both facilitate beneficial arrangements with the sponsors and protect the basic tenets of the University are necessary.

### Policy

It is the policy of the University System of Maryland that instruction, research, and services will be accomplished openly and without prohibitions on the publication and dissemination of the results of academic and research activities. The following statements establish the basis, under this general policy, on which the University System institutions will enter into contractual agreements under governmental or private sponsorship. It also provides the basis for acceptance of graduate theses and dissertations.

1. It is the policy of the University System of Maryland that it neither conducts federal classified work nor permits the use of University facilities or resources for classified work on any of its campuses. When it is in both the University System and the national interest, it is appropriate to engage in classified work, such work must be conducted at off-campus sites.
2. The University System of Maryland enters into no contractual agreement that restrains it from disclosing the existence of the agreement, the nature of the work, and the identity of the sponsor.
3. University System institutions will enter into no agreement that bars investigator(s) from publishing or otherwise disclosing the findings publicly. However, with the concurrence of the investigator(s), the institution may agree to delay publication for a maximum of 90 days to allow sponsors to determine whether their proprietary information may be revealed, or whether they will exercise their rights under patent clauses in agreements with the institution. The institution with the concurrence of the investigator(s) may agree to an additional delay of up to 90 days.
4. The University System recognizes that some publishable work can best be accomplished if a University investigator(s) has access to a sponsor's proprietary information or materials. The University and investigator(s) may agree to use reasonable efforts to protect such information or materials from disclosure, but they cannot accept liability if such efforts fail.
5. University System institutions accept no graduate theses or dissertations that cannot be made public. The provisions stated in **item 3** for delaying public disclosure also apply to graduate theses and dissertations; therefore, the institution will not permit a student to defend any thesis or dissertation which contains proprietary information until the time period allowed by **item 3** has expired.
6. This policy does not apply to consulting or other activities conducted off-campus or without the use of University facilities or resources. Consulting activities must conform to the University's separate policy on consulting.

7. This policy does not require the disclosure of the identity of human-research subjects whose participation in research projects is secured through pledges of anonymity. Further, this policy does not require disclosure of confidential student, patient or employee records protected by federal, state or university policies or of information protected by professional ethics.
8. Under highly unusual circumstances, exceptions to **items 1-4** may be granted by the chancellor of the University System of Maryland on the recommendation of the appropriate president or director. The chancellor will make an annual report to the Board of Regents specifying exceptions granted under this provision.

### **Definitions**

For the purpose of this policy proprietary information or materials means unclassified information or materials that can be made public or that can be disseminated only with the approval of an individual or organization external to the University System of Maryland.

**(BOR IV - 2.20)**

## IV - SU – Policy on Electronic Mail Services ACCEPTABLE USE POLICY<sup>15</sup>

### GENERAL PRINCIPLES

Electronic mail (email) services at SU are provided to support education, personal and scholarly communication, administration and other SU business. Everyone using email should be considerate of the needs of others, and be certain not to impede the use of the email services by others. Users should be respectful of the feelings of others and be aware that any message can be redistributed to anyone with great ease. In addition, all electronic messages must contain the name and electronic mail address of the person making the information available; no anonymous information should be sent.

### EMAIL PRIVACY

Electronic mail messages are considered private correspondence. As such, messages are viewed as the private property of the receiver and will not be made available to other members of the campus community without the owners' consent.

Although privacy and security are of the utmost importance, university administrators may access messages under some circumstances. These include:

- To comply with a request under federal or state public information laws;
- To maintain, repair, and trouble shoot the computer network;
- To investigate misuse of the network, such as theft, copyright infringement, gambling, pornography, and harassment, after the University is put on notice of a specific concern;
- To obtain university business records and to conduct business-related investigation, such as audits.

### ACCEPTABLE USES OF UNIVERSITY EMAIL

The SU email system may be used as follows:

- To perform educational/university business and to communicate with all friends, family, classmates, and associates locally and off campus.
- To communicate with local and foreign educators, students, researchers and colleagues in connection with instruction or research.

### UNACCEPTABLE USES OF UNIVERSITY EMAIL

The SU email system may **not** be used:

- To engage in or promote a private commercial business purposes in violation of University policies<sup>16</sup>;
- To send chain letters, or any illegal schemes or activities;

**New Policy 10/7/02**

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<sup>15</sup> This policy does not supercede or negate any part of the SU Information Technology Acceptable us policy available at <http://itweb.SU.edu/usersvcs/labs/aup.htm>.

<sup>16</sup> This policy does not supercede or negate any part of the SU Information Technology Acceptable us policy available at <http://itweb.SU.edu/usersvcs/labs/aup.htm>.

