March 30, 2017

MEMORANDUM

TO: University Senate Members

FROM: Jordan A. Goodman
              Chair of the University Senate

SUBJECT: University Senate Meeting on Thursday, April 6, 2017

The next meeting of the University Senate will be held on **Thursday, April 6, 2017**. The meeting will convene at 3:15 p.m. in the **Colony Ballroom (2nd Floor) of the Stamp Student Union**. If you are unable to attend, please contact the Senate Office[1] by calling 301-405-5805 or sending an email to senate-admin@umd.edu for an excused absence. Your response will assure an accurate quorum count for the meeting.

The meeting materials can be accessed on the Senate Web site. Please go to http://www.senate.umd.edu/meetings/materials/ and click on the date of the meeting.

Meeting Agenda

1. Call to Order

2. Special Order: Presidential Briefing

3. Approval of the March 8, 2017 Senate Minutes (Action)

4. Report of the Chair

5. Review of the Policy on Intellectual Property (Senate Doc. No. 10-11-36) (Action)

6. The University of Maryland Climate Action Plan 2.0 (Senate Doc. No. 16-17-30) (Action)

7. Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases (Senate Doc. No. 14-15-03) (Action)

8. Special Order of the Day
   William Bowerman
   Professor & Chair, Environmental Science & Technology & Chair, Information Technology Council
   ITC Report for 2016-2017

9. New Business

10. Adjournment

March 8, 2017

Members Present

Members present at the meeting: 120

Call to Order

Senate Chair Goodman called the meeting to order at 3:17 p.m.

Special Order: Presidential Briefing

President Loh spoke about the budget cuts facing the University in fiscal year 2018 and the effect of repealing the Affordable Care Act on the state of Maryland. He specifically, noted that repeal of the Act would decrease the state budget by around $1B because of a decrease in federal Medicaid funding. This could lead to layoffs and other cuts which would decrease the state's revenue and could further effect the University's budget. He noted that an alternative could be for the state not to enact the budget cuts and to take money from the University's fund balance. He noted that this was advantageous because it was a one-time cut but budget cuts last for a long time.

President Loh also discussed actions taken by the Trump Administration and how the actions are threats to the fundamentals of higher education. He noted that the potential for decreased funds for research, science, and the arts impact on the work of faculty, staff, and students at UMD as well as the regional workforce.

President Loh closed with a statement about how the University's funding from the state has continually decreased and the tuition has continually increased. He noted that the new fiscal normal involves increased fundraising, development of partnerships, and alternative revenue sources. He encouraged the Senate to pay attention to the repercussions of federal actions on academic freedom and evidence-based thinking.

Goodman thanked Loh for his presentation and opened the floor for questions.

Senator Zimmerman, undergraduate student, Office of Letters and Sciences, introduced Colin Byrd, undergraduate student, College of Behavioral and Social Sciences.

Byrd noted he had three issues: academic priorities, scholarships, and Under Armour. He noted that the highest paid University employees are the football and basketball coaches and asked if the University thinks it is more important to teach people how to play football than to teach academic subjects.

President Loh responded that the salaries for coaches are high, but the money paid to coaches does not come from tuition or state appropriations. The same is true for athletic facilities.

Approval of the Minutes

Chair Goodman asked for additions or corrections to the minutes of the February 9, 2017, Senate meeting; hearing none, he declared the minutes approved as distributed.

Report of the Chair

Philanthropy
Goodman spoke about the importance of giving to the University. He noted that the alumni giving rate is calculated into University rankings because the percentage of alumni who give serves as a proxy for how satisfied students are with their alma mater. He explained that the more faculty and staff that give, the more it shows that employees appreciate the institution, which in turn makes it easier to raise outside funds.

Goodman explained that an endowment is a gift that is setup so the University can invest it and then use the income from that investment as a perpetual source of support without spending down the principal. He added that endowed professorships are helpful in recruiting and retaining top faculty and that endowed fellowships can be used to enhance an academic program's ability to attract top graduate students. Endowed gifts can be for scholarships, teaching, public service, or almost anything and more often than not are restricted to be used only for the purpose that they were given. One critical part of the University's giving campaign is doubling the endowment. State funding has decreased, so it is now necessary to create a culture of giving at the University to offset that decrease. Gifts of all sizes are important. It is necessary to have some large gifts but it is also necessary to have a large donor base of small gifts.

Goodman concluded his remarks with a quiz that showed how Maryland's endowment compared to other Big Ten institutions to convey the importance of the endowment.

Nominations Committee
Goodman noted that the Senate Nominations Committee is in the process of generating slates of candidates to run for open positions on Senate-elected committees and councils, including next year's Senate Executive Committee, Senate Committee on Committees, University Athletic Council, Council of University System Faculty (CUSF), and Campus Transportation Advisory Committee (CTAC). The committee is still looking for candidates to run for these prestigious positions. Not all positions require Senate membership, so he suggested that Senators consider encouraging colleagues to run, as well – in particular for CTAC and for CUSF. Additionally, all newly-elected Senators from this year's elections are also eligible to nominate themselves.

Candidates will be considered by the Senate Nominations Committee for placement on the slate for election. All candidates will submit a short candidacy statement for the ballot after spring break. Elections will be held in-person at our Transition Meeting on May 4th. Goodman encouraged Senators to visit the Senate website for more information on any of the positions. Those interested in running should contact the Senate Office or fill out a nomination form and return it to a Senate Staff member.

Review of the Interim University of Maryland Equal Employment Opportunity & Affirmative Action Statement of Policy (Senate Doc. No. 16-17-26) (Action)

Charles Delwiche, Chair of the Equity, Diversity, & Inclusion (EDI) Committee, presented the Review of the Interim University of Maryland Equal Employment Opportunity & Affirmative Action Statement of Policy report.

Goodman opened the floor to discussion of the proposal; hearing none, Goodman called for a vote on the proposal. The result was 106 in favor, 3 opposed, and 2 abstentions. **The motion to approve the proposal passed**.

Revision to the Senate Bylaws to Provide Representation for Ombuds Officers on Senate Committees (Senate Doc. No. 16-17-09) (Action)

Marc Pound, Chair of the Elections, Representation, & Governance (ERG) Committee, presented the Revision to the Senate Bylaws to Provide Representation for Ombuds Officers on Senate Committees report.

Goodman opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. He reminded Senators that this motion requires a 2/3 vote to pass and no abstentions would be allowed. The result was 107 in favor and 4 opposed. **The motion to approve the proposal passed**.

Revision to the Membership of the Senate's Equity, Diversity, and Inclusion Committee (Senate Doc. No. 16-17-12) (Action)

Marc Pound, Chair of the Elections, Representation, & Governance (ERG) Committee, presented the Revision to the Membership of the Senate's Equity, Diversity, and Inclusion Committee report.

Goodman opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. This proposal also required a 2/3 vote and abstentions were not allowed. The result was 104 in favor and 7 opposed. **The motion to approve the proposal passed**.

Review of the Senate Student Affairs Committee Specifications (Senate Doc. No. 16-17-15) (Action)

Marc Pound, Chair of the Elections, Representation, & Governance (ERG) Committee, presented the Review of the Senate Student Affairs Committee Specifications report.

Goodman opened the floor to discussion of the proposal; hearing none, he called for a vote on the proposal. This proposal also required a 2/3 vote and abstentions were not allowed. The result was 107 in favor and 4 opposed. **The motion to approve the proposal passed**.

Revisions to the Charge of the Faculty Affairs Committee and Plan of Organization Review Procedures (Senate Doc. No. 16-17-25) (Action)

Marc Pound, Chair of the Elections, Representation, & Governance (ERG) Committee, presented the Revisions to the Charge of the Faculty Affairs Committee and Plan of Organization Review Procedures report.

A verbatim recording of the meeting is on file in the Senate Office.

Goodman opened the floor to discussion of the proposal.

Senator Raghavan, faculty, Robert H. Smith School of Business asked for clarification regarding why the current Senate Bylaws do not already cover the proposed changes.

Pound explained that the current Bylaws covers the review of the College-level Appointment, Promotion, and Tenure (APT) policies and not the Appointment, Evaluation, and Promotion (AEP) policies. He noted that APT policies do not cover professional track faculty and are only for tenured/ tenure-track faculty.

Senator Raghavan quoted University policy II-1.00(A) University of Maryland, College Park Policy on Appointment, Promotion and Tenure of Faculty and stated that he believed professional track faculty were included as their titles are listed in this policy.

Pound explained that while the faculty titles are all listed in the policy, the instructions for how the College-level policies should be written are in the University APT Guidelines and AEP Guidelines respectively. The proposed change to the Bylaws ensures the proper review.

Senator Raghavan noted that there is a difference between a guideline document and a policy document.

Pound clarified that the guidelines were passed by the Senate and signed by the President and the Chancellor which effectively makes them a policy document that Colleges are required to follow.

Goodman called on KerryAnn O'Meara, Chair of the Faculty Affairs Committee and faculty senator, College of Education, to respond.

Senator O'Meara stated that the Faculty Affairs Committee supports the proposed change because the University and the Office of Faculty Affairs is trying to create parallel structures between tenured/ tenure-track faculty and professional track faculty. The proposed change would allow for a parallel approval structure.

Senator Raghavan proposed two amendments as noted below in **pink**:

Amendment #1

6.7.f Charge: The committee shall review the **Faculty** Appointment, Promotion, and Tenure or Permanent Status section of each College, School, or the **Library** ~~Libraries~~ Plan of Organization in accordance with Appendix 7 of these *Bylaws*. ~~In conjunction with this review, the committee shall also review the professional track faculty Appointment, Evaluation, and Promotion Policy of each College, School, or the Library.~~

The motion was seconded.

Chair Goodman opened the floor to discussion of the amendment.

Pound noted that the proposed amendment would not cover professional track faculty as APT polices only cover tenured/tenure-track faculty as previously stated. Pound noted that he is also

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a senator representing professional track faculty and that his constituents would not support this amendment either.

Senator Raghavan noted that the word "faculty" covers both types of faculty in other discussions and stated that he believed the word "faculty" covers both types of faculty here.

Senator Knapp, undergraduate student, College of Behavioral and Social Sciences, noted that the word "faculty" does cover both groups of faculty in most discussions; however, he added that if the language regarding the AEP policy was not included, one could assume that a College has to have their APT policy cover both tenured/tenure-track and professional track faculty which would be incorrect and would remove clarity from the Bylaws.

Seeing no further discussion, he called for a vote on the amendment. The result was 17 in favor, 89 opposed, and 5 abstentions. **The motion to approve the amendment failed.**

Amendment #2

Appendix 7 of Bylaws

2 b. The Senate Faculty Affairs Committee shall review the **Faculty** Appointment, Promotions, and Tenure (~~APT~~) **or Permanent Status** section of each Plan and any related documentation for compliance with the University's APT Policy. ~~The Senate Faculty Affairs Committee shall also review the Appointment, Evaluation, and Promotion Policy and any related documentation for compliance with University policies on professional track faculty and the University's Guidelines for Appointment, Evaluation, and Promotion of Professional Track Faculty.~~

The motion was seconded.

Chair Goodman opened the floor to discussion of the amendment.

Pound noted he was against this amendment for the reasons previously stated in regards to the previous amendment. He also added that passing this amendment would make this section of the Bylaws inconsistent with the other sections as the first amendment failed.

Senator Raghavan stated that there is a difference between the first and second amendments in that the first one does not explicitly discuss the University APT and AEP guideline documents and the second one does refer to these documents by name. He noted that passing the proposed text by the ERG Committee creates unintended consequences of making the guidelines documents the same as policy documents. He again noted the difference between guidelines and policy.

Pound explained that the proposed changes from the ERG Committee are codifying what is currently being done.

Senator Baden, faculty, College of Computer, Mathematical and Natural Sciences, stated the guidelines are written as an interpretation of policy. He noted that sometimes these guidelines can be difficult to understand and put to practice in departmental or college policies. He added that it is beneficial to have the Faculty Affairs Committee to look over the documents to make sure that the College-level policies adhere to the University and System policies.

Seeing no further request for discussion, the chair called for a vote on the amendment. The result was 25 in favor, 66 opposed, and 33 abstentions. **The motion to approve the amendment failed.**

Senator Raghavan asked for clarification on the words "or equivalent."

Pound explained that the University of Maryland Plan of Organization for Shared Governance requires College Plans of Organization to have a college assembly and that the words "or equivalent" were there to cover Colleges that have a college assembly that is not called a college assembly.

Goodman explained that some Colleges call it a council while other call it a senate and this change is to clarify that it is the governmental body of the College regardless of the name.

Seeing no further request for discussion, Goodman called for a vote on the proposal. This proposal also required a 2/3 vote and abstentions were not allowed. The result was 82 in favor and 18 opposed. **The motion to approve the proposal passed**.

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Special Order of the Day
Philip DeShong
Professor, Dept. of Chemistry & Biochemistry and Chair of the Conflict of Interest Committee
An Overview of Conflict of Interest Issues

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Phillip DeShong, Chair of the Conflict of Interest Committee, provided an overview of conflict of interest issues. He noted that State Ethics Law defines conflict of interest but provides several exceptions. DeShong stated that Universities and federal funding agencies have become entrepreneurial and have established "relationships" with commercial and non-profit entities. He also explained that the point of COI training is to remind us that the university's objectivity and integrity in generating new knowledge is its most precious asset and must be protected at all costs.

Goodman thanked DeShong for his presentation.

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Special Order of the Day
Brian Ullmann
Associate Vice President of Marketing & Communication, University Relations
Brian Logue
Senior Director of Annual Giving, University Relations
Fearless Ideas: The Campaign for Maryland and Giving Day

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Brian Ullmann and Brian Logue provided a presentation on the University of Maryland Giving Day and Fearless Ideas: The Campaign for Maryland. They noted that the campaigns goals were to raise money, double the endowment, enhance our reputation, establish a philanthropic volunteer culture, establish best practices in advancement, and increase the donor base. They also showed the progress of Giving Day donations and provided information on leaderboards and various challenges throughout the day to encourage donations.

Goodman thanked Ullmann and Logue for their presentation.

A verbatim recording of the meeting is on file in the Senate Office.

New Business

There was no new business

Adjournment

Chair Goodman adjourned the meeting at 4:56 p.m.

