

## SENATE MEETING SUMMARY April 28, 2016

- Chair's Report
  - Chair Brown reminded Senators the committee volunteer period is currently open on the Senate website. The deadline to volunteer is April 30th.
  - Chair Brown thanked the outgoing senators for their work on the Senate and their commitment to shared governance.
- The Senate approved a procedure motion to limit speakers to two minutes.
- [Review of the Interim University of Maryland Non-Discrimination Policy and Procedures \(Senate Doc. No. 15-16-28\)](#)
  - The Senate approved the revised policy.
- [Review of the University of Maryland Disability & Accessibility Policy and Procedures \(Senate Doc. No. 15-16-29\)](#)
  - The Senate approved an amendment as follows in pink:  
<sup>st</sup>  
Academic Objections (Page 5 – 1 Paragraph)  
  
If the student is a graduate student, **including graduate assistants**, the DSS shall request review and resolution by the Associate Provost and Dean of the Graduate School or designee. The **Office of the Provost's Office** will make good faith efforts to review and respond to concerns within ten (10) business days of notification.
  - The Senate approved the [revised policy as amended](#).
- [Revisions to the University of Maryland Sexual Misconduct Policy \(Senate Doc. No. 15-16-30\)](#)
  - The Senate approved an amendment as follows in pink:  
**Student Legal Aid Office**  
  
**Undergraduates 301-314-7756; Graduate Students 301-405-5807**  
  
**The Student Legal Aid Office, located in the South Campus Dining Hall, provides free, confidential legal advice to any University student.**
  - The Senate approved the [revised policy as amended](#).
- [Review of the Interim Sexual Misconduct Faculty Procedures \(Senate Doc. No. 14-15-27\)](#)
  - The Senate approved the revised faculty procedures.
- [Review of the Interim Sexual Misconduct Staff Procedures \(Senate Doc. No. 14-15-26\)](#)
  - The Senate approved an amendment as follows in pink:

The final investigation report and the recommended finding will be automatically reviewed by a Standing Review Committee (SRC). Each SRC is composed of three (3) individuals (faculty, staff, and/or students), with at least one staff member. SRC members shall be members of the University community who have had no previous involvement with the case, and have been trained to review such cases. SRC members are obligated to disclose to the OCRSM any known conflicts prior to participating in any specific SRC review. Conflicts or familiarity with the individuals involved in the matter that are disclosed to the OCRSM will automatically disqualify an individual SRC member from participation in any particular review.

### C. SRC Appellate Body

The Standing Review Committee (SRC) Appellate Body is the designated Appellate Body for all ~~cases involving allegations of sexual misconduct by staff~~ appeals of findings under these Staff Procedures. The SRC Appellate Body is composed of three (3) members (faculty, staff, and/or students), with at least one staff member. SRC Appellate Body members shall be members from the University community who have had no previous involvement with the case, and have been trained to review such cases.

- The Senate approved the [revised staff procedures as amended](#).
- [Review of the Interim Sexual Misconduct Student Procedures \(Senate Doc. No. 14-15-16\)](#)
  - The Senate approved four amendments as follows in pink:

## V. RESOLUTION PROCESSES

### Timeframe for Resolution

Consistent with the goal of maximizing educational opportunities, remedying the effects of Prohibited Conduct and promoting campus safety while minimizing the possible disruptive nature of the process, the OCRSM and the OSC will strive to resolve all complaints within sixty (60) business days of receipt. In general, the investigation phase may last approximately four to five weeks and the adjudication phase may last approximately another four to five weeks. Good faith efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with the importance of resolving complaints in a timely and expeditious manner. The Title IX Officer may extend the general time frames for the completion of required actions. If such an extension occurs, the parties will be notified in writing, and given the reason(s) for the extension, by the OCRSM or the OSC.

Amendment #2:

## 2. Preliminary Meeting

Prior to an investigation, the OCRSM and/or **the** OSC will notify both parties and require their attendance (separately) at a preliminary meeting with **the** OSC. **The parties will be informed of the purpose of the meeting.** The purpose of the meeting is to ensure students are provided adequate information about the investigation and adjudication process, and have an opportunity to ask and receive answers to any questions they may have. When a party does not attend the preliminary meeting with **the** OSC, the University shall proceed with an investigation, noting the party's lack of attendance at the preliminary meeting.

Amendment #3:

## VI. ADJUDICATION

### Meeting with Director of Student Conduct

The Director of Student Conduct will meet separately with each party to explain next steps and provide each party with a confidential copy of the final investigation report, including all attachments.

When an investigation concludes with a recommended finding of a **Policy** violation, and **the Director of Student Conduct determines that either** expulsion or suspension is a possible sanction, the matter will be referred automatically to the Standing Review Committee (SRC) for an administrative determination of the initial outcome.

**When an investigation concludes with a recommended finding of a Policy violation, and the Director of Student Conduct determines that neither expulsion nor suspension is a possible sanction, the OSC will resolve the Complaint by facilitating a Disciplinary Conference.**

~~For all other recommendations, including those of~~ **In all cases when an investigation concludes with a finding of no Policy violation and the Director of Student Conduct concurs with the finding, the Director of Student Conduct OSC will meet separately with both parties to discuss next steps resolve the Complaint by facilitating a Disciplinary Conference.**

**In all cases when an investigation concludes with a finding of no Policy violation and the Director of Student Conduct does not concur with the finding, the Director of Student Conduct may request additional investigation and/or determine the appropriate next steps.**

~~Determinations by the SRC or by OSC in a Disciplinary Conference shall be based on the preponderance of the evidence.~~

At the meeting, the Director of Student Conduct will explain the relevant process to each party, and inform each party of the date

and time of the SRC Conference or Disciplinary Conference, **if applicable**.