- To send mailings to large numbers of people that contains unwanted solicitations or information. These mailings are often referred to as "spams". (The university provides a daily Campus Bulletin Digest that should be the vehicle for the distribution of general interest information);
- To launch an email "attack" resulting in a denial of service to university email users;
- To send messages which constitute illegal activities or harassment or infringement on the rights of others;
- To send anonymous mailings, or mailings which impersonate another individual;
- To introduce a computer virus;
- To violate the constraints on communications imposed by any licensing or professional association to which the user belongs;

## **ENFORCEMENT OF POLICY**

Any user, who engages in the actions specifically prohibited under "Unacceptable Uses", as judged by the University Chief Information Officer, may lose access to e-mail services, pending a meeting with the Chief Information Officer. Notification of loss of access must be accompanied by a written explanation. If the issue is not resolved during this meeting, further appeal may be necessary to regain email access. In the case of students, the Office of the Vice- President of Student Affairs will determine the appropriate action including referral to the University Judicial System. In the case of faculty, the Academic Freedom and Tenure Committee will make the judgment and in the case of staff, the appropriate supervising Vice President will hear any appeal.

## **CAMPUS BULLETIN DIGEST**

The University maintains a list server that disseminates non-business related information to interested users on a daily basis. The Campus Bulletin Digest (CBD) compiles emails from users and sends these items in the form of one GroupWise email message a day. Users may subscribe or unsubscribe from the Digest, at will. Personal or non-business matters should be distributed through the Digest rather than through email messages to everyone on Campus. Submissions to the Campus Bulletin Digest must follow the same acceptable use requirements as any other campus email.

## **RECOMMENDATIONS ON EMAIL USE**

Some recommendations for the use of campus email:

1. It is recommended that communication of confidential or proprietary information be restricted as much as possible.
2. If a user inadvertently comes upon information not intended for public viewing, exit immediately.
3. It is recommended that users store no personal information about others in their files.
4. Files that are considered highly personal or confidential should be stored on the owners' personal computer and protected by a password, and removed from the campus network.
5. It is strongly recommended that users maintain the confidentiality of their email and network passwords.

**Approved by Faculty Senate 1999**

**New Policy 10/7/02**

#### **IV – 3.00 – Policy on Patents**

This policy has been replaced with the Intellectual Property Policy, which can be found in Appendix S.

**Revised 10/7/02**

#### **IV - SU – Policy on Copyrights**

This policy has been replaced with the Intellectual Property Policy, which can be found in Appendix S.

**Revised 10/7/02**

**IV - SU – Policy on Intellectual Property**  
*(This policy replaces the Policies on Patents (IV – 3.00) and Copyrights (IV- 3.10).)*

This policy can found in Appendix S.

**New Policy 10/7/02**

**Please note that the following pages (212-219) are not part of the Intellectual Property, but these policies are referenced in the Intellectual Property Policy under Section V.D.3.**

**Revised 10/7/02**

## **IV – SU - Policy on Obtaining Permissions for Use of Copyrighted Materials** (See Section V.D.3. of the Intellectual Property Policy)

### **1. Purpose**

The purpose of the Salisbury University Policy on Obtaining Permissions for use of Copyrighted Materials is to comply with federal copyright law. The policy applies to all documents subject to federal copyright law including books, magazines, journals, newspapers, videotapes and computer software. The complete text of the Copyright Act of 1976 may be found in **Title 17, U.S. Code, Section 101, et. seq.** and accompanying explanatory documents on reserve in Blackwell Library. All employees should familiarize themselves with this law.

### **2. The Policy**

Permission to copy copyrighted material not covered under the limits of legitimate classroom use as defined in the attached summary excerpted from a memo from the Maryland Attorney General's Office must be obtained whether the copies are to be given away, sold, or put on reserve. Written copyright permission must be presented to Duplication Services before multiple copying will be done, to the library before material will be put on reserve; and to the bookstore before the materials will be sold.

The following procedures have been established for obtaining and maintaining licenses and permissions for the use of copyrighted materials.

### **3. Procedures for Obtaining Permissions for Use of Copyrighted Materials in Internally Produced Manuals or Packets**

- a. The deadline for applying for permissions to use copyrighted materials in course manuals/packets is the same date that adoption forms for class texts are due in the university book store. (Adoption forms for the fall semester are usually due early in April and for the spring semester, early in November.) Book adoption forms sent to faculty from the book store will be accompanied by Academic Permissions Service (APS) forms.
- b. When faculty fill out adoption forms for course manuals/packets they develop, they must also complete for each, an APS form that contains all information necessary for obtaining permission to use the copyrighted material that will be included in the manual/packet. Additionally, faculty must provide a table of contents for each manual/packet that lists every item, including copyrighted materials that will be included in the manual/packet. The Book Rack will not be responsible for obtaining permissions if these materials are not submitted by the adoption-form deadline for the semester.
- c. The Book Rack will apply to either the Copyright Clearance Center or the National Association of College Stores to obtain permissions for use of copyrighted materials and will notify applicant faculty as soon as these permissions have been secured.

### **4. Procedures for Printing and Selling Manuals or Packets Containing Copyright Materials Approved for Use**

- a. Once permissions to use copyright materials are obtained, faculty arrange for printing through Duplication Services or Blackwell Library.
- b. Faculty decide how many copies of the packet/manual to print, bearing in mind that unsold copies will be returned and charged back to their departments.