University Senate
TRANSMITTAL FORM

Senate Document #:	10-11-36
PCC ID #:	N/A
Title:	Review of the Policy on Intellectual Property
Presenter:	Robert Dooling, Chair of the IP Subcommittee of the Research Council
Date of SEC Review:	March 27, 2017
Date of Senate Review:	April 6, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	The current IP Policy is based on a USM template from 2003 that is both unwieldly and difficult to read. Some provisions in this policy have proven hard to implement and there have been recent court decisions (e.g. Stanford v Roche) that argue for changes to the wording of the IP policy. The Senate Executive Committee received a request to review the IP Policy several years ago and asked the VPR to charge the Research Council with reviewing the IP Policy, considering whether the policy was current or should be revised, and advising the VPR on how requests for waivers should be handled.
Relevant Policy # & URL:	http://president.umd.edu/policies/2014-iv-320a.html
Recommendation:	Replace the existing policy with the attached proposed policy.
Committee Work:	On advice of the Research Council of the Senate, the VPR appointed an IP Committee several years ago to review and update the existing Campus IP Policy. The Committee consisted of faculty drawn from across the Campus, several staff, and two graduate students. The committee reviewed policies at other major research institutions, discussed problematical features of the current policy, reached agreement on core principles, and adopted new succinct language, which clarified and shortened the policy. The Committee Chair then used this penultimate draft to work with the legal office in producing an even shorter, more focused, final version. The IP Subcommittee and the Research

	Council of the Senate approved this amended version of the policy in early Fall of 2015.
	The University Senate considered the revised policy at its October 7, 2015 meeting and voted to recommit the policy to the IP Subcommittee consider additional feedback from members of the campus community in a variety of disciplines in order to fully understand the implications of the proposed policy. Specifically, the Senate asked that issues involving the revenue sharing model; how software is handled in the policy; student ownership rights; and the inclusion of open source or creative commons copyright need further evaluation.
	Over the past year, the IP Subcommittee considered feedback from the Senate, added a software faculty member to the IP Subcommittee, consulted with computer science faculty, reviewed IP policies at other Big 10 institutions, and made appropriate changes to the IP policy based on the feedback from the 2015 presentation to the Senate. Specifically, the IP Subcommittee made changes to: Copyright, On-line courses, Software, Revenue sharing, and Scope of Employment
	The IP Subcommittee and the Research Council approved the attached revised version of the policy.
Alternatives:	The current policy could remain in place.
Risks:	The current existing policy is lengthy, out of date, and difficult to read. Thus, it does not adequately meet the needs of our campus community.
Financial Implications:	There are no financial implications
Further Approvals Required:	Senate Approval, Presidential Approval

Differences between Current and Proposed IP Policy
Presented to Senate Executive Committee (March 17, 2017)

The proposed policy differs from the current policy in that the proposed policy:

I. States it is a condition of employment or enrollment and includes language of a present assignment of IP rights from creators to UMD when policy gives UMD ownership (Not included in current policy. Change necessitated by 2011 US Supreme Court decision in Stanford v. Roche)

II. Focuses more on UMD ownership of IP and much less on student and personnel ownership.

III. Modifies definitions and responsibilities

   A. Adds defined term: "Traditional Scholarly Works and provides creators own original copyrighted works they author in connection with their teaching, research, and professional activities or scholarship or in the performance of their academic requirements and activities subject to certain exceptions; e.g., commissioned works, works that are required deliverables under a contract, works UMD must own so as not to violate a contractual obligation. Traditional works include but are not limited to courses, course syllabi, course materials, whether delivered on-line or in a traditional face-to-face setting, lecture notes, literary works, non-fiction books, textbooks, professional articles and presentations, musical scores and librettos, dramatic and choreographic works; photographic, graphic, sculptural and architectural works; films, other audiovisual works, sound recordings, models, and designs.
   B. Deletes all terms related to on-line courses, programs, materials, technology-mediated, technology-enhanced terms" in current policy. On-line course materials are included in definition of traditional scholarly works.
   C. Deletes "Scope of Employment" term in current policy to eliminate distinction between faculty and staff personnel. Scope of employment is replaced with IP "created or carried on at the request or directive and under the direction of the University."
   D. Adds new section on 3rd party sponsored "Course Research Projects" and use of 3rd party proprietary information in Course Research Projects to protect against forced relinquishment by students of their IP rights under the policy and forced assumption of legal liabilities to participate in a course project.
   E. Significantly abbreviated description of OTC responsibilities: limited to broad mission statement. (current policy contained lengthy list of prescribed duties)
   F. Adds new section on custodial responsibility for maintaining control and use of UMD-owned research data and tangible research materials, including student use and possession
   G. Clarifies section on licensing UMD-owned IP to personnel start-ups and addresses directly mitigation of conflict of interest when personnel are simultaneously a creator of UMD-owned IP and owner/creator of start-up licensing such IP
   H. Adds new requirement to assignment of UMD-owned IP to creators: creators must reimburse UMD its out of pocket patent and other expenses and issue consideration to UMD. No longer a giver away.

IV. Simplifies Revenue
   A. 50% of Net Revenue to creators
   B. 25% of Net Revenue to creators' department or unit
   C. 25% of Net Revenue to OTC or as otherwise designated by VPR

IV-3.20(A)   UNIVERSITY OF MARYLAND INTELLECTUAL PROPERTY POLICY

I. Introduction

The primary mission of universities is to advance, preserve, and disseminate knowledge. The University of Maryland has established this policy on intellectual property to: (1) assure that the benefits of University research and scholarship, which include intellectual property, are fairly and fully disseminated to benefit the public, (2) create an environment that encourages and recognizes the creative efforts of faculty, students and personnel, and (3) generate resources to support the University's primary mission.

II. Scope

This policy governs the ownership and protection of Intellectual Property created by Personnel, Students and others at the University. The policy applies to all University units, Personnel and Students as well non-University visitors who make use of University facilities and resources. This policy is considered a part of the conditions of employment for all employees and a part of the conditions of enrollment and attendance for all Students.

Applicable laws and regulations will take precedence over any conflicting language in this policy. The terms of authorized University contracts with third parties may take precedence, when applicable, over any conflicting language in the policy subject to compliance with Article IV.

III. Definitions

The terms defined in this Article are given the following special meanings in this policy.

   A. **Administrative Works**: All copyrighted works other than Traditional Scholarly Works that are created by Personnel in the scope of their employment.

   B. **Author**: Someone who contributes original expression to a copyrighted work as determined under U.S. copyright law.

   C. **Copyrighted Work:** An original work of authorship fixed in any tangible medium of expression.

   D. **Creator:** Anyone subject to this policy who is either (1) an Author or (2) an Inventor.

   E. **Gross Revenue:** Consideration paid in cash or equity by a third party in exchange for specific rights in specific University-owned Intellectual Property. Gross Revenue does not include financial or in-kind support for research (e.g., sponsored research agreements, restricted or unrestricted grants and gifts), tuition income or reimbursement for patent costs of University-owned and University-licensed intellectual property.

   F. **Intellectual Property:** Traditional Scholarly Works, Administrative Works, Inventions (whether or not patentable), Software, Research Data, Tangible Research Materials, Trademarks and Service Marks, and associated legal rights to the same.

G. **Invention:** Any potentially patentable new and useful process, machine, manufacture or composition of matter or any new and useful improvement to the same.

H. **Inventor:** Someone who makes an inventive contribution to the conception of ideas claimed in a potentially patentable invention as determined under U.S. patent law.

I. **Net Revenue:** Gross Revenue in the form of cash, including liquidation of equity, received by the University from the commercialization of University-owned Intellectual Property less unreimbursed expenses incurred in the protection of such Intellectual Property.

J. **Personnel:** Someone who receives a salary or other consideration from the University for performance of services on a part-time or full time basis. University employees with an appointment of less than a full year (e.g., 9-month) shall be considered Personnel for actions undertaken during their period of appointment. Students who receive wages for working on a University-administered scope of work or project are Personnel when acting within the scope of that employment. Personnel also include University consultants, visitors and others using University resources.

K. **Research Data:** Recorded information, regardless of the form or medium of recordation, in the nature of (1) form, fit, or function of data; data relating to items, components, or processes that are sufficient to enable physical and functional interchangeability; data identifying source, size, configuration, mating, and attachment characteristics, functional characteristics, and performance requirements, data files, statistical data; (2) computer software data that identifies source, functional characteristics or performance requirements and (3) technical data of a scientific or technical nature that are commonly accepted in the relevant scientific community to validate research findings. Research Data do not include computer software source code, algorithms, processes, formulae, flow charts or financial, administrative costs or pricing, or management information related to contract or project management.

L. **Significant University Resources:** Gifts received by the University or an affiliated foundation or corporation, funds received by the University or an affiliated foundation or corporation under a contract or grant, direct or indirect support from other funds administered by the University or an affiliated foundation or corporation, assistance of Personnel or Students from outside one's home department or unit; assistance of Personnel or Students in one's home department or unit or specialists (e.g., graphic designers, instructional designers, multimedia and other specialists) beyond the level of support that is generally provided to Personnel in one's home department or unit. In general, salary, office space, use of University Libraries, personal computers and facsimile machines that are customarily provided campus wide or are typically made available to all Personnel in one's home department will not qualify as Significant University Resources.

M. **Software:** A computer program, including, without limitation, microcode, subroutines, and operating systems, source code, algorithms, processes, formulae, or flow charts, regardless of the form of expression or object in which it is embodied, together with users' manuals and other accompanying explanatory materials.

N. **Sponsored Research Agreements:** Grants, contracts, cooperative agreements and other agreements under which research and development activities are carried out and that are executed and/or administered by the University or an affiliated University foundation or corporation.

O. **Student:** Someone enrolled in the University and fulfilling his or her academic and research requirements and responsibilities including, but not limited to, undergraduate, graduate, professional, non-degree, not-for-credit and visiting students.

P. **Tangible Research Materials:** Models, machines, devices, designs, cell lines, cultures, solid tissue, apparatus, instrumentation, circuits, antibodies, recombinant materials, laboratory animals, chemical compounds, compositions, formulations, and plant varieties.

Q. **Traditional Scholarly Works:** Original copyrighted works authored by Personnel in connection with their teaching, research, and professional activities or scholarship or by Students in the performance of their academic requirements and activities, including course work, dissertations, and theses. Traditional Scholarly Works include but are not limited to courses, course syllabi, course materials, whether delivered on-line or in a traditional face-to-face setting, lecture notes, literary works, non-fiction books, textbooks, professional articles and presentations, musical scores and librettos, dramatic and choreographic works; photographic, graphic, sculptural and architectural works; films, other audiovisual works, sound recordings, models, and designs.

R. **University:** The University of Maryland, College Park.

IV. Policy Administration

A. **Authority.** The President has the authority to administer and interpret this policy as provided in Section IV.G of the *University System of Maryland Policy on Intellectual Property* (Policy IV - 3.20, "*USM IP Policy*"). The President has delegated authority to the Vice President for Research to administer the provisions of the policy that affect research and commercialization activities.

B. **Waivers.** Subject to any legal or contractual limitations and only after any potential conflicts of interest have been properly managed, the President or his designee may waive any requirements of this policy when he /she determines that doing so would be in the best interest of the University. Waivers may be considered on a case-by-case basis upon the written request and approval of the principal investigator, all persons expected to participate in the underlying project, the department chair or unit head and the Dean of the School or College. All waiver requests must be submitted to the Vice President for Research for consideration through the Office of Research Administration (ORA) and/or the Office of Technology Commercialization (OTC) depending on the nature and scope of the request. Persons who join a project after a waiver has been granted must be advised of the waiver and agree to it as a condition of joining the project.

C. **Retained Rights.** Any transaction granting rights in University-owned Intellectual Property shall (1) retain for the University, at a minimum, a royalty-free, irrevocable right to use, practice, and reproduce the Intellectual Property in support of University research and educational purposes; (2) be consistent with applicable private use restrictions, including bond covenants; (3) be subject

to the right of the United States government to use Intellectual Property created with Government funds and may (4) reserve other rights, including the right of the University to authorize other not-for-profit educational and research entities to use University Intellectual Property in support of their own non-commercial research and educational activities.

D. **Amendments***.* This policy may be amended from time-to-time as appropriate or as required to comply with changes in applicable laws and regulations in accordance with University policy and practices and subject to approval by the President and Chancellor.

E. **Intellectual Property Committee.**   The Vice President for Research shall, in consultation with the University Senate, appoint a University Intellectual Property Committee. The Committee shall be an advisory committee constituted with a majority of faculty members, a minimum of two Students, and representatives from non-academic University departments that are involved in Intellectual Property issues (e.g., University Libraries, Research Administration, Technology Commercialization and the Office of the Senior Vice President and Provost). A representative of the Office of General Counsel shall serve as an *ex-officio* member of the Committee. The President, Vice President for Research and/or Provost may consult the Committee on Intellectual Property matters, ask it to review and recommend revisions to this policy, and request its advice on the resolution of disputes arising under or regarding matters not addressed by this policy. When the Committee considers this policy's application in order to provide advice or others about specific Intellectual Property, the Creator(s) of the Intellectual Property may make a written and/or oral presentation to the Committee.

F. **Reporting.** The Vice President for Research shall report annually to the President and Senior Vice President and Provost on Intellectual Property activities at the University. The report shall include data for the preceding year on waivers, releases of Intellectual Property to the public domain*,* patent applications, patent awards, licenses, and start-up companies distinguishing, when appropriate, between Maryland-based companies and those outside the State, as well as revenue and expenditures associated with the University's technology transfer program, and suggested changes to the policy. In turn, the President shall report annually to the Chancellor and the Board of Regents as required by Article XIII of the *USM IP Policy*.

V. **Ownership of Intellectual Property**

A. **Traditional Scholarly Works**

1. **Personnel.** Personnel who author Traditional Scholarly Works shall hold copyright in those Copyrighted Works subject to the following conditions and exceptions:
   a) **Reservation of Rights.** The University reserves the right at all times to exercise copyright in Traditional Scholarly Works as authorized under United States Copyright Law.
   b) **Exceptions.** The University holds copyright in Traditional Scholarly Works created by Personnel when:
      i.   the Works are required as deliverables under or created in the performance of any contract to which the University is a party; or
      ii. not holding copyright would result in a breach by the University of a contractual

        obligation to a third party or would be contrary to law or regulation; or

    iii. the Works are commissioned by the University or created in connection with a duty specifically assigned by the University to the Creator; or

    iv. the Works are created for University purposes with the support of Significant University Resources; or

    v. Personnel create the Works for personal purposes using Significant University Resources without prior written approval by the chair or head of the Creator's department or unit.