Amendment #4:

### **Sanction Considerations**

The imposition of disciplinary sanctions is designed to eliminate Prohibited Conduct under the Policy, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Disciplinary sanctions may include educational, restorative, and rehabilitative components, such as completion of an educational project, removal from University housing, removal from specific courses or activities, and disciplinary probation. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires more severe sanctions, including suspension or expulsion from the University.

The Director of Student Conduct will determine the appropriate disciplinary sanction in every ~~s~~**S**exual ~~m~~**M**isconduct case. In reaching this determination, the following factors will be considered:

The nature and degree of violence of the conduct at issue;  
 The impact of the conduct on the Complainant;  
 The impact or implications of the conduct on the community and/or the University;  
 Prior relevant misconduct by the Respondent, including the Respondent's relevant prior discipline history;  
**Breach of a prior Alternative Resolution agreement;**  
 Respondent's acceptance of responsibility for the conduct;  
 Maintenance of a safe and respectful environment conducive to learning;  
 Protection of the ~~campus~~ **University** community and the University;  
 and  
 Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

- The Senate approved the [revised student procedures as amended](#).
- [Proposed Policy on Excused Absence \(Senate Doc. No. 14-15-21\)](#)  
 The Senate approved an amendment as follows in pink:

#### **I. Policy**

An excused absence is an absence for which the student has the right to receive, and the instructor has the responsibility to provide, **reasonable academic** accommodation.

#### **III. Academic Accommodations**

In keeping with the USM III-5.10 Policy Concerning the Scheduling of Academic Assignments on Dates of Religious Observance,

“Students shall not be penalized because of observances of their religious holidays and shall be given an opportunity, whenever feasible, to make up within a reasonable time any academic assignment that is missed due to individual participation in religious observances.” For all other excused absences, the student must be provided **reasonable academic** accommodation. The accommodation provided should, within reason, neither advantage nor disadvantage either the student or the rest of the class.

- The Senate approved the [revised policy as amended](#).
- [Revisions to the Smith School of Business \(BMGT\) Plan of Organization \(Senate Doc. No. 14-15-37\)](#)
  - The Senate approved the revised Plan of Organization.
- Relevant Links
  - Review of the Interim University of Maryland Non-Discrimination Policy and Procedures (Senate Doc. No. 15-16-28)  
[http://senate.umd.edu/meetings/materials/2015to2016/042816/Non\\_Discrimination\\_Policy\\_15-16-28.pdf](http://senate.umd.edu/meetings/materials/2015to2016/042816/Non_Discrimination_Policy_15-16-28.pdf)
  - Review of the University of Maryland Disability & Accessibility Policy and Procedures (Senate Doc. No. 15-16-29)  
[https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=15-16-29&sId=3&f=Disability\\_and\\_Accessibility\\_Senate\\_Approved\\_15-16-29.pdf](https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=15-16-29&sId=3&f=Disability_and_Accessibility_Senate_Approved_15-16-29.pdf)
  - Revisions to the University of Maryland Sexual Misconduct Policy (Senate Doc. No. 15-16-30)  
[https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=15-16-30&sId=3&f=Sexual\\_Misconduct\\_Policy\\_Senate\\_Approved\\_15-16-30.pdf](https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=15-16-30&sId=3&f=Sexual_Misconduct_Policy_Senate_Approved_15-16-30.pdf)
  - Review of the Interim Sexual Misconduct Faculty Procedures (Senate Doc. No. 14-15-27)  
[http://senate.umd.edu/meetings/materials/2015to2016/042816/FAC\\_SM\\_Procedures\\_14-15-27.pdf](http://senate.umd.edu/meetings/materials/2015to2016/042816/FAC_SM_Procedures_14-15-27.pdf)
  - Review of the Interim Sexual Misconduct Staff Procedures (Senate Doc. No. 14-15-26)  
[https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=14-15-26&sId=5&f=Sexual\\_Misconduct\\_Staff\\_Procedures\\_Senate\\_Approved\\_14-15-26.pdf](https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=14-15-26&sId=5&f=Sexual_Misconduct_Staff_Procedures_Senate_Approved_14-15-26.pdf)
  - Review of the Interim Sexual Misconduct Student Procedures (Senate Doc. No. 14-15-16)  
[https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=14-15-16&sId=8&f=Sexual\\_Misconduct\\_Student\\_Procedures\\_Senate\\_Approved\\_14-15-16.pdf](https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=14-15-16&sId=8&f=Sexual_Misconduct_Student_Procedures_Senate_Approved_14-15-16.pdf)
  - Proposed Policy on Excused Absence (Senate Doc. No. 14-15-21)

- [https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=14-15-21&sId=8&f=Excused\\_Absence\\_Policy\\_Senate\\_Approved\\_14-15-21.pdf](https://senate.umd.edu/sms/index.cfm?event=publicViewBillFile&offId=14-15-21&sId=8&f=Excused_Absence_Policy_Senate_Approved_14-15-21.pdf)
- Revisions to the Smith School of Business (BMGT) Plan of Organization (Senate Doc. No. 14-15-37)  
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