Revised 10/7/02

- c. Faculty estimate the cost of producing the packet/manual including fees for permissions, printing costs and binding costs. They inform the Book Rack of this estimate and the Book Rack applies an appropriate mark up and determines the final retail price at which the packet/manual will be sold.
- d. Faculty make arrangements for production of their packets/manuals and for delivering them to the bookstore at the appropriate time at the beginning of the semester in which they are to be used.

5. **Procedures for Placing Multiple Copies of Copyrighted Materials on Reserve in the Library**

- a. Copyright permissions for library reserves are handled by the Copyright Clearance Center through its Transactional Reporting Service (TRS) which provides instant authorization for all items listed in its *Catalog of Publisher Information (COPI)*. *COPI* has more than 1.5 million titles, including scholarly journals, books, and conference proceedings.
- b. Faculty members may ask the library to check *COPI* for the copyright fees on materials they are considering for reserves by telephone, in person, or by campus mail. Faculty members should follow the procedure their departments have established for using funds from the Reserve Account. The library must have authorization to pay copyright fees from a departmental allocation before it can process photocopies for reserves.
- c. For materials listed in *COPI*, faculty members should include a departmental charge authorization with the photocopies they wish to place on reserve. The library will then process these copies immediately. (Note: when multiple copies are placed on reserve, a copyright fee is charged for each copy.)
- d. For materials not listed in *COPI*, the faculty member must obtain permission directly from the publisher. The library's Reference Department can provide sample letter requesting permission from publishers and will assist in locating other information as needed. Any fees charged by the publisher are the responsibility of individual faculty members or their departments. The library must have a copy of the publisher's permission letter before placing the photocopied item on reserve.
- e. At the end of the reserve period, the library will return all photocopies to the faculty members who placed them on reserve. Copyright fees must be paid each time a photocopy is placed on reserve.

6. **Guidelines for Determining Free and "Fair Use" of Copyrighted Materials in the Classroom**

In January 1994, the Academic Affairs Division of the Maryland Attorney General's Office provided University System of Maryland Institutions with a summary of a document entitled *Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions* which is incorporated in the legislative history of the 1976 Copyright Act. These guidelines were negotiated at the request of federal legislators, authors' representatives, publishers, and educators. Faculty should review the guidelines carefully and use them to determine when they may use copyrighted material without permission and when they must apply for permission to use such materials. The guidelines permit the making and classroom use of multiple copies of copyrighted materials under the following conditions listed on the next page:

- a. **Brevity** - The work is a complete article, story, or essay of less than 2,500 words, or is an excerpt from any prose work of not more than 1,000 words, or 10 percent of the work, whichever is less.
- b. **Spontaneity** - The copying is at the instance and inspiration of the individual teacher, and the decision to use the work and the time of its use are so close together that it would be unreasonable to expect a timely reply to a request for permission to use the copyrighted work.

- c. **Cumulative Effort** - The copying of the material is for one course and consists of not more than one short work or two excerpts from the same author, nor more than three from the same collective work and there are no more than nine instances of multiple copying for the course during one class term.
- d. **No Anthologies** - Copying is not used to create, replace or substitute for anthologies, compilations or collective works. Also, copying does not substitute for the purchase of books or reports, or is not repeated with respect to the same item by the same teacher from term to term.
- e. **No Profit** - No charge is to be made to the student beyond the actual cost of the photocopying.

#### **IV – SU - Policy on Copyright for the Reproduction and Use of Non-Print Materials** *(See Section V.D.3. of the Intellectual Property Policy)*

It is the intent of Salisbury University to adhere to the provisions of copyright laws. The following is intended as a guide to the appropriate reproduction and use of copyrighted non-print materials.

The Copyright Act of 1976 protects all original works of authorship fixed in any tangible medium of expression. It does not extend to any idea, procedure, process, system, or discovery.

Under the law, the copyright owner alone has the right to reproduce, perform, display, and distribute the work, and to prepare derivative works. Only the owner may grant these rights to others and copying without owner permission is an infringement. Lack of copyright labeling on a work does not constitute permission to copy.

#### **Fair Use**

The 1976 Copyright Act also discusses fair use, the conditions under which copying of any material is allowed without permission of the copyright owner. Four factors are used to determine fair use and all four must be met before copying is allowed.

1. The purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes. If the purpose for copying does not fall into the categories of criticism, comment, teaching, scholarship, research, or news reporting, it is not a fair use.
2. The nature of the copyrighted work. Greater license to copy is allowed when the work is factual than when it is creative.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole. Wholesale copying can never be a fair use. Copying a large portion of a work or the essence of a work is an infringement.
4. The effect of the use upon the potential market for or value of the copyrighted work. A use that deprives the copyright owner of reward for his work is more likely to be considered an infringement.
5. Written permission should be obtained from the copyright holder with any specific limitations clearly defined.