2. **Students.** Students shall hold copyright in Traditional Scholarly Works they author in connection with their University academic and research activities subject to the following conditions and exceptions:

    a) **Reservation of Rights.** The University reserves the right at all times to exercise copyright in Traditional Scholarly Works created by Students as authorized under United States Copyright Law.

    b) **Exceptions.** The University holds copyright in Traditional Scholarly Works created by Students when:

        i. the Works are created by Students in their capacity as Personnel; or

        ii. the Works are required as deliverables under or created in the performance of any contract to which the University is a party; or

        iii. not holding copyright would result in a breach of a University contractual obligation to a third party or would be contrary to law or regulation.

        iv. the Works are created outside the scope of their academic and research activities using Significant University Resources without the prior written approval of the department or unit that controls the resources.

B. Collaborative and Joint Works. When people collaborate to author a Copyrighted Work, it often results in a "joint work" in which the Creators jointly hold nonexclusive rights to use the Work. Personnel and Students who collaborate with each other or with non-University third-parties (e.g., volunteers, visitors) to create Copyrighted Works are encouraged to agree, in writing, on the disposition and ownership of copyright in the Works prior to commencing their collaboration.

C. Administrative Works

1. The University holds copyright in Administrative Works created by Personnel as "works made for hire," as defined under United States Copyright law.

2. The University may allow Personnel and Students access to and use of Administrative Works under appropriate terms.

D. Inventions, Software, Research Data and Tangible Research Materials

1. **University.** The University owns all rights, title and interests, including Intellectual Property rights, in Inventions, Software, Research Data and Tangible Research Materials that are created, conceived or reduced to practice by Personnel or Students:

    a) in the performance of research or creative activities carried on at the request or directive

and under the direction of the University, regardless of when or where the activities occur; or

b) in the performance of Sponsored Research activities and other research or creative activities administered by the University, supported by funds controlled or administered by the University or an affiliated foundation or corporation of the University or under a contract requiring University ownership; or

c) for personal purposes using Significant University Resources without prior written approval by the chair or head of the Creator's department or unit that controls those Resources.

2. **Personnel.** Personnel shall own all rights, title and interests, including Intellectual Property rights, in Inventions, Software, Research Data and Tangible Research Materials they create, conceive or reduce to practice that are not owned by the University under Section V.D.1.

3. **Students.** Students shall own all rights, title and interests, including Intellectual Property rights, in Inventions, Software, Research Data and Tangible Research Materials they create, conceive or reduce to practice in the performance of their academic and research activities whether or not they use Significant University Resources provided they are not owned by the University under Section V.D.1.

E. **Course Research Projects**

1. Under certain limited circumstances, Students may be asked as a condition of participating in a course research project to assign or license their rights in Intellectual Property they create in performing the project that they would otherwise own under this policy to the University or a third party that sponsors the course research project. In such circumstances, course instructors must give Students who object to making such an assignment or granting such a license the option to participate in an alternative project, without penalty, that does not require the assignment or licensing of their Intellectual Property rights.

2. When Students are granted access to proprietary data or information of a third party in connection with academic course work, the use and protection of such proprietary information shall be governed by an agreement entered into by and between the third party and the University and not the third party and Students.

F. **Trademarks and Service Marks**

1. The University owns all trademarks and service marks used to identify the University**,** its programs, goods or services.
2. The University will develop guidelines for:
    a) the management, registration and protection of University trademarks and service marks, their commercialization, and the distribution of any resulting revenue; and
    b) the use of University trademarks and service marks by Personnel, Students, student organizations and departments and units of the University in connection with University-sponsored or University-supported activities.

G. **Acquisition of Intellectual Property.** The University may acquire title to or rights in Intellectual Property by assignment, license, gift, bequest, and any other legal means. The appropriate administrative offices, often reflecting the purpose of the acquisition, must be consulted and applicable processes must be followed prior to any such acquisition.

VI. Responsibilities

A. **Protection of University Interests.** Personnel and Students agree to assign and do hereby irrevocably assign to the University all rights, title and interests, including Intellectual Property rights, in Intellectual Property that the University owns under this policy. Personnel engaged in consulting and other activities with third parties must ensure their activities and agreements with such third parties regarding the use of University-owned Intellectual Property do not conflict with this policy or other University commitments and do not undermine or compete with the University's rights in University-owned Intellectual Property.

B. **Duty to Disclose and Cooperate.** Personnel, Students and other persons who create Intellectual Property that the University owns under this policy have an obligation to complete and submit to the OTC an Intellectual Property disclosure of such Intellectual Property and to cooperate with the OTC's Intellectual Property management efforts.

C. **OTC Responsibilities.** The OTC has day-to-day responsibility, on behalf of the University, to make determinations of ownership of Intellectual Property and to manage, protect and commercialize University-owned Intellectual Property and/or otherwise make it available for the benefit of the public. The OTC works in consultation with Creators, reports to the Vice President for Research, and is supported by the Office of General Counsel.

D. **Retention and Use of Research Data and Tangible Research Materials.** The University must maintain possession of all Research Data, Tangible Research Materials and related information the University owns under this policy in order to meet its legal and contractual obligations.
   1. The director of the lab or unit or the principal investigator of the project through which such Data and Materials originate will serve as custodian of those Data and Materials on behalf of the University and shall be responsible for complying with all University policies and terms in Sponsored Research Agreements regarding the management and public release of Data and Materials to the relevant scientific community or the public.
   2. Students have a right to publish in their dissertations or theses University-owned Research Data and information about University-owned Research Data and Tangible Research Materials that they create or collect individually or jointly with others. The custodian of University-owned Research Data and Tangible Research Materials may, at the request of Students who participate in the creation or collection of University-owned Research Data and Materials, allow them to publish the Data and information about the Data and Materials outside of their dissertations or theses and/or to receive a copy of such University-owned Research Data and Tangible Research Materials under appropriate terms set forth in a written agreement.

VII. Revenue

    A. Distribution of Net Revenue. The University will distribute Net Revenue as follows:
        1. Fifty percent (50%) to the Creators; and
        2. Twenty-five percent (25%) to the Creators' department or unit; and
        3. Twenty-five percent (25%) to the OTC or as otherwise designated by the Vice President for Research.

    B. Distribution to Multiple Creators. In the case of multiple Creators and/or multiple departments, Net Revenue will be divided and distributed between or among them to reflect their relative intellectual contributions to the creation of the Intellectual Property, as specified in the written Intellectual Property Disclosure submitted to the OTC. When the Intellectual Property Disclosure does not differentiate the level of contribution made by Creators, Net Revenue will be distributed equally between or among Creators and departments.

    C. Review. The revenue distribution provisions shall be reviewed at least every five years and may be modified in accordance with this policy.

    D. Equity. Consideration for a license may include equity in a business. If equity is liquidated, the proceeds shall be treated and distributed as Net Revenue under Article VII. Equity will be held, liquidated, or directly distributed to Creators (to the extent permitted by law) at the discretion of the University. Neither the OTC nor Creators will control the timing or terms of the liquidation of such equity received by the University. The Office of the Vice President for Administration and Finance, in consultation with the Office of the Vice President for Research, will hold and manage the disposal of equity held by the University. Equity holding and trading is subject to applicable laws and policies, including those that regulate securities, ethics, and conflicts of interests**.**

    E. Revenue Received from Commercialization of Administrative Works. In those rare circumstances when Administrative Works have commercial potential, the department or unit where the Administrative Works originated will submit an Intellectual Property disclosure to the OTC. The OTC shall determine whether or not to commercialize the Works and how resulting revenue, if any, shall be distributed in consultation with the department chair or unit head.

    F. Alternative Distribution. Requests to distribute revenue other than as set forth in this Article VI will be processed as waiver requests under Section IV.B.

VIII. Granting Rights to Creators

    A. Assignment

        1. The OTC may assign the University's rights in specific University-owned Intellectual Property to all the Creators of that Intellectual Property when the OTC determines, in its sole discretion, assignment is in the best interest of the University, subject to compliance with applicable laws and federal regulations and University policies.

        2. Any assignment to Creators of University-owned Intellectual Property shall be conditioned

on their reimbursement to the University of all out-of-pocket expenses incurred by the University prior to the date of the assignment and payment of a royalty or other consideration.

B. Licensing University-Owned Intellectual Property to Personnel Start-ups

1. The OTC may, in its sole discretion and at the request of one or more Creators of University-owned Intellectual Property, license that University–owned Intellectual Property to a business entity in which one or more Creators has an ownership or other financial interest. In making a decision, the OTC shall take into account the entity's technical and business acumen to commercialize the Intellectual Property and the demonstrated compliance of Creators with University conflict of interest and facility use policies and State Ethics laws.

2. The OTC will attempt to consult with all Creators before executing any license under this Section, but need not obtain their approval. All Creators, regardless of whether they have an ownership/financial interest in the company, will share in any revenue received by the University in accordance with Article VI. Creators with an ownership or financial interest in the company shall recuse themselves from directly negotiating the terms of the company's license with the OTC in the light of the conflict of interest that would create.

IX. **EFFECTIVE DATE:** This policy will be effective beginning _____ ("Effective Date") and will apply to all Intellectual Property disclosed to the University on or after the Effective Date, unless otherwise agreed by the University and all Creators of the Intellectual Property (or the heir or assignee of any Creator's share of Revenue).

Unless otherwise agreed in writing by Creators of Intellectual Property (or the heir or assignee of an individual Creator's share of revenue) and the University: (1) the former *University of Maryland Intellectual Property Policy* (IV-3.20A approved by the President on March 13, 2003 and approved by the Chancellor on July 18, 2005) applies to all Intellectual Property disclosed to the University on or after May 1, 2005; (2) the former *University of Maryland Interim Intellectual Property Policy* applies to Intellectual Property disclosed to the University from July 1, 2002, through April 30, 2005; (3) the former *University System of Maryland Patent Policy* applies to inventions that were disclosed to the University from May 31, 1990 through June 30, 2002; (4) the former *University System of Maryland Copyright Policy* applies to copyrighted works that were disclosed to the University from May 31, 1990 through June 30, 2002, and (5) the *University of Maryland College Park Procedures on Patent and Technology Transfer* applies to copyrighted works and inventions that were disclosed to the University from May 31, 1990 through June 30, 2002. (The Patent Policy is available online at http://www.usmh.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionIV/IV300.html.

The Copyright Policy is available online at http://www.usmh.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionIV/IV310.html.

Copies of the 2005 Intellectual Property Policy, the Interim Intellectual Property Policy, and the College Park Procedures on Patent and Technology Transfer are available from the OTC or Office of General Counsel.

BACKGROUND

- ## What is Intellectual Property?
  - Intangible assets developed by human creativity and protected by legal mechanisms of patents, trademarks, copyrights, trade secrets
- ## Protection of Intellectual Property was guaranteed by the US Constitution in 1787 which provides that:
  - "The Congress shall have the power….To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries…" (U.S. Constitution, Article 1, Section 8)
- ## Legal mechanisms of protection under U.S. law:
  - Inventions are protected by **patents (or trade secrets)**
  - Literary and artistic works protected by **copyright**
  - Symbols/names/images used in commerce protected by **trademarks**

BACKGROUND

- Why is Intellectual Property important?
  - It is core to the mission of the University to create new knowledge and share it with the public

- Why have an Intellectual Property policy?
  - To clarify ownership of IP created at UMD and implement federal law
  - Provide guidance and clarity to UMD creators and external stakeholders on how UMD protects and manages IP for university and public benefit
  - Required by USM policy

- Our old IP policy was both confusing and out of date.

- The IP Committee was charged to develop a new policy that was simpler and fairer

BACKGROUND

- Copyrights are most easily obtained form of IP but also the most misunderstood
- Principle tenets of U.S. Copyright law are:
- The creator generally owns copyright unless
    - Work qualifies as a "work for hire" in which case the employer owns the copyright
        - Works prepared by employees within the scope of their employment
        - Works a party commissions a non-employee to create under a written agreement that gives the hiring party ownership of copyright
- Persons other than the copyright owner can use copyrighted work:
    - With written permission of copyright owner
    - Without written permission if it qualifies as a **fair use** which requires consideration of 4 factors:
        - Purpose and character of use (commercial vs nonprofit educational; transformative –being used for purpose other than its original purpose)
        - Nature of the copyrighted work (highly creative vs factual)
        - Amount and substantiality of the portion used
        - Effect of use on the potential market/value of the copyrighted work

BACKGROUND

Federal Obligations - The Bayh-Dole Act of 1980

- Prior to 1980, the government owned IP created with federal money. Bayh-Dole Act gave universities ownership of inventions (whether or not patentable) created with federal money provided (in part):
  - Inventors assign ownership rights to university
  - University shares revenue earned from commercializing inventions with inventors & uses remaining revenue to support scientific research and education
  - Government receives free right to use inventions for government purposes
- Most UMD research is federally funded and subject to Bayh-Dole. As a result, UMD has a <u>duty</u> to report inventions created with federal funds to federal sponsor. (Duty also applies by regulation to data and copyrighted works)
- **Challenge:** Create a policy that works across disciplines most of the time for most personnel and at the same time complies with federal law and University obligations to the US Government.

Key Elements in Current Policy Remain Unchanged

- The policy retains flexibility: Any requirement of the policy can be waived by the VPR upon request and agreement of PIs, others working on the project, chair & dean - except when doing so would violate law or constitute a breach of contract.

- The policy requires that an IP Committee be established consisting of faculty, staff, and students to advise VPR, Provost, Campus on IP issues and policy matters.

- The policy ensures that students own all rights, title, and interests in inventions, software, research data, and tangible research materials they create in performance of their academic work.

- The University does not claim copyright in traditional scholarly works of faculty

Senate Issues Raised in 2015 on Proposed IP Policy in Five Areas

- Scope of Employment

- Copyright

- On-Line Courses

- Software

- Revenue sharing

Scope of Employment

Current Policy	Term "scope of employment" applies to staff but not faculty
Proposed Policy	Scope of employment eliminated as a defined term and replaced with concept of works commissioned or directed by UMD to be made by personnel

Copyright

Current Policy	UMD does not claim copyright in scholarly works of faculty and students but gives UMD ownership of staff works created in scope of employment & of faculty works created under sponsored research agreements, other agreements or with use of UMD resources not usually provided
Proposed Revision	Creates "traditional scholarly works" term. Includes within that term on-line course materials and eliminates the separate section on on-line, technology related materials. Eliminates staff-faculty distinction. * UMD owns traditional scholarly works when (1) not owning them would violate law or a contract, (2) works are created at the order or directive of UMD, or (3) extraordinary UMD resources are used

On-Line Courses, Etc.

Current Policy	Treats on-line course materials separately from other copyrighted materials. Ownership determined by written agreement between University and Personnel
Proposed Revision	On-line and technology mediated courses and materials treated no differently from other copyrighted works. UMD use of copyrighted works owned by Personnel only must comply with US Copyright law.

Software

Current Policy	Software treated under a separate section from patents and inventions but largely repeats the language in the patent/invention section
Proposed Policy	Software included in patent/invention section of IP Policy because that section best reflects US government treatment of software. Under US regs, UMD must: (a) own inventions, whether or not patentable, created with federal funds, (b) report federally funded inventions to federal sponsor and (c) give US Government free right to use federally funded inventions for government purposes
New Proposed OTC Operational Process	OTC intends to establish a portal through which inventors will disclose software to OTC -- to allow UMD to fulfill its obligations to the US Government - and through which inventors may, at their election, make software available under open source or similar license. This has advantages of attracting attention to new software and encouraging new collaborations.

Why Disclose Software to OTC?

- Meet funding requirement
- Recognition
- Access to additional funding:
  - OTC Seed Grants
  - Maryland Innovation Initiative
- Access to Entrepreneurs in Residence
- IP protection - if needed OTC handles reporting to sponsors
- Additional funding for R&D and commercialization
- OTC takes care of any necessary agreements
- $$$ from licensing shared with PI working on extension of existing platform (GitHub)
- Single point of submission (to repository and to OTC) via platform

Why Disclose Software to OTC?

Because not doing so puts UMD at risk of violating a host federal laws and regulations such as Bayh-Dole, general patent and data regulations, etc.)

Examples of regulatory clauses:

The contractor (UMD).."shall establish and maintain active and effective procedures to ensure that subject inventions are promptly identified and timely disclosed, and shall submit a description of the procedures to the government to evaluate and determine their effectiveness."

Data ".. means recorded information, regardless of form or the media on which it may be recorded…includes technical data and computer software."

Revenue Sharing

Current Policy	Many steps - too cumbersome to understand or describe
Proposed Policy	- Net revenue defined as gross revenue less unreimbursed patent costs Net Revenue Distributions 50% to creator(s)* 25% to creators' dep't or unit 25% to OTC or as designated by VPR *Ties with Michigan as highest distribution to creators among Big 10 Universities

FAQs (with limitations!)

- The Committee has prepared replies to some of questions that arose last year and this year.

- The proposed IP Policy merely provides a framework for addressing specific questions.

- Specific facts and circumstances must be considered when addressing situation-based questions.

Q: What does the concept of works commissioned or directed by the University mean?

Directed Work: *The Provost directs a faculty or staff member to survey, analyze, and produce a report on students' food preferences using data collected from University dining services and stores. The study qualifies as a report commissioned by the university and the university owns the resulting IP.*

Administrative Work: *Any copyrighted work developed by a committee in the performance of its duties. The University owns the IP in that committee work.*

Compare to:

Traditional Scholarly Work: *A faculty member decides to develop a new course. Unless expressly directed by the university in a writing that specifies university ownership, the faculty member owns the IP he or she creates.*

Q: Who owns copyright in course materials created by personnel?

A: *Default position: The creator of course materials owns the copyright in them whether or not the materials are used on-line or in a face-to face setting.*

B. *Deviation from default position: University may own copyright in course materials developed by personnel when, for example:*
  1) *the University commissions the creation of the course materials,*
  2) *materials are created for university purposes using significant University resources that are not commonly provided to all*
  3) *University must own copyright to avoid a breach of a University contractual obligation*

Q: So, can the University use course materials in which I own the copyright if I leave the University?

A: Not unless it has received your written permission or the use is authorized under copyright law as a fair use.

Q: Can a faculty member use (copy and distribute) student course assignments in which students own the copyright?

A: Not unless you have direct written permission or implied permission (statement on syllabus) or the use is authorized under copyright law as a fair use.

Q: After many years of teaching a large laboratory course in Chemistry, I have developed a comprehensive manual describing experiments, methods, and exercises that are now routinely used in the course. Who owns the copyright? And what happens if I leave the University?

A: The default position is that the faculty member owns the copyright in the manual. Colleagues, the department, and the University may not use the manual after you leave or when you go on sabbatical unless: 1) you give written permission or 2) they determine their expected use qualifies as a fair use under copyright law.

NB: The default position can quickly change if the facts are altered.

Q: Who owns IP rights in software?

Default Position: *University owns IP rights in software because most software is created with federal funds under regulations that require the University to own the IP --- thus triggering University ownership on grounds that either:*

1) *University must own IP rights in software to avoid a breach of a University contractual obligation to Government, or*

2) *Software was created with support of significant University resources (i.e. University-administered government funds)*

Q: I'm a faculty member and I developed software under a federal grant and I want to make it available under an open source license. How does that work?

A: **First,** the University owns the IP rights in the software (see earlier slide).
Second, you have a duty to disclose the software to the Office of Technology Commercialization in order that it may fulfill its reporting obligations to the funding agency.
Third, under current OTC practice, you may state on the IP Disclosure form to OTC that you want the software to be released under an open source license & OTC will follow up with you.
Fourth, OTC is planning to establish a portal that makes both the disclosure and request for open source licensing simple

Q: I am a student and created some software as part of a class assignment. Who owns the IP rights in that software?

A: You, the student, own the IP rights. As in the current policy, students own all rights, title and interests in Copyrighted Works, Inventions, Software, Research Data and Tangible Research Materials they create, conceive or reduce to practice in the performance of academic course work regardless of the resources they use.

Q: What if I created this while working as an RA paid by the University?

A: If the work was done as a paid employee, ownership is determined by the details of the employee contract.

Q: Do doctoral students own all rights to their own research data when they are being advised by a University employee such as a faculty member?

A: The involvement of a faculty member as an advisor is not relevant in determining whether the student or the University owns the data developed by the student or the IP created by the student.

Ownership is decided based on answers to the following questions:

1. Is the underlying research funded with federal funds?

2. Is there some other written agreement that specifies ownership?

3. If no written agreement and no federal funds involved, the project likely amounts to an independent project of the student and the student will own the data even if it involves significant university resources for the project.

Q: I'm a faculty inventor and disclose an invention to OTC. OTC files a patent application then licenses the patent rights to a company. How much money will I receive?

A: Inventors receive 50% of net revenue.

Q: How is net revenue determined?

A: Net revenue is the amount the university receives after the university deducts its actually incurred, unreimbursed expenses incurred in the protection of licensed intellectual property (generally patent expenses).

Q: What are unreimbursed patent expenses?

A: **Patent expenses** are the university's costs actually incurred for the drafting, preparation, filing, prosecution, and maintenance of specific patents.

Unreimbursed patent expenses are patent expenses that are not directly reimbursed by a third party.

Before incurring any patent expense, the university - through OTC - makes informed filing, prosecution, and maintenance decisions. The university sets rates and fees with outside patent counsel engaged through the Office of General Counsel.

Q: How is the revenue distributed if there are multiple creators in multiple departments or units?

A: *If there are multiple creators in multiple departments, the department share goes to each person's department affiliation at the time of the invention. If a person has a split appointment, the distribution is to those departments in accordance with their % appointment.*

University Senate
TRANSMITTAL FORM

Senate Document #:	16-17-30
PCC ID #:	N/A
Title:	University of Maryland Climate Action Plan 2.0
Presenter:	Carlo Colella, Vice President for Administration & Finance
Date of SEC Review:	March 27, 2017
Date of Senate Review:	April 6, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In December 2016, the Sustainability Council endorsed Climate Action Plan (CAP) 2.0, the first update to UMD's CAP developed in 2009. The 2009 plan was endorsed by the University Senate and approved by President Mote. The 2009 CAP set the university on course for cutting its carbon footprint 25% by 2015 and achieving carbon neutrality by 2050. The university has achieved all CAP targets to date, prevented more than 577,000 metric tons of carbon dioxide from reaching the atmosphere, and expanded opportunities for students to learn about sustainability and climate action. CAP 2.0 is an update of the original CAP and describes current and future strategies to reduce emissions 50% by 2020 and 60% by 2025 (from 2005 emissions levels) and to meet other CAP targets including ones related to education and research. All major carbon reduction targets remain unchanged from the original CAP. A new online format will allow the campus community to stay informed with regular status updates on the implementation of each strategy. The new numbering system (2.0) is a flexible format for CAP, making it easy to publish minor updates (ex. version 2.1, 2.2, etc.), prior to a full revision of CAP due by 2025. The Senate Executive Committee will receive a summary of updates whenever the Office of Sustainability changes versions from 2.0 to 2.1, 2.1 to 2.2, etc.
Relevant Policy # & URL:	www.climateplan.umd.edu
Recommendation:	The Vice President for Administration & Finance recommends that the University Senate endorse CAP 2.0.

Committee Work:	After the University Senate approved the original CAP in 2009, the University President created a standing University Sustainability Council to advise the President, the Office of Sustainability, and the campus community about issues related to the integration of sustainability into campus operations and to oversee implementation of CAP. The Sustainability Council, chaired by the Vice President for Administration & Finance, has 15 members including a representative from each division, four faculty members, one graduate student, and one undergraduate student. The Office of Sustainability and Sustainability Council began revising CAP strategies several years ago. Several key strategies were developed by workgroups with broad campus representation. These included the Sustainable Buildings and Energy Sources Workgroup, Education for Sustainability Workgroup, and Carbon Offset Workgroup. Sustainability Council endorsed CAP 2.0 in December 2016. The Administrative Council reviewed CAP 2.0 in March 2017.
Alternatives:	The University of Maryland is a charter participant of the American College and University Presidents' Climate Commitment (now called the Carbon Commitment), which requires signatories to develop and regularly update climate action plans. Because the university intends to maintain its status as a signatory, having no CAP or an outdated CAP are not options. CAP 2.0 describes a set of achievable and cost-effective strategies given technologies available today. Alternative approaches to achieving goals are continually evaluated and, when appropriate, new strategies will be endorsed and incorporated in plan updates.
Risks:	The known risks of climate change are too numerous to list here but those risks are the reasons that the world's nations agreed during a United Nations conference last year to take collective action to curb greenhouse gas emissions. Obviously, the University of Maryland's emissions are a tiny fraction of global emissions but solving the climate crisis requires action at every scale. This university is currently recognized as a leader on climate action, a status that carries with it measurable and immeasurable reputational benefits. Not approving CAP 2.0 would put that reputation in jeopardy. Furthermore, the university's progress on climate action could stagnate since it would not have a plan that accurately describes its current and future strategies to meet its CAP 2009 targets.
Financial Implications:	The Office of Sustainability and the Environmental Finance Center estimate that the university will save a net total of $120 Million between 2016 and 2040 by implementing CAP 2.0 strategies.
Further Approvals Required:	Senate Approval, Presidential Approval

University of Maryland
Climate Action Plan 2.0

sustainableumd   terps leave **small** footprints

sustainability.umd.edu

Climate Action Plan (CAP) 2.0 is meant to be viewed as a webpage.

Please visit www.climateplan.umd.edu.

This PDF version was prepared exclusively for the University Senate and Administrative Council.

PDF Date: March 13, 2017

CAP 2.0 was approved by the University Sustainability Council in December 2016.

Additional Approvals Required:

University Administrative Council

University Senate

University President

INTRODUCTION

The University of Maryland became a charter signatory of the **American College and University Presidents' Climate Commitment** (now called the **Carbon Commitment**) in 2007 and finished its first **Climate Action Plan (CAP)** in 2009. Many faculty, staff, and students worked tirelessly over the years implementing CAP strategies and keeping the university on track with meeting its targets. By 2015, the university had achieved its targets of **reducing its carbon emissions by 25%** and enhancing opportunities for all students to learn about sustainability and climate action.

CAP 2.0 is an update to the original CAP and clarifies the university's strategies for meeting upcoming targets, including a **50% reduction** in carbon emissions (from 2005 levels) by 2020 and a **60% reduction** by 2025. These are aggressive targets to hit, which is why this CAP 2.0 focuses on strategies that are currently being implemented or need to be implemented within the next several years to meet near-term goals. The university is committed to achieving carbon neutrality for all scopes of emissions by 2050 and will make major updates to CAP at least every five years to include strategies that are based on the best knowledge and technology available at that time.