#### **Off-Air Recording**

Non-profit educational institutions may record off-air and use copyrighted broadcast programming for educational purposes within the limits of fair use.

1. Television

These guidelines reflect the consensus of the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice (1979) as to application of fair use to television broadcast programs. They do not have the force of law but are widely accepted by education organizations, copyright proprietors, and creative guilds and unions.

A broadcast program, transmitted by a television station for reception by the general public without charge, may be recorded off-air simultaneously with broadcast transmission. This includes simultaneous cable retransmission.

**Revised 10/7/02**

Off-air recordings may be made by an institution only at the request of an individual teacher and not in anticipation of a teacher request. The same teacher can request the program be recorded only once, regardless of how many times the program is broadcast. If several teachers request the same program be recorded, duplicate copies may be made. A teacher also may record a program off-air at home for use in the teacher's classroom.

Recordings may be shown to students only during the first 10 school days after the recording date and may be repeated only once for reinforcement. These uses must be in face-to-face situations in classrooms and similar places devoted to instruction. Recordings may be transmitted to one or more classrooms via closed circuit so long as the transmission is not from one building to another.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each additional copy is subject to all the provisions governing the original recording.

After the first 10 school days allowed for showing, recordings may be used only for evaluation purposes. The recordings must be erased no later than 45 calendar days after the date of recording unless rights to further use have been acquired from the copyright owner.

Off-air recordings need not be used in their entirety but the recordings may not be edited or combined with other recordings to create an anthology or a new work. All copies of a recording must contain the notice of copyright as broadcast.

## 2. Radio

Guidelines for off-air recording of radio broadcasts have not been developed by legislators but there is no indication that Congress intended the Copyright Act of 1976 to exclude radio. Teachers should follow the fair use guidelines above to comply with the spirit of the law.

### **"Home Use Only" Videotapes**

Rented or purchased videotapes labeled "HOME USE ONLY" are not cleared for public performance. So long as such tapes meet an instructional goal and are not entertainment for students, it appears teachers have the right to display them in face-to-face teaching situations under the fair use conditions.

### **Audiovisual Materials**

Copyrighted Audiovisual materials include films, videotapes, videodiscs, filmstrips, slides, audio recordings, and overhead transparencies. These materials may be used in a class under the following conditions:

Materials must be part of the instructional program, must be shown by students, teachers, or guest speakers, and must be shown in a classroom or similar place devoted to instruction.

Materials must be shown only to students or educators and in a face-to-face teaching situation.

Audiovisual materials may not be transmitted electronically from one building to another.

The copyright notice must be included and the materials must be legitimate copies.

Copying copyrighted Audiovisual materials owned by the teacher or educational institution is permitted when reproduction is not prohibited and under certain conditions:

A single copy of a portion of any non-consumable material may be copied for scholarly or research use, so long as reproduction does not exceed 10 percent of the original and does not excerpt the essence of the original. The entire material may not be copied.

No copying is permitted from works intended to be consumable in the course of study. These include workbooks, exercises, standardized tests, and like consumable material.

### **Music**

A single copy of a recorded student performance of copyrighted music may be retained by a teacher for evaluation or rehearsal purposes.

A single copy of a sound recording of copyrighted music may be made and retained from recordings owned by the institution or teacher for the purpose of constructing aural exercises or examinations. This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.

**Adopted from Policy developed in 1987 by the Heartland AEA 11 Media Center, Johnston Iowa.**

## **IV – SU - Policy on Duplicating Classroom Presentation Materials** *(See Section V.D.3. of the Intellectual Property Policy)*

### **Videotapes**

Off-Air: Instructional Media will tape off the air any program that will be used for instruction in classroom presentation. Requests will be taken only from faculty teaching the course. The following information must be provided:

1. Title of program to be taped
2. Date of program
3. Time of program
4. Channel or station
5. Program length
6. Instructor's name and department

Requests must be received by Instructional Media 48 hours prior to recording and must have labeled blank tape(s). All requests will be filled on a first come basis.

Faculty wishing to retain copied tapes beyond the legal limit will obtain written permission to do so. The following information will assist faculty in obtaining permission:

1. Letters are to be addressed to the network addresses, Permission Department
2. Title of program
3. Air date
4. Request to retain copy of program for classroom instructional use
5. Use statement "Permission to retain off-air copy on a cost free basis," include "Conditions, if any."
6. Enclose a self-addressed envelope for fast response.

### **Faculty Produced**

Videotapes produced by faculty for use in their classes must contain visuals, audio and clips that are copyright free. Any original work that includes copyrighted material must be produced with required copyright clearances.

### **Photography**

Slides may be made from any work as long as no more than 10% of the work is photographed and that the content does not constitute the major concept of the work. Faculty will request permission from the copyright holder in those areas that extend beyond this definition.

### **Audio Recordings**

Audio tapes will be copied by Instructional Media when such copies are required as part of classroom presentation. Faculty will request permission to retain copies beyond the legal limits.

### **Video and Audio Tape Dubbing**

Requests for dubbed copies of copyrighted videotape or audio tape material must be accompanied by written permission from the copyright holder. A copy of the permission will be kept on file in Television Services. No recording will be done without written permission.

Revised 10/7/02

### **Satellite-Delivered Material**

Requests for recordings or dubbed copies of copyrighted satellite-delivered material must be accompanied by a program license agreement from the copyright owner which grants permission for such recording. No recording will be done without written permission.

#### **IV – SU - Policy on Public Relations**

The Salisbury University Public Relations Office is responsible for informing external audiences, through the media in most instances, of the on-going policies and operations of the University. This includes announcements of University news and upcoming events associated with the University, as well as responses to media inquiries.

It is the office's job to devise and carry out programs that will gain wide and favorable interpretation of these policies and operations.

The tools used to accomplish this task include press releases, feature stories, advertisements, press conferences, frequent contact with representatives of newspapers and magazines, radio and television stations, and the World Wide Web. Profnet, an electronic media clearinghouse, is an expertly effective communication vehicle to reach audiences beyond the Eastern Shore.

The Public Relations Office is ready to assist faculty/staff members in publicity efforts. The office can also assist in arranging interviews and other contracts with the media (news paper, radio and TV) and the Web. In general faculty/staff are encouraged to use the Public Relations Office's resources as much as possible, but going through this office is not a necessary condition for communicating with the media, so long as a faculty/staff member is speaking as a citizen and not as a spokesperson for the University. The mere identification that one is an employee of the university does not make one a spokesperson for the university. Each faculty/staff member is reminded that he/she has special obligations in communicating with the media as a citizen: to be accurate, to show respect for the opinions of others and to make every effort to indicate that he/she is not an institutional spokesperson.

When a faculty/staff member is speaking as a spokesperson for the university, all contact with the media should be routed through the Public Relations Office.

All campus publications intended for an audience outside the campus community should be routed through the Public Relations/Publications Office. The Publications Office has final approval for all of these "external" publications. This policy ensures all campus publications have a common "look" and they adhere to any university, state or referral requirements for certain publications.

All advertising (display or classified) must go through the Public Relations Office.

**E. Section V: Student Affairs**

**V - 6.00 - Policy on Community Service**

1. Salisbury University System Board recognizes the value of involvement in community service. Such service allows students to volunteer in their campus and local communities for experiences which are integrated with the academic program and provide valuable and rewarding learning experiences.
2. Consistent with its mission, the University provides administrative mechanisms for its student community services in the New Student Seminar, in courses in each school of the university and in many campus clubs and organizations. Details about these kinds of community service opportunities appear in the university catalogue.

**(BOR V - 6.00)**

**V – 7.00 – Policy on Students Who Are Called to Active Duty During a National or International Crisis or Conflict**

1. They may withdraw outright receiving W's in all courses and receive a full refund for the semester.
2. They may receive W's in some courses (with no refund) and negotiate with faculty members for Incompletes in other courses.
3. As an alternative to a full refund and receiving W's in all courses, they may negotiate with faculty members for Incompletes in all courses. The terms negotiated by faculty members and students for incomplete grades should be specific for the individual and reasonable time frame involved. It is, of course, the students' prerogative to initiate the negotiation.
4. A refund of room and board fees will be issued based on the actual days of occupancy.
5. Students who leave the institution in good academic standing may submit a readmission application to be reinstated to the university.

**(BOR V – 7.00)**

**Approved by the Board of Regents on October 5, 2001  
Revised by the Provost on August 4, 2003**

**New Policy 9/03**

## **F. Section VI: General Administration**

### **VI – 1.00 - Policy on Affirmative Action and Equal Opportunity**

#### **A. Purposes of the Affirmative Action Plan**

The purpose of this report is to provide a written plan representing Salisbury University's moral and legal commitment to insure equal opportunity for employment to all its employees and applicants for employment. This plan constitutes a revision and updating of information appearing in the University's affirmative action plans dated December 1994, December 1, 1993, July 31, 1992, December 20, 1991, July 31, 1990, July 31, 1989, July 31, 1988, June 22, 1987, July 31, 1986, June 10, 1985, and, prior to that, November 15, 1983. In accordance with federal and state guidelines, essential components of the plan include a policy statement on equal opportunity and affirmative action, pertinent legal mandates, assignment of responsibility, a utilization analysis of the University's workforce, measures to achieve plan commitments, and monitoring and record keeping procedures. Updating of information and data in the plan will occur on an annual basis.