This new online format and numbering system (2.0) is a flexible format for CAP, making it easy to publish minor updates (ex. version 2.1, 2.2, etc.), including annual status reports on each strategy. As a "living document," the Office of Sustainability welcomes your feedback and ideas to help the university meet and exceed its goals. Please email sustainability@umd.edu to share your thoughts.
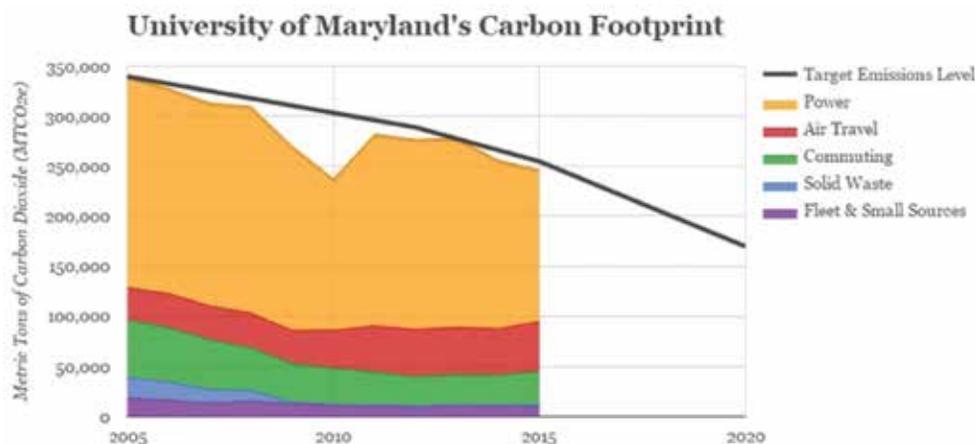
University of Maryland's Carbon Footprint

The University of Maryland has already achieved many of its original CAP goals. Notable accomplishments include:

- **Reducing its carbon footprint 27%** from 2005 to 2015 despite growing campus facilities by 11% during that period
- Getting **76% of its purchased electricity from renewable sources** in 2015
- Implementing several performance contracts, **reducing energy consumption 20%** or more in select buildings
- Increasing the percentage of commuters who choose **alternative transportation** for daily commuting

- Cutting emissions associated with solid waste by **99%**
- Creating a **Sustainability Studies Minor** — now the largest minor at UMD
- **Educating more than 11,000 students** in their first semester at UMD about sustainability challenges and opportunities

The US Federal Government uses the Social Cost of Carbon to estimate economic damages associated with an increase in carbon dioxide emissions in a given year. Damages include decreased agricultural productivity, impacts on human health, property damages from increased flood risk, etc. Based on these government estimates, **the University of Maryland has reduced its carbon liability and benefited the economy by $19 Million by preventing approximately 577,000 metric tons of carbon dioxide equivalent (MTCO2e)** from entering the atmosphere since 2005.

Targets

Planned Emissions Trajectory

2012   2015   2020   2025   2050

- Carbon Reduction Target
- Remaining Emissions
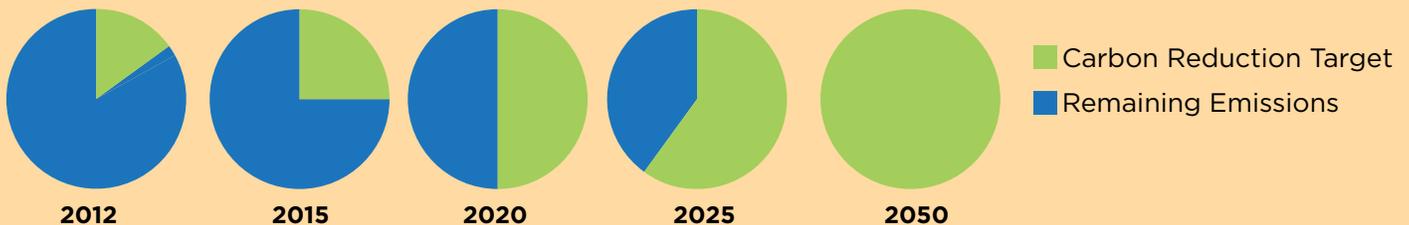
The university is now striving to meet the following ambitious targets for all scopes of emissions:

- 50% reduction in carbon emissions (from 2005 levels) by 2020
- 60% reduction in carbon emissions (from 2005 levels) by 2025
- Carbon neutrality (net-zero carbon emissions) by 2050

STRATEGIES

The University of Maryland is estimated to **save $120 Million** while **preventing 4.3 Million MTCO2e** from entering the atmosphere between 2016 and 2040 by implementing the following strategies. The Federal Government estimates that the additional economic benefit to the world is approximately **$216 Million** from this level of carbon reduction. The university's impact will become even greater as it develops and implements additional strategies in the future to reach its goal of carbon neutrality.
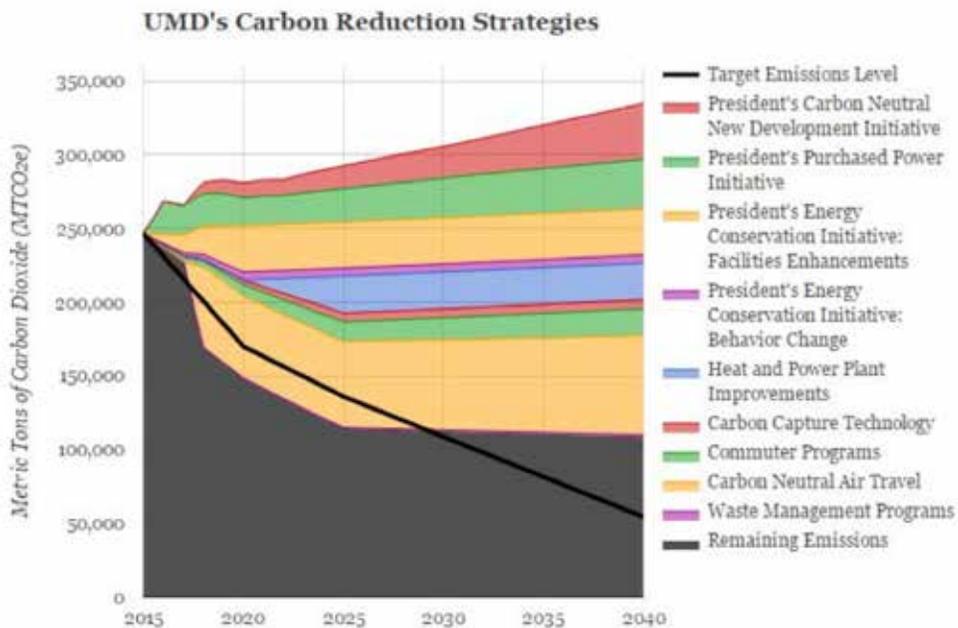
UMD's Carbon Reduction Strategies

POWER

The campus receives most of its power from a combined heat and power plant (CHP), which uses natural gas to produce steam and electricity simultaneously. CHP is already an efficient process but planned projects will make it and campus buildings even more efficient, thereby decreasing the carbon intensity of each facility. By 2020, all electricity coming from sources other than CHP must be produced renewably and any carbon emissions associated with powering new facilities must be offset. New technologies including algae-based carbon capture may drive carbon emissions even lower. There is plenty of opportunity for every person on campus to contribute toward reaching these goals! The UMD campus community can collectively **save over 44,000 MTCO2e by 2025** through everyday behaviors like turning off computers, lights, and other equipment when not in use.

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
President's Energy Conservation Initiative: Facilities Enhancements	**719,577 MTCO2e**	**$99/MTCO2e**

TARGET: 17% decrease in electricity consumption from existing facilities, through facilities enhancements, between 2014 and 2020

ACTIONS: Implement various infrastructure improvements to achieve 17% decrease in electricity use. These include an Energy Performance Contract for 9 energy intensive facilities, FM and Auxiliary-led projects, proactive O&M, IT projects including cloud computing, and other initiatives.

LEADER: Facilities Management - Engineering & Energy and Operations & Maintenance

STATUS: FM is currently reviewing proposals from Energy Service Companies to perform the next Energy Performance Contract and implementing other energy conservation measures

President's Purchased Power Initiative	**643,888 MTCO2e**	**$12/MTCO2e**

TARGET: 100% of purchased electricity comes from renewable energy sources by 2020

ACTIONS: Increase the percentage of the university's purchased electricity that is produced by renewable energy sources by purchasing and retiring bundled and/or unbundled Green e-Certified Renewable Energy Credits (RECs).

LEADER: Facilities Management - Engineering & Energy

STATUS: 76% of the university's purchased electricity was generated by wind and solar power in 2015

MORE > >

POWER CONTINUED

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)

President's Carbon Neutral New Development Initiative

489,774 MTCO2e   **-$8.48/MTCO2e**

TARGET: Negate all emissions associated with the electrical and thermal load of new facilities

ACTIONS: Negate new greenhouse gas emissions resulting from new construction, renovations, building occupancy changes, and major program changes that begin construction in CY2016 or later by designing buildings to strict energy-efficiency standards and using energy from renewable sources.

LEADER: Facilities Management - Engineering & Energy, Design & Construction, and the Office of Sustainability

STATUS: The Iribe Center and Cole Field House, which are currently under construction, will be the first facilities to comply with this initiative

Heat and Power Plant Improvements

450,000 MTCO2e   **-$23/MTCO2e**

TARGET: Decrease annual CHP emissions 25,000 MTCO2e (20% reduction from 2014 baseline) by 2025

ACTIONS: Through a combination of initiatives including improving the efficiency of the steam distribution system, installing new power generation technology, reducing energy demand from new and existing facilities, and carbon offsetting, the campus Combined Heat and Power Plant will produce at least 25,000 MTCO2e fewer emissions by 2025 (target: 101,429 MTCO2e) than it produced in 2014 (baseline: 126,429 MTCO2e).

LEADER: Facilities Management - Engineering & Energy

STATUS: Engineering and economic studies are currently underway for these projects.

President's Energy Conservation Initiative: Behavior Change

126,984 MTCO2e   **$120/MTCO2e**

TARGET: 3% decrease in electricity consumption from existing facilities, through behavior change, between 2014 and 2020

ACTIONS: Implement behavior change programs to achieve 3% decrease in electricity use. This includes plug load management, Green Offices, Green Housing, and other behavior change programs.

LEADER: Facilities Management - Engineering & Energy and the Office of Sustainability

STATUS: Green Offices is now in its sixth year of operation and Green Housing programs are launching in 2016/2017.

POWER CONTINUED

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Carbon Capture Technology	**120,000 MTCO2e**	**$80/MTCO2e**

TARGET: Capture approximately 3,000 MTCO2e of power plant emissions by 2020; 6,000 MTCO2e by 2025

ACTIONS: Use algae-based carbon capture technology to absorb carbon dioxide from the Combined Heat and Power Plant's flue emissions. Capture 3,000 MTCO2e by 2020 and, with advances in technology, capture 6,000 MTCO2e by 2025.

LEADER: Office of Sustainability

STATUS: Currently trying to find a site for the carbon capture facility.

On-Campus Renewable Energy	**0 - Covered by the Purchased Power Initiative**	**N/A**

TARGET: 2.7 megawatts of photovoltaic power on UMD facilities by 2018

ACTIONS: 1.9 megawatts of photovoltaic (PV) power — approximately 7,000 solar panels — will be installed on three parking garages in 2017 and another 200 kilowatts of PV at IBBR. Combined with the existing 631 kilowatt system at Severn, the campus will have approximately 2.7 megawatts of PV by 2018.

LEADER: Facilities Management - Engineering & Energy

STATUS: A 631 kW solar array has been operation at the Severn Building since 2011. The parking garage and IBBR arrays should begin installation in summer 2017.

Additional Capital Investment for High Performing Energy Efficient Buildings	**0 - Contributes toward other strategies**	**N/A**

TARGET: Advocate for greater State funding and utilize other funding sources to achieve high performance new buildings

ACTIONS:

1. State should provide additional capital to construct high performing, energy efficient buildings based on engineering estimates /guarantees of operations and maintenance savings over the life of the building. Currently there is a 2% premium provided for green building construction and design but this is too small an amount to make the radical leap forward that is needed and possible.

2. Facilities Management will seek additional funds for high performance new construction in the form of performance contacts, Energy Reserve Fund loans, or other internal or external loans and grants.

LEADER: Facilities Management - Design & Construction and Engineering & Energy

STATUS: Facilities Management - Engineering & Energy is providing some additional funding to achieve enhanced energy performance in new facilities

COMMUTING

Many faculty, staff, and students are choosing alternative transportation and those who drive alone are increasingly choosing fuel-efficient cars. New federal fuel-efficiency standards are making it easier to find vehicles that save on gas and reduce carbon emissions. By 2025, these standards alone may **reduce carbon emissions by 53,000 MTCO2e** from just commuters' trips to and from campus. The more people who choose carpooling, vanpooling, public transit, walking, or biking as a means of getting from one place to another, the greater those reductions will be. New housing projects located throughout College Park will increase options for living where you work/study. Those who want to eliminate their carbon footprints associated with commuting will have the option of offsetting their emissions when they register for parking permits.

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Improved Fuel Efficiency of Commuter Vehicles	**223,868 MTCO2e**	**No cost to UMD**

TARGET: 25% of vehicles at 35 mpg by 2020; 50% by 2030, and 100% by 2040

ACTIONS: No direct action required from UMD. The fuel efficiency of commuter vehicles should improve as federal fuel efficiency standards (CAFE Standards) for new vehicles become more stringent.

LEADER: Federal Government and Auto Makers

STATUS: In progress

Offer Voluntary Carbon Offsets for Commuters	**33,182 MTCO2e**	**-$0.17/MTCO2e**

TARGET: At least 5% of commuters offset their own commuting emissions by 2020; 10% by 2025

ACTIONS: The Department of Transportation Services will offer a calculator that lets people determine their actual carbon footprint and corresponding offset quantity when signing up for a parking permit. The cost of offsets will be added to the permit price. The Department of Transportation Services and Office of Sustainability will absorb the cost of promoting and administering the program.

LEADER: Department of Transportation Services and Office of Sustainability

STATUS: Carbon offset program is currently under development

MORE > >

COMMUTING CONTINUED

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Additional Student Housing On and Near Campus	**23,851 MTCO2e**	**N/A -** *This project will happen regardless of CAP*

TARGET: Add 2,445 student beds between 2015 and 2020; add 3,784 student beds between 2015 and 2025

ACTIONS: The Departments of Resident Life and Residential Facilities and non-affiliated developers intend to construct several new student housing facilities on and near campus between 2015 and 2025. More on and near campus housing means less commuting and commuting-related emissions.

LEADER: Departments of Resident Life, Residential Facilities, and non-affiliated developers

STATUS: Several projects are currently in development

Increase Use of Vanpools for Commuting	**23,680 MTCO2e**	**N/A -** *This project will happen regardless of CAP*

TARGET: 400 vanpoolers by 2020; 800 by 2025

ACTIONS: Via a contractor, develop employee-financed vanpools. The Department of Transportation Services will provide preferential parking to vanpool vehicles and promote the vanpool program.

LEADER: Department of Transportation Services

STATUS: DOTS plans on launching its vanpool program in 2017

Addition of Purple Line Light-Rail Service	**7,461 MTCO2e**	**N/A -** *This project will happen regardless of CAP*

TARGET: 800 commuters will switch from personal vehicles to Purple Line by 2025

ACTIONS: The Department of Transportation Services and the Office of Sustainability will promote Purple Line ridership opportunities to students, faculty, and staff starting the year before trains begin carrying passengers.