#### **B. Equal Employment Opportunity Policy: Equal Opportunity Statement**

It is the policy of Salisbury University to provide equal employment and educational opportunities without regard to race, color, religion, national origin, sex, age, marital status or handicap as required by Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, Section 504 or the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, and other equal opportunity regulations. It is also the policy of Salisbury University to provide equal employment and educational opportunities without regard to sexual orientation. More specifically, it is the University's policy to make all decisions regarding educational opportunities and employment, including recruitment, hiring, promotion and other terms and conditions of employment without discrimination. Notwithstanding the above, nothing herein shall give rise to a claim or complaint for alleged discrimination on the basis of sexual orientation because of any University action or omission taken in compliance with any Federal or Department of Defense Regulation prohibiting or restricting or otherwise creating disparate treatment in the participation of any Military, Defense, National Guard or Reserve training program. Nothing herein shall give rise to any claim or complaint of alleged discrimination against Salisbury University, the State of Maryland, its employees, agents or assigns because of an act of alleged discrimination committed by any third party. Inquiries should be directed to the Affirmative Action Officer, Salisbury University, 1101 Camden Avenue, Salisbury, Maryland 21801-6837 (Telephone (410) 543-6025).

Furthermore, the University commits itself to an affirmative action program, as described in this plan, to provide for equal employment opportunity. The intent of this program is to achieve the following:

1. To enjoin upon all members of the Salisbury University community the responsibility to comply with affirmative action plans and assure a work and classroom environment without discrimination.
2. To determine the extent to which blacks, women, and other minorities are underutilized in the University's workforce in relation to labor market availability and identify specific actions (including the setting of goals and a timetable) designed to rectify any underutilization.
3. To identify and eliminate any employment practices or policies which might adversely affect minorities, women and others protected by applicable law.
4. To develop monitoring procedures that will serve to ensure equal opportunity in the hiring process.

5. To expand applicant pools of minorities, women and other protected groups through identification of recruitment methods and sources.

The University hereby commits itself to the policies, objectives, and goals as stated in this plan.

**(BOR VI - 1.00)**

## **VI – 1.05 - Policy on Non-discrimination on the Basis of Sexual Orientation**

In the matter of non-discrimination on the basis of sexual orientation, Salisbury University operates under **BOR VI - 1.05 UNIVERSITY SYSTEM OF MARYLAND POLICY ON NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION**, which is reproduced in full below.

The commitment of the University System of Maryland to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that treatment of students, faculty, and staff of University System of Maryland institutions, and applicants for admission and employment, be based on individual abilities and qualifications and be free from invidious discrimination.

This policy specifically prohibits discrimination against students, faculty, and staff on the basis of sexual orientation in academic admissions, financial aid, educational services, housing, student programs and activities, recruitment, hiring, employment, appointment, promotion, tenure, demotion, transfer, layoff or termination, rates of pay, selection for training and professional development, and employee services. “Sexual orientation” is defined as the identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality. The Board of Regents reserves the right to observe the terms of any bona fide employee benefit plan such as a retirement, pension, or insurance plan, and to enforce or comply with any federal or State law, regulation, or guideline, including conditions for the receipt of federal funding.

This policy shall be published in all appropriate University System of Maryland Headquarters and individual institutions documents, and University System of Maryland Headquarters and each System institution shall adopt procedures to implement and enforce this policy, including the designation and publication of the officials responsible for receiving, investigating and resolving complaints of discrimination prohibited by this policy.

**Approved by the Board of Regents, July 11, 1997**

**(BOR VI - 1.05)**

## VI – 1.10 - Policy on Acts of Violence And Extremism

1. Salisbury University faculty and staff operate under **BOR VI - 1.10 UNIVERSITY SYSTEM OF MARYLAND POLICY ON ACTS OF VIOLENCE AND EXTREMISM**. That policy is reproduced in full below.

The essential nature of the University requires an atmosphere of tolerance and understanding of diverse groups, ideas, and opinions.

Acts of destruction or violence which are racially, ethnically, religiously, and/or otherwise motivated against the person or property of others and which infringe on the rights and freedom of others will not be tolerated at the University System's institutions or facilities.

Individuals committing such acts at any facility of the System are subject to campus judicial and personnel action, including suspension, expulsion or termination.

In addition, the Board of Regents encourages its institutions to pursue criminal prosecution of persons committing such acts under State and federal criminal laws.

2. Faculty are also responsible for supporting the University's **Student Code of Conduct**, which appears in full in the Student Handbook, published by the Student Affairs Office.
3. Threats of Violence
  - a) Salisbury University is committed to providing a learning and working environment that provides the highest possible sense of safety and security for all members of the University community. The University is committed to upholding the laws involving threats of violence, and violations will be handled accordingly. Additionally, some threats (verbal or other) to kill or do harm do not necessarily violate Maryland criminal law but, nonetheless, are in direct conflict with the mission of the University and violate our standards of conduct. Consequently, the University reserves the right to have complaints concerning all kinds of threats of violence that have a direct or significant impact on the University heard by the appropriate University committee (emergency meetings may be required) and to take appropriate action based on the committee's findings.
  - b) Individuals who have experienced or witnessed incidents of violent acts or threats are encouraged to report the incident to the University Police. Alleged threats or acts of violence will be investigated and may result in criminal charges being filed and the accused being arrested. If the continued presence of the accused on campus is dangerous, threatening or disruptive to the conduct of the University business, the University also reserves the right to temporarily remove the person from the campus pending further action.
  - c) Policies contained in this document relate to situations where faculty members are accused of making threats of violence. Provisions to terminate tenured faculty members from the University are defined in section II, 3, g of the *1999-2001 Salisbury State University Faculty Handbook* and no part of this policy is intended to extend those provisions. Complaints that have not been resolved by informal processes will be heard by one of the following University committees: 1) The University Faculty Welfare Committee will hear all cases except those where the central issues relate to academic freedom or tenure; and 2) The University Academic Freedom and Tenure Committee will hear all cases where the central issues relate to academic freedom or tenure.

Approved by the Faculty Senate 12/11/01

(BOR VI - 1.10)

Revised 10/7/02

## VI – 1.20 - Policy on Sexual Harassment

### A. Prohibiting Sexual Harassment

Salisbury University encourages an atmosphere of physical, psychological and social well-being which offers all members of the University community an environment that provides opportunities to work, learn and develop with the human dignity that caring individuals bestow on one another. As a result, intimidation and harassment of any kind, and, specifically, sexual harassment, are expressly prohibited. Sexual harassment is a serious issue. When it occurs between faculty and students or supervisors and subordinates, it exploits the unequal power structure inherent in these relationships. When it occurs between students or co-workers, it may create an intimidating or hostile environment in which to learn or work. It is unacceptable conduct and will not be tolerated by the University.

Salisbury University defines sexual harassment as unwelcome sexual attention, unwelcome requests for sexual favors and other verbal or physical behavior of a sexual nature when:

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or participation in an academic program;
- submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting that person; or
- such conduct unreasonably limits an individual's ability to fully participate in work or school, interferes with work or academic performance, or creates a hostile, offensive or intimidating work or academic environment, and has no legitimate relationship to the subject matter of the course or the demands of the workplace.

Some examples of behaviors that could be perceived as sexually harassing include, but are not limited to, sexually graphic comments, offensive e-mail transmissions, offensive or suggestive graphics visible on walls or the Internet, the display of sexually graphic objects, and persistent and unwelcome sexual advances.

Sexual harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. This policy shall not be construed so as to abridge the right to academic freedom that is consistent with the University's mission and federal and state law.

Sexual harassment violates Salisbury University policy and may violate federal and state civil or criminal law. Persons who feel that they may have been subject to sexual harassment should immediately seek assistance and report their concerns using the Salisbury University Procedures for Pursuing Complaints of Sexual Harassment. Retaliation against a person who makes a complaint of sexual harassment or is a witness in a sexual harassment investigation is also expressly prohibited by this Policy.

In addition, due to the potential for serious harm to innocent persons, the filing of a knowingly untruthful complaint of sexual harassment is also expressly prohibited. The failure to prove to the Equal Employment Opportunity Officer or the hearing committee that sexual harassment has occurred is not, by itself, evidence that a knowingly untruthful complaint has been made.

Persons who need more information about this Policy or who desire to pursue a complaint under this Policy should contact Leon Burks, Equal Employment Opportunity Officer, at 410-543-6426.

Persons found to be in violation of this Policy may be subject to disciplinary action and/or other appropriate sanctions.

## **B. Procedures for Pursuing Complaints of Sexual Harassment**

### **1. Informal Complaint Procedure**

Some sexual harassment complaints may initially be handled more appropriately by informal procedures. Students, exempt, nonexempt and contingent employees, and faculty should feel free to raise a concern about sexual harassment to any person in a position to advise them and with whom they feel comfortable. For example, these persons could include a faculty advisor, deans, department chairs or directors, the director of human resources, the equal employment opportunity officer, the provost, or another University administrator. The Complainant and the recipient of the complaint should work together to decide additional steps necessary to resolve the complaint, and in many instances, they may conclude that no additional action need be taken. In all instances, however, the Equal Employment Opportunity Officer should, at a minimum, be advised of the existence and the resolution of the complaint. In some cases, it may be necessary to refer the complaint formally to the University for a resolution even if the Complainant would prefer that this not occur. All reasonable efforts will be made to resolve the matter to everyone's satisfaction.

All persons involved should treat complaints of sexual harassment as confidential unless the law requires otherwise.

### **2. Formal Complaint Procedures**

#### **a. Filing a Complaint**

A person wishing to initiate a formal claim of sexual harassment or other behavior in violation of the sexual harassment policy shall file his or her complaint in writing with the Equal Employment Opportunity Officer within six months of the conduct at issue. The Equal Employment Opportunity Officer is Leon Burks, located in Room 267 of Holloway Hall, at 410-543-6426. The complaint shall be signed by the Complainant, and shall include the following information: a description of the allegations, with relevant dates, places, and statements made; the names of the person(s) involved; the names of any witnesses to the events in question; and the remedy requested. The Respondent, the person accused in the Complaint, shall be given a copy of the Complaint promptly and shall submit a written response within ten (10) days of receiving the Complaint.