LEADER: Department of Transportation Services

STATUS: Purple Line may be operational starting in 2022

Increase Use of Carpooling for Commuting	**4,280 MTCO2e**	**N/A -** *This project will happen regardless of CAP*

TARGET: 50 additional carpoolers by 2020; 100 by 2025

ACTIONS: Promote a less formalized, more casual carpooling program than the previous carpool program. Develop and implement ways to quantify actual carpooling numbers (possibly through proximity apps).

LEADER: Department of Transportation Services

STATUS: TBD

COMMUTING CONTINUED

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Install More Electric Vehicle Charging Stations	**1,214 MTCO2e**	**-$710/MTCO2e**

TARGET: 43 EV parking spaces with Level 2 chargers by 2020; 64 by 2025; 93 by 2040

ACTIONS: The Department of Transportation Services will continue to install EV parking spaces with Level 2 chargers on campus.

LEADER: Department of Transportation Services

STATUS: The campus currently has 35 EV charging stations for commuters

Develop a Plan for Effective Transportation Demand Management Programming	**0 - Contributes toward other strategies**	**N/A**

TARGET: Complete a study of TDM opportunities by mid-2017; develop a plan for implementing new programs by mid-2018

ACTIONS: By mid-2017, complete a study to determine the types of TDM programs (mass transit, vanpools, carpools, etc.) that would be most effective in getting a significant number of UMD commuters to choose alternatives to single-occupancy-vehicle commuting. By mid-2018, develop a plan to implement new programs that would start in 2019.

LEADER: National Center for Smart Growth and Department of Transportation Services

STATUS: The study is currently underway

Support Projects that Improve Bicycle Connectivity between UMD and Local Neighborhoods	**TBD**	**TBD**

TARGET: By 2020, work with local governments/agencies to implement at least one new bicycle infrastructure project that connects campus to neighboring communities in addition to the City of College Park. Help implement at least one additional project by 2025.

ACTIONS: The BikeUMD Coordinator and Facilities Management staff will work with local municipalities, the Prince George's County government, State Highway Administration, Purple Line planners, and other appropriate organizations to plan and implement projects that improve bicycling connectivity between the campus and local neighborhoods.

LEADER: Department of Transportation Services and Facilities Management - Facilities Planning

STATUS: TBD

AIR TRAVEL

Whereas the university has control over its energy infrastructure and some influence on commuting behaviors, it has little effective control of air travel emissions. Given the university's goal of being globally connected, restricting air travel would hinder important university work. Faculty travel for research, students study abroad, athletes fly to competitions, and staff travel to conferences; all of which support university functions. To address the environmental impact of this travel, the university will implement a carbon offset program to **negate 100% of the carbon emissions** associated with air travel starting in 2018. A Carbon Offset Fund Committee reporting to the University Sustainability Council will select verified projects that sequester or prevent carbon emissions and determine the best process for administering the program.

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Carbon Neutral Air Travel	**1,400,212 MTCO2e**	**-$7.80/MTCO2e**

TARGET: Starting in 2018, offset 100% of business, study abroad, and athletic air travel emissions

ACTIONS: The university will use verified carbon offsets or new investments in on-campus emission reduction activities to negate emissions associated with air travel. The Sustainability Council will establish a Carbon Offset Fund Committee to recommend an annual carbon fee and select offset projects. The standing committee will ensure that the university's offsets are appropriate each year, given the changing offset price and continuous development of new offset projects.

LEADER: Office of Sustainability

STATUS: The Sustainability Council approved this strategy in spring 2016. Awaiting Administrative Council approval.

SOLID WASTE

Emissions from solid waste decreased 99% since 2005! Today, solid waste emissions account for **less than 1% of the university's carbon footprint**. The university accomplished this by greatly expanding recycling and composting efforts over the past decade and sending remaining solid waste to landfills that capture and destroy methane, a potent greenhouse gas. Looking ahead, the campus can achieve carbon neutrality in this category by getting more recyclable and compostable materials in their correct receptacles and reducing the total amount of solid waste (including recyclable, compostable, and landfill waste) generated.

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Recycle Appropriate Solid Waste & Compost Appropriate Organic Solid Waste	**7,548 MTCO2e**	**-$1,411/MTCO2e**

TARGET: Individual combined compost and recycling rates of 60% by 2020 and 65% by 2025

ACTIONS: Increase in campus-wide recycling participation to increase the percentage of personal solid waste that individuals on campus divert from landfills. Expand compost collection, increase individual participation in compost collection efforts, and assess feasibility of creating an on-site or nearby compost facility. Conduct periodic waste audits to monitor and minimize contamination.

Note: Although this strategy is expensive when measured in terms of greenhouse gas reductions, other environmental benefits make it an important sustainability strategy for the university.

LEADER: Facilities Management – Recycling and Solid Waste

STATUS: As of 2015, the individual combined compost and recycling rate was 47%

Reduce Solid Waste Generation	**5,471 MTCO2e**	**$37/MTCO2e**

TARGET: Reduce total solid waste (recycling, compost, and landfill waste excluding construction & demolition waste) by 1% per person per year

ACTIONS: Foster a university-wide culture of reuse. Increase efforts to reduce usage of disposable materials and packaging on campus.

LEADER: Facilities Management – Recycling and Solid Waste

STATUS: The amount of solid waste generated per person has decreased 3.7% on average over the last three years

SOLID WASTE CONTINUED

STRATEGY	C02e REDUCTION (cumulative 2016-2040)	NET PRESENT VALUE (based on 2016-2040 costs & savings)
Divert Solid Waste from Landfill	**No additional CO2e reductions**	**No additional cost**

TARGET: Maintain an institutional diversion rate of 75% or above every year

ACTIONS: Maintain high levels of landfill diversion for all construction and demolition projects. Individual recycling and compost actions will also contribute to this goal.

LEADER: Facilities Management – Recycling and Solid Waste

STATUS: As of 2015, the institutional diversion rate was 83%

Education and Outreach to Promote Waste Reduction	**0 - Contributes to achieving other strategies**	**N/A**

TARGET: Reach 4,000 students through education and outreach initiatives by 2020

ACTIONS: Create an online video tutorial about compost and recycling, with different versions targeting different campus audiences. Utilize a peer education team for zero waste events with support from the LEAF Outreach Team.

LEADER: Facilities Management – Recycling and Solid Waste

STATUS: Video tutorial is currently in development and peer education is underway.

LAND USE AND MAINTENANCE

As Maryland's land grant institution, the University of Maryland owns and operates research farms located from the mountains of Western Maryland to the coastal plain of the Eastern Shore. Approximately 2,000 MTCO2e is emitted each year from cows on research farms (methane emissions from digestion) and from fertilizer applied to crops and campus grounds. A bit more carbon dioxide is emitted from farm and landscape equipment, which predominantly run on gasoline and diesel. Based on a study conducted last decade, trees on the College Park campus sequester approximately 683 MTCO2e annually. The university is working on **decreasing carbon emissions associated with agriculture and landscaping** and plans on **quantifying the carbon sequestration of university owned forests located** around the State.

Carbon Neutral Grounds and Landscaping   TBD   TBD

TARGET: Reduce grounds and landscaping emissions incrementally and achieve carbon neutrality for landscape maintenance by 2050

ACTIONS: Facilities Management, RecWell, Extension and other groups that manage grounds and landscape equipment will replace old equipment with lower-emissions models when possible and seek opportunities to implement landscape practices that are less carbon intensive than current practices.

LEADER: Facilities Management, RecWell, Extension

STATUS: TBD

Quantify the Carbon Sequestration of Forests on University Land and Increase the Tree Canopy on Campus   Potential offsets from UMD-owned forests   TBD

TARGET: Quantify carbon sequestration from forests on university land by 2018 and plant at least 100 new trees on campus annually

ACTIONS: UMD Extension will conduct a field study to quantify the acreage and species composition of forests on university land and determine total carbon sequestration by 2018. FM Building and Landscape Services will oversee efforts to increase the net acreage of tree canopy on campus and will plant at least 100 new trees per year toward that goal.

LEADER: UMD Extension and Facilities Management - Building & Landscape Services

STATUS: Facilities Management planted more than 100 trees on campus last year. A study of the carbon sequestration of university-owned forests has not yet started.

PURCHASING

Although the university does not currently track the carbon footprint of purchasing, it certainly has the opportunity to reduce the environmental impact associated with the manufacturing, transportation, and use of the food, equipment, and other goods that it buys. By reducing consumption of goods, selecting goods that meet sustainability criteria, and working with contractors who practice a similar environmental ethic, **the university's carbon reductions in this area could be greater than those across all other areas of this Climate Action Plan**. The Department of Procurement and Strategic Sourcing and Department of Dining Services are leading efforts to drive sustainability into the core of the university's purchasing decisions.

Expand Sustainable Food Purchasing

TARGET: Continue 20% sustainable food purchasing or increase by 1% - 4% each year

ACTIONS: Diversify purchases to include more humane, ecologically sound, locally grown, and fair food (as defined by Dining Services' Sustainable Food Commitment).

LEADER: Dining Services

STATUS: Dining Services met its goal of 20% sustainable food purchasing six years ahead of schedule and is working on going even further with its Sustainable Food Commitment

Add Sustainability Language to Active UMD Procurement Procedures and Mechanisms

TARGET: By the end of 2017, sustainability will be embedded within procurement operating procedures and purchasing processes with a focus on office products, computers and lab equipment

ACTIONS:

• Include sustainability requirements to requisitions made through the KFS System.

• Include sustainability guidelines in POs, Purchasing Card training, Cardholder agreements and any other procurement.

• Include links to the Office of Sustainability's Green Purchasing Guide at relevant PSS website locations.

• Sustainable choices are flagged within Vendor Contracts.

• All university RFPs/ Contractor solicitation will include sustainability requirements.

LEADER: Department of Procurement and Strategic Sourcing

STATUS: The Sustainable Procurement Committee is working on implementing this strategy

PURCHASING CONTINUED

Achieve Compliance with Environmentally Preferable Procurement Policy (EPP)

TARGET: By the end of 2018, achieve full compliance with all sections of this campus policy

ACTIONS: Focus on VIII-3.10(C) sections:

- V2a (100% post-consumer or tree free copy paper), V3a-h (PSS Responsibilities).
- The AVP of Procurement and Strategic Sourcing will oversee activities to achieve full compliance with the EPP by the beginning of CY2018.

LEADER: Department of Procurement and Strategic Sourcing

STATUS: The Sustainable Procurement Committee is working on implementing this strategy

Implement eProcurement System with EPP Guidance

TARGET: By the end of 2019, procurement officers will be steered to preferred sustainable products and services

ACTIONS:

- Ensure that products available for purchase follow the EPP and provide preferred purchasing choices.
- Include links to the Office of Sustainability's Green Purchasing Guide at relevant PSS website locations.

LEADER: Department of Procurement and Strategic Sourcing

STATUS: The Sustainable Procurement Committee is working on implementing this strategy

Create Sustainable Procurement Policies and Practices for Vendor Contracts

TARGET: Develop and achieve full compliance by the end of 2020

ACTIONS: PSS and OS develops sustainable procurement language in Vendor Code of Conduct and/or Terms and Conditions.

LEADER: Department of Procurement and Strategic Sourcing

STATUS: The Sustainable Procurement Committee is working on implementing this strategy

EDUCATION AND RESEARCH

As a signatory of the American College and University Presidents' Climate Commitment, the University of Maryland set an ambitious goal to educate all students about sustainability. UMD is progressing toward that goal through its broad array of degree granting programs, living-learning programs, and initiatives such as the Sustainability Advisors and Chesapeake Project. Year by year, students are increasingly likely to receive an introductory lesson on sustainability during their first semester, grapple with sustainability concepts in various courses spanning the academic disciplines, and get involved with sustainability-focused action-learning or research activities. Sustainability and climate change research at UMD continues to be among the best in the world and groups like the Council on the Environment help those research activities flourish.

Educate First Year Undergraduate Students about Sustainability

TARGET: Reach 100% of students enrolled in UNIV100 and in Honors, Scholars, and Gemstone seminar classes

ACTIONS: Utilize Student Sustainability Advisors (trained undergraduate instructors) to teach a lesson on sustainability in all UNIV100, HONR100, Scholars colloquia, and other freshmen seminar classes.

LEADER: Office of Sustainability

STATUS: Student Sustainability Advisors presented the lesson to nearly 11,000 first-year students over the past eight years. The Advisors presented the lesson to around 2,500 students in the fall of 2015 alone.

Integrate Sustainability across the Curriculum

TARGET: Run the Chesapeake Project faculty development workshop for at least 15 UMD faculty members annually

ACTIONS: The Chesapeake Project is a multiday workshop to help faculty integrate sustainability across various disciplines. Those who complete the workshop become Chesapeake Project Faculty Fellows and receive ongoing support from the Office of Sustainability and Chesapeake Project Faculty Fellows community.

LEADER: Office of Sustainability

STATUS: 185 UMD faculty members have participated since 2009 and integrated sustainability into over 190 courses in all 13 colleges/schools

EDUCATION AND RESEARCH CONTINUED

Offer more Sustainability Courses in General Education

TARGET: Increase the percentage of Gen Ed courses that have a focus on sustainability

ACTIONS: This strategy has three components as approved by the Sustainability Council:

1. The Office of the Provost should provide incentives to faculty who develop new sustainability-focused Gen Ed courses;

2. The Office of the Provost should encourage faculty who teach courses in the Sustainability Minor to classify those courses as Gen Ed;

3. The Office of Sustainability should encourage the development of sustainability-focused Gen Ed courses through the Chesapeake Project.

LEADER: Office of the Provost and Office of Sustainability

STATUS: The Office of Sustainability encourages the development of sustainability-focused Gen Ed courses through the Chesapeake Project

Foster Active Learning Programs on Sustainability and Climate Change

TARGET: All undergraduates have access to action-learning, service-learning, or travel-related sustainability programs

ACTIONS: Provide financial support to university programs that offer students real world experience in solving environmental problems and developing new sustainable technologies. Funds could be used to create institutionalized structures that support special projects, such as the Partnership for Action Learning in Sustainability (PALS) and the U.S. Department of Energy's international Solar Decathlon competition.

LEADER: Office of the Provost

STATUS: Programs including PALS and UMD's Solar Decathlon team receive financial support from the university.

Develop New Sustainability Graduate Degree and/or Certificate Programs

TARGET: In 2017, establish a committee to develop and implement new graduate programs in sustainability

ACTIONS: Establish an interdisciplinary committee including faculty, sustainability practitioners, employers, and current/prospective students to develop the curriculum and funding model for new graduate degree and/or certificate programs in sustainability. The committee should start its work in early 2017 and submit its recommendations to the Office of the Provost and Sustainability Council by the end of 2017.

LEADER: Sustainability Council

STATUS: No progress yet

EDUCATION AND RESEARCH CONTINUED

Assess Students' Sustainability Literacy

TARGET: Assess the sustainability literacy of undergraduate and graduate students every three years

ACTIONS: The Office of Sustainability will work with appropriate partners to conduct a Sustainability Literacy Assessment of undergraduate and graduate students once every three years.

LEADER: Office of Sustainability

STATUS: Planning to conduct an assessment in 2017

Foster Research on Climate Change, Energy, and Sustainability

TARGET: Establish the University as a leader in improving sustainability outcomes at local, state, national, and global levels through integrated, cutting-edge, and transformative research

ACTIONS: The University, through its various research centers and initiatives, will make annual progress on each of the following goals:

- Demonstrate global engagement and regional relevance through the University's research efforts
- Establish the University of Maryland as a leader in supporting, through research in relevant disciplines, the implementation of sustainability commitments made at all levels including on campus
- Identify large-scale opportunities that leverage existing University of Maryland strengths to collaboratively deliver impactful research
- Provide incentives and support the development of cross campus proposals for transdisciplinary research to amplify the impact, visibility, and outcomes of such work
- Raise the level of discourse on sustainability issues across campus to foster an engaged, informed, and active community of scholars working on current issues
- Identify gaps and potential overlap in various college curricula and, as needed, recommend how our students can become more engaged with local, regional, and global sustainability issues, including as they relate to campus sustainability efforts
- Pioneer new modes of collaborative learning and new approaches to education that equip students at all levels with the knowledge and skills necessary to support the sustainability initiatives of today, and lead the sustainability initiatives of the future
- Raise the profile and visibility of the high quality sustainability research done at the University through an appropriate communications strategy that is reflective of the University's world class capabilities and reputation
- Enhance the University's existing connections with governments, research institutions, businesses, and non-governmental organizations to engage these partners in collaborative efforts to deliver improved sustainability outcomes
- Foster relationships with alumni, partners and friends to garner financial and strategic support

LEADER: Various research centers and initiatives

STATUS: University-wide efforts continue to make progress towards these goals

EDUCATION AND RESEARCH CONTINUED

Support Research on Campus Sustainability through the Sustainability Fund

TARGET: Provide Sustainability Fund support to at least one research project each year that focuses on improving sustainability at the University of Maryland

ACTIONS: The Sustainability Fund Review Committee of the University Sustainability Council will seek opportunities to fund research projects that: A) create substantial opportunities for student involvement; B) have practical implications for improving the environmental performance of campus operations.

LEADER: Sustainability Fund Review Committee of the University Sustainability Council

STATUS: At least one research project has received a Sustainability Fund grant in each of the last six years that the Sustainability Fund has existed

Deploy Research Technologies Developed on Campus

TARGET: As they become available, deploy cost-effective technologies developed by the UMD research community to reduce environmental impacts

ACTIONS: Faculty and students whose research could influence campus operations should contact the Office of Sustainability to explore the potential for implementing their research technologies. The university may prioritize and offer greater financial support to home-grown technologies versus current commercially available alternatives.

LEADER: UMD researchers

STATUS: Researchers regularly approach the Office of Sustainability about applying their research to campus operations

ACKNOWLEDGEMENTS

The Office of Sustainability is grateful to its many partners who helped develop this Climate Action Plan. The UMD Environmental Finance Center was instrumental in conducting carbon and financial impact calculations for all carbon reduction strategies. Thank you to the following partner organizations for helping develop and implement these strategies and for everything else they do to make the University of Maryland a national model for a Green University.

- **Facilities Management**
- **Transportation Services**
- **Procurement and Strategic Sourcing**
- **Dining Services**
- **Extension**
- **Resident Life**
- **Residential Facilities**
- **Sustainability Council**
- **Council on the Environment**

University Senate

TRANSMITTAL FORM

Senate Document #:	14-15-03
Title:	Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases
Presenter:	Charles Delwiche, Chair, Senate Equity, Diversity, & Inclusion (EDI) Committee
Date of SEC Review:	March 27, 2017
Date of Senate Review:	April 6, 2017
Voting (highlight one):	1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report 4. For information only
Statement of Issue:	In fall 2014, a proposal was submitted to the Senate Executive Committee (SEC) requesting that the Senate review and revise how the University records and changes personal identity information, particularly names and sex/gender markers. The proposal noted that these practices are particularly problematic for individuals who are transgender or gender nonconforming, and that the process for updating information is unnecessarily cumbersome. The proposal also identified concerns over the use of honorifics, and proposed that no honorific should ever be assigned based on the sex/gender marker recorded for a student or employee. On September 9, 2014, the SEC charged the EDI Committee with reviewing the proposal and recommending changes to University practices or policies, as necessary. The charge also asked that the Student Affairs Committee consider the issues related to primary names for students and make recommendations to the EDI Committee.
Relevant Policy # & URL:	N/A
Recommendations:	The EDI Committee recommends that the Senate approve the Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records immediately following the report. The committee also presents fifteen additional recommendations for consideration.
Committee Work:	In fall 2014, the EDI Committee began reviewing the charge. It met with the proposer, reviewed research on practices at peer institutions prepared by the Student Affairs Committee, and consulted with a representative of University Human Resources (UHR) regarding the technical and logistical concerns associated with the proposal.

	In fall 2015, the committee conducted additional research on peer institution practices, as well as state of Maryland rules and regulations regarding the use of names and sex/gender data for state employees. The committee also considered whether the University should collect personal pronouns for distribution on class rosters. The committee met with the Vice President and Chief Information Officer; a representative of Database Services; the Assistant Vice President for Institutional Research, Planning, and Assessment (IRPA); the Office of Research Administration; International Student & Scholar Services (ISSS); and the Associate Executive Director for Alumni Engagement and Outreach. They discussed limitations in current technology and principles of identity management.
	The committee found substantial problems in how the University collects, stores, and disseminates names, sex/gender markers, and honorifics/ titles. These problems place a disproportionate burden on people who are transgender or gender nonconforming, and are often the result of insufficiently integrated systems. The committee concluded that a formal policy was essential, and voted to develop one that would support the University's commitment to diversity and inclusion. A subcommittee convened to draft a policy covering personal identity information in University systems, and consulted with the Division of Information Technology, UHR, IRPA, ISSS, the Office of the Registrar, and the proposer.
	In fall 2016, the committee carefully considered feedback on the draft policy, and worked to refine the policy and accompanying recommendations to codify certain fundamental principles while allowing the University the flexibility to implement those principles in a responsible manner. The policy and recommendations were reviewed by IRPA, UHR, the Office of Data Administration, Enrollment Management, the Office of the Registrar, and University Relations, as well as the Office of General Counsel.
	On March 10, 2017, the EDI Committee voted unanimously to approve the Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records and accompanying recommendations.
Alternatives:	The Senate could reject the proposed policy and recommendations and retain current practices for managing personal identity information.
Risks:	There are no associated risks.
Financial Implications:	Resources will be required to implement the recommendations. The significance of the financial implications depends on how the administration decides to implement the recommendations.
Further Approvals Required:	Senate approval, Presidential approval.

Senate Equity, Diversity, & Inclusion Committee

Report on Senate Document #14-15-03

Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases

March 2017

2016-2017 EDI Committee Members

Charles Delwiche, Chair
Jacinta Felice, Ex-Officio VP for Student Affairs Rep
Steve Fetter, Ex-Officio Provost's Rep
Anne Martens, Ex-Officio VP for Administration & Finance Rep
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BACKGROUND

In fall 2014, a proposal was submitted to the Senate Executive Committee (SEC) requesting that the Senate review and revise the University's practices for recording and changing personal identity information, particularly names and sex/gender markers. The proposal noted that the process for updating this information is much more cumbersome for students than it is for employees. The proposal also identified concerns over the use of honorifics and titles, and proposed that no honorific should ever be assigned based on the sex/gender marker recorded for a student or employee. On September 9, 2014, the SEC charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the proposal, investigating the treatment of personal identity information at peer and Big 10 institutions, consulting with relevant offices on campus, and proposing changes to University practices or policies, as necessary (Appendix 4). The charge also asked that the Student Affairs Committee consider the issues related to primary names for students and make recommendations to the EDI Committee.

CURRENT PRACTICE

Key elements of identity that are currently represented in University records include name, sex/gender, and honorific/title (definitions for these and other relevant terms appears at the end of this section). Most University records do not currently record personal pronouns. Personal identity information for current faculty, staff, and students is managed by two primary systems: information for employees (faculty, staff, and graduate assistants) is managed using the Payroll & Human Resources (PHR) System; undergraduate and graduate student information is managed by the Student Information System (SIS). Each of these systems can store different versions of an individual's name, as discussed in Appendix 1. The process for changing this information, however, varies significantly by population. Employees may easily update their information through the Administrative Resource Enterprise Services (ARES) web portal. Students, however, must visit the Office of the Registrar.

The collection, storage, and updating of personal identity information involves dozens of databases, and the information in them is not necessarily congruent (a partial list of systems is contained in Appendix 1). Additionally, there is no comprehensive map of information flow for the University, and the process by which databases and information systems are synchronized is complex. This creates difficulties whenever a member of the University community wishes to change or correct personal information, difficulties that are compounded when an individual has multiple roles (e.g., is both an employee and a student, as is described in Appendix 1). For the purposes of the report, the committee has adopted the following definitions (for additional information on how these concepts are reflected in current University practice, see Appendix 1):

- *Legal name* refers to the individual's name as recorded on official documents such as a birth certificate or passport (*payroll name* is used as a synonym in some University systems).

- *Primary name* is the name by which the individual wishes to be known (*preferred name* is used as a synonym in some University systems). An individual's primary name is used in the UMD Directory, on UMD ID cards, on course rosters, and anywhere a legal name is not required.

- *Sex* refers to the individual's legally recognized sex, which may not be the sex assigned at birth. Sex is a binary attribute in most University records (some of which use the term "gender," though with the same binary options).

- *Gender identity* refers to the gender with which the individual identifies; terms for this include man, woman, trans-man, trans-woman, gender-fluid, etc.

- *Honorific/title* refers to terms such as Mr., Ms, Miss, Mrs., Mx, as well as academic titles such as Dr.

- *University community* refers to active and retired faculty, staff, students, and alumni.

COMMITTEE WORK

In fall 2014, the EDI Committee met with the proposer, and learned that many of his concerns result from lack of coordination, lack of clarity, too few options, and the absence of parity between employees and students when

updating personal information. He proposed that these issues could be resolved successfully with a University-wide policy. The EDI Committee reviewed a memo from the Student Affairs Committee presenting the findings of its peer institution research (Appendix 2), as well as minutes from the Student Affairs Committee's meeting with the Associate Registrar. The committee also met with the Assistant Director for Information Services in University Human Resources (UHR) to discuss the technical and logistical concerns any new policy would need to consider. Two pressing charges consumed the committee's attention the remainder of the spring semester, and the committee requested an extension until December 18, 2015. The SEC granted the request.

The EDI Committee devoted the 2015-2016 academic year to discussing the charge and developing a series of recommendations. The committee reviewed procedures for changing names, sex/gender markers, and honorifics/titles at peer and Big 10 institutions (Appendices 2 & 3). Most of the institutions reviewed distinguished between a student's legal name and primary (or preferred) name, and most allowed students to easily update the latter using various electronic forms. Most did not allow students to update their sex/gender markers or honorifics/titles. The EDI Committee also investigated state of Maryland rules and regulations regarding the use of names and sex/gender data for state employees (Appendix 3).

During the course of the committee's work, the proposer asked that the committee also consider personal pronouns, noting that the personal pronouns one uses—e.g., he/him, she/her, they/them, ze/hir—are increasingly important to UMD students. This is particularly true for transgender students, who frequently view the inaccurate use of personal pronouns as a significant concern. The proposer explained that some institutions provide mechanisms for students to indicate personal pronouns directly on class rosters. This benefits students, who no longer need to inform their instructors about personal pronouns, and it assists instructors in treating all students respectfully.

The committee met with the Vice President and Chief Information Officer; a representative of Database Services; the Assistant Vice President for Institutional Research, Planning, and Assessment (IRPA); the Office of Research Administration; International Student & Scholar Services; and the Associate Executive Director for Alumni Engagement and Outreach. They discussed the limitations of current technology, principles of identity management and management systems, and other database-related considerations.

The committee found that there are substantial problems in how the University collects, stores, and disseminates names, sex/gender markers, and honorifics/titles, and that these problems place a disproportionate burden on people who are transgender or gender nonconforming. For example, the process of changing a primary name for students who are also employees requires multiple steps, and even then, outdated personal identity information can appear unexpectedly, which can be embarrassing and upsetting. This is amplified in some cases by *ad hoc* practices such as the assignment of honorifics (Mr., Ms, etc.) based on an individual's name or sex/gender/marker in the absence of information about how the affected individual would like to be addressed.

A major mechanism underlying these problems appears to be the large number of inconsistently integrated systems that store personal identity information at the University. There have been past efforts, some as recently as 2008, to develop a comprehensive synchronization mechanism (in particular the development of a "circle of change"), but for various reasons this mechanism has never been fully effective. The committee learned that no comprehensive map of information flow exists for the University. Consequently, much of the difficulty in proposing a specific remedy comes from the information technology itself, which is outside the committee's purview and expertise.

The committee also learned that students can request that the Office of the Registrar change their primary name or their recorded sex with an in-person visit. Because of the risk of identity theft and fraud, such name changes are usually restricted to a student's first and middle name (changing the last name requires additional documentation). A student's primary name can be printed on the diploma at the time of graduation, but any subsequent change can only be to the individual's legal name (also to protect against identity theft and fraud).