Upon receipt of the written Complaint, the Equal Employment Opportunity Officer shall begin an investigation into the claims. The investigation ordinarily will include a discussion with the Complainant, a discussion with the Respondent, interviews of any witnesses to the events, a review of any pertinent documents, and any other actions deemed appropriate by the investigator. The Equal Employment Opportunity Officer shall make every effort to keep the investigation confidential, although this cannot be guaranteed, and shall seek assurances of confidentiality from all participants in the investigation.

The Equal Employment Opportunity Officer shall complete the investigation if possible within fifteen (15) days of receiving the Complaint. A written decision shall be prepared at the conclusion of the investigation, setting forth (1) a statement of the findings of fact concerning the alleged events; (2) a statement of the conclusion that a violation of University policy did or did not occur; and (3) a recommendation of a sanction. The possible sanctions include, but are not limited to, a letter of reprimand, a letter of apology, service to the University, counseling, demotion or suspension, termination of employment, or expulsion from the University. These sanctions may be imposed even after a first offense, under appropriate circumstances. This written decision shall be provided to the Complainant, Respondent and President when it is finalized.

**b. Formal Hearing**

If either the Complainant or Respondent disagrees with any conclusion reached by the Equal Employment Opportunity Officer, either may request a formal hearing by filing a written request with the President of the University within fifteen (15) days of the date of the written decision of the Equal Employment Opportunity Officer. The request shall state which conclusions are disputed.

The President then shall promptly appoint a hearing committee of three persons, and one of these shall be designated by the President as the Presiding Officer. The committee members shall be chosen from the Sexual Harassment Panel, a group of twelve (12) persons from the campus community who have received training in sexual harassment policy, law and procedures. No member of the Committee shall have been involved at any earlier stage of the process. The President shall advise the parties of the identities of the Committee members. If either party has a reason to challenge the appointment of any member to Committee hearing the case, he or she shall make the concern known to the President as soon as possible. The President shall make the final decision on the makeup of the Committee.

A hearing shall promptly be conducted. The Presiding Officer shall be in charge of organizing the hearing. He or she shall make all reasonable efforts to schedule the hearing at such a time so that the Complainant and the Respondent can both be present. The Presiding Officer shall contact potential witnesses and arrange for their appearance at the hearing. Notice of the hearing shall be given at least five (5) days in advance.

The Presiding Officer may focus the hearing so that it concerns only those aspects of the decision about which the parties disagree. The decision of the Equal Employment Opportunity Officer shall be offered into evidence at the hearing, but it is entitled to no presumption of correctness. Neither the Complainant nor the Respondent shall be entitled to have an attorney at the hearing; each may be allowed an advocate from the University community who is not an attorney. If the Committee requests legal assistance, the University's attorney may be present at the hearing to provide advice related only to the procedures to be followed during the hearing.

The Complainant, the Respondent and the Equal Employment Opportunity Officer may all fully participate in the hearing, may present opening and closing statements, may call witnesses and examine and cross-examine witnesses, and may introduce documentary evidence. The questioning of the Complainant and Respondent shall be conducted by the parties' advocates or the Committee, and not by the parties themselves. Hearing Committee members also may question witnesses. The Presiding Officer may exclude irrelevant, repetitious, or unduly prejudicial evidence. The Presiding Officer shall be in charge of gathering the documentary evidence that is presented at the hearing and transmitting it to the Equal Employment Opportunity Officer after the committee no longer needs it, so that a record is created.

Within fifteen (15) days of the conclusion of the hearing, the Hearing Committee shall issue a written report to the President containing its findings, conclusions and recommendations on the matter. The written report shall be provided to the Complainant, Respondent and the Equal Employment Opportunity Officer at that time.

Within fifteen (15) days of receiving the report, the President shall issue a final written decision. The President may accept, reject or modify the findings and proposed sanction recommended by the Hearing Committee. The President's decision shall be mailed to the Complainant, the Respondent, the Equal Employment Opportunity Officer, and the members of the Hearing Committee. There can be no appeal from this decision.

**c. Alternative to Formal Hearing**

Instead of opting for a hearing, either the Complainant or the Respondent can appeal the decision of the Equal Employment Opportunity Officer by filing a written statement of appeal with the President of the University within fifteen (15) days of the decision, setting forth the reasons for the appeal. The President will have full discretion to address the concerns of the appeal as he or she sees fit. The President shall promptly issue a written decision, and shall convey it to the Complainant, the Respondent and the Equal Employment Opportunity Officer. This shall be the final decision on the matter.

**d. Other Options**

While there is no appeal from the President's decision provided under this Policy, certain employees may have additional rights to challenge the sanctions of suspension and termination pursuant to University policy or State law. In addition, any employee or student may have other legal rights to pursue outside of the University. The Equal Employment Opportunity Officer can provide further information.

All time limitations contained within this Policy may be extended for good cause shown.

**Sexual Harassment Policy and Procedures approved by  
Dr. William C. Merwin, President  
April 16, 1999**

(BOR VI - 1.20)