The committee discussed possible courses of action, and considered proposing administrative recommendations, a new policy, or both. Some members expressed concern that an overly ambitious policy might simply be ignored, while others worried that recommendations alone would be less durable and unable to guide University practices going forward. The committee concluded that a formal policy was an essential part of a solution, and voted to develop a policy that would support the University's commitment to diversity and inclusion.

The EDI Committee established a subcommittee to craft a policy covering primary names, sex/gender markers, honorifics/titles, and personal pronouns. The subcommittee developed a draft using text suggested by the proposer and language from analogous policies at other institutions. The subcommittee also consulted with various offices that would be responsible for implementing any policy, as well as the proposer. On January 12, 2016, the EDI Committee requested an extension until March 11, 2016, which the SEC granted. The subcommittee requested feedback on its draft policy from the Division of Information Technology, UHR, IRPA, International Student and Scholar Services, the Office of the Registrar, and the proposer.

While the offices providing feedback uniformly supported the goals of the draft policy, several expressed significant concerns with the costs of implementing the policy as written. Creating a single identity management system capable of synchronizing changes across a large number of databases and systems would be a significant undertaking, potentially costing millions of dollars. The EDI Committee determined to revise the policy in light of the feedback and explore ways of narrowing its scope while still addressing the core concerns contained in the original proposal. As occurred previously, however, time-sensitive charges and requests prevented the EDI Committee from completing its work on the charge in the spring semester. In fall 2016, the committee requested an extension until March 31, 2017, which the SEC granted.

In the 2016-2017 academic year, the committee reviewed the research gathered since 2014, carefully considered the feedback provided on the subcommittee's draft policy, and worked to refine the policy and recommendations to create a proposal that would substantially improve the campus climate for transgender individuals and those who are gender nonconforming, and yet would be realistic regarding the significant resources required to overhaul existing information management systems. Representatives of the committee reviewed the revised policy with a group of stakeholders representing IRPA, UHR, the Office of Data Administration, Enrollment Management, the Office of the Registrar, and University Relations. The Office of General Counsel also reviewed the policy. The committee learned that the University is currently pursuing or considering several information technology modernization projects. Replacements for both UHR and SIS are planned, and these systems will be designed to communicate with each other in ways current University tools cannot.

The EDI Committee made additional adjustments to the policy and recommendations. Both the policy and recommendations reflect a commitment to codifying certain fundamental principles in policy while allowing the University the flexibility to implement those principles in a responsible manner. They support the University's goals of inclusion by proactively collecting and disseminating information on gender identity and personal pronouns. They further empower all members of the University community by giving them control over their personal identity information, and provide much-needed tools for particularly vulnerable populations.

While studying the University's handling of personal identity information in the context of gender identity issues, the committee learned of other communities who are also affected. Similar problems face individuals who changes their name (including because of marriage); people who use a single name, as is the practice in many parts of the world; those who use more than three names; and those whose names are not easily divided into first and last names.

The current haphazard, and for students awkward, process of updating personal identity information, combined with the restriction of sex/gender to binary options, creates a less-than-welcoming atmosphere for people who are transgender or gender nonconforming. Although the committee found no reason to believe this is intentional, it fails to meet the University's ideals of equity, diversity, and inclusion. When fully implemented, the proposed policy is designed to remedy these shortcomings and help further the University's commitment to becoming a model for diversity and inclusive excellence.

On March 10, 2017, the EDI Committee voted unanimously in favor of forwarding the Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records to the Senate for its consideration.

RECOMMENDATIONS

The EDI Committee recommends that the Senate approve the **Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records** as shown immediately following this report, which ensures that each member of the University community retains control over their own personal identity. In addition, the committee makes the following recommendations:

- The University's information management infrastructure should permit all members of the University community to change their primary name, gender identity, personal pronouns, and honorific/title without undue difficulty.

- Primary names should be used in all contexts except where the legal name is required (e.g., for federal reporting).

- The University should collect and store gender identity markers for members of the University community. Gender identity should be used in all contexts except where sex is required. Options for gender identity should at least include man, woman, and non-binary.

- The University should collect and store personal pronouns for members of the University community. Specifying personal pronouns should be optional. When identified, personal pronouns should be distributed on course rosters and displayed in directory records. Options for personal pronouns should include he, she, and at least one non-binary option.

- When the University collects honorifics/titles for members of the University community, selecting an honorific/title should be optional. The current list of selectable honorifics for faculty and staff (n/a, Mr., Ms, Miss, Mrs., and Dr.) should be expanded to include at least one non-binary option.

- The University should periodically review the available options for gender identity markers, personal pronouns, and honorifics/titles, and update the choices available to members of the University community as appropriate.

- The University should improve the ability of its systems to accommodate individuals who use a single name, who have more than three names, or who have names that cannot be classified as either a first or last name.

- Information management systems should be designed so that individuals should only have to update their information a single time, and changes should be propagated across relevant systems with no further action by the individual. Until such systems are implemented, the University should improve its communication of how to update personal identity information.

- Individuals should be told at the time of information collection why it is being collected and how it will be used. The committee realizes there are certain situations in which the University is not directly collecting information, as is the case with admissions, which may make this impossible.

- Programs to educate the campus community on the use of personal identity information should be created, particularly to assist those whose gender identity differs from their sex or who do not identify with the categories used in University records. Training for those who deal directly with matters of personal identity (e.g., Health and Counseling Center staff, academic advisors, Office of the Registrar staff, and those in UHR) should be developed. In addition, the Faculty Handbook, the UHR website, and the Undergraduate and Graduate Catalogs, as well as programs and resources offered by the LGBT Equity Center and the Learning and Teaching Center, should be revised to align with these recommendations.

- The University should retain authority to review changes to a student's primary name, and should deny changes that:
  - Are intended to misrepresent a person's identity or misappropriate the identity of another person;

- o   Are intended to avoid a legal obligation; or

- o   Are derogatory, obscene, or convey an offensive message.

  Students whose requests are denied should be able to appeal using procedures established by the University.

- Students should continue to be allowed to select either their legal name or their primary name to appear on their diploma.

- The committee strongly recommends that the information technology modernization currently underway be used as an opportunity to address the above recommendations and improve the handling of personal identity information. As the University develops new information systems, individuals' control over their personal identity information should be a key objective.

- The University should designate an office/individual to oversee implementation of this policy and its recommendations, and report annually to the Senate until the policy is fully implemented, beginning on March 1, 2018.

- The Senate EDI Committee should be charged with a review of this policy and associated appeal procedures in the fall of 2018.

APPENDICES

Appendix 1 — Personal Identity Information and Current University Practices
Appendix 2 — Memo from the Student Affairs Committee (December 23, 2014)
Appendix 3 — State Policies and Additional Peer Research
Appendix 4 — Student Government Association Resolution in Support of the Original Proposal
Appendix 5 — Senate Executive Committee Charge on Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases (Senate Document #14-15-03)

POLICY

UMCP Policy Concerning Name, Sex, Gender, and Other Personal Identity Information in University Records

I. **Purpose**

The University of Maryland recognizes that name and gender identity are central to most individuals' sense of self and well-being, and that it is important for the University to establish mechanisms to acknowledge and support individuals' self-identification. With this in mind, the University of Maryland establishes the following policy on the use of names, sex and gender identity markers, and honorifics or titles recorded for all members of the University community (students, active or retired faculty and staff, and alumni).

II. **Policy**

It is the policy of the University of Maryland that, to the extent allowable under applicable law, all members of the University community should be in control of their own personal identity information. Important attributes of identity that are recorded in University records may include name, sex, gender identity, personal pronouns, and honorifics or titles. University recordkeeping and information dissemination systems shall be designed, whenever practicable, to facilitate the individual's control over their own identity information.

The University shall not assign sex, honorific, or title based on name, and no identity marker will be assigned or chosen based on another marker.

The University shall provide notice of the intended purpose and use of the sex and gender identity information it collects.

III. **Procedures**

The University shall establish and supervise mechanisms for changing personal identity information, for reviewing and updating these mechanisms as necessary, and for informing any individual whose requested change is denied.

IV. **Appeals**

The University shall identify an appeals process to follow if a requested change is denied, and to address any violations of this policy.

Equity, Diversity, & Inclusion Committee

Personal Identity Information and Current University Practices | March 2017

This appendix reviews terminology and current practices related to the collection, storage, and updating of personal identity information.

Name

Employees (faculty, staff, and graduate assistants)

- The Payroll and Human Resources System (PHR) is the primary application used for entering, displaying, and updating employees' information. Personal information is not stored in PHR, however, which is rather a tool for updating Universal Person System tables.
- Employees can view their name(s) using the Administrative Resource Enterprise Services (ARES) web portal. While the system can store multiple versions and iterations of employees' names, two different names are visible to the employee through ARES:
  - **Payroll Name**: This name appears on W2 forms, paychecks, and other official documents that involve Payroll Central. Employees must speak with their payroll coordinator to change their payroll name.
  - **Primary Name**: This name, which can differ from an individual's payroll name, appears in the University directory and on ID cards. Employees can easily change their first, middle, and last name through ARES.

Students (undergraduate and graduate)

- The Student Information System (SIS) is the primary tool for displaying and updating students' information.
- Students do not have a system like ARES through which they can view or change their names. Instead, they must visit the Office of the Registrar in person to make a change. While SIS stores multiple versions and iterations of students' names, two are of primary interest:
  - **Legal Name**: This name appears on transcripts and financial aid documents. Students must provide their legal names when applying for admission. Updates to a student's legal name require official documentation of a name change.
  - **Primary Name**: This name, which can differ from a student's legal name, appears in the University directory, on ID cards, and on class rosters. Students can only change their first name by visiting the Office of the Registrar and explaining the reason for the change.

A number of other databases and systems pull personal identity information from PHR and SIS. In general, this flow is one-directional (i.e. systems such as ELMS may pull information from SIS, but changes made in ELMS do not flow back to SIS). In the case of students who are also employees, however, changes made in either PHR or SIS may be reflected in the other. For example, a student may change his/her primary name in SIS through the Registrar, and subsequently become a student employee. When the student's record in PHR is created using the student's legal name, PHR may change the primary name in SIS back to the student's legal name, which would then begin appearing in the directory and on class rosters. While the systems are designed to prioritize changes in whichever system is associated with the individual's *primary* role on campus, students still encounter this issue.

In general, University systems default to an individual's primary name in all contexts except where a payroll or legal name is required. There are currently no satisfactory solutions for persons who use only a single name, who have more than three names, or who have names that cannot be classified as either a first or last name (e.g., international students and scholars).

Sex/Gender

Employees (faculty, staff, and graduate assistants)
- PHR contains a "gender" field that is populated when each employee is initially hired. The only options are "female" and "male."
- Employees can change their "gender" marker through ARES at will.

Students (undergraduate and graduate)
- SIS contains a "sex" field that is populated when students complete their application for admission. The only options are "female" and "male."
- Students can change their "sex" marker by submitting a paper form to the Office of the Registrar (the form must be co-signed by a UMD employee, and states "I know the student identified above and can attest that this request is reasonable"). Students who have used this process have reported that the change appears inconsistently across University records, and can potentially be overwritten by older information.

When the Office of Institutional Research, Planning, and Assessment (IRPA) submits federal reports on employee demographics, it uses information entered through PHR. This data is "frozen" twice a year for reporting purposes, so changes in the number of "female" and "male" employees can be seen over time. In the case of students, reporting is cohort-based. The initial sex markers recorded for the class of students admitted each year are used until graduation, regardless of any subsequent changes made in SIS. The federal reporting system only allows "female" and "male," and requires that the combined number of "females" and "males" match the total number of individuals. If IRPA encounters employees or students without a sex/gender marker, it must assign them one of the two options in order to fulfill the University's reporting obligations.

The state of Maryland requires that the University complete a report on all employees it hires. While the process does ask an employee's "gender"—with female/male the available choices—the field is optional. State employees may update their gender using an online system.

The Office of Research Administration (ORA) does not maintain any sex/gender information in its Coeus award management system. In addition, ORA does not report any such information in proposals submitted to sponsors; if that information is included in applications, it is optional and left to the principal investigators to choose whether or not to provide it. ORA does not track which sponsors include this information within applications.

Honorific/Title

Employees (faculty, staff, and graduate assistants)
- PHR contains a "prefix" field that employees may voluntarily use. Current options are n/a (the default), Mr., Ms., Miss, Mrs., and Dr. These prefixes appear in the University directory, and may be used by systems that pull from PHR.

Students (undergraduate and graduate)
- SIS does not contain an honorific/title field, and no such information is recorded for students at the University level.

Partial List of Systems that Store/Interact with Personal Identity Information
- PHR (personnel records)
- SIS (Student Information System)
- UPS (Universal Person System)
- ENTITY (alumni database shared with USM institutions)
- Admissions
- Health Center
- Sunapsis (International Student and Scholar Services)
- UMEG and ELMS/Canvas

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Memorandum

To: Terry Owen, Chair, Senate Equity, Diversity, & Inclusion (EDI) Committee

From: Ian Chambers, Chair, Senate Student Affairs Committee

Date: December 23, 2014

Re: Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in
        University Databases (Senate Document #14-15-03)

I am writing on behalf of the Senate Student Affairs Committee (SAC) regarding its research on the
practice of allowing students to designate a preferred name at UMD. As you know, within the charge to
the EDI Committee on policies and procedures related to preferred/primary names and sex/gender
markers, the Student Affairs Committee was asked to complete a few specific tasks related to student
name changes and report its findings and any recommendations to the EDI Committee.

The SAC has outlined its work and findings related to each specific task listed in the charge below.

   a. **Current UM policies and procedures for changing student preferred/primary names on
       unofficial documents.**

To fulfill this point of its task, the SAC reviewed the proposal and all supplementary information included
on preferred names for students; reviewed information available online
(http://www.umd.edu/lgbt/transresources.html) about UMD's process for designating a preferred name;
met with Associate Registrar Jackie Vander Velden on November 14, 2014; and corresponded via email
with Human Resources and the Office of International Student and Scholar Services.

Findings

The SAC found that the University of Maryland does have procedures for students to designate a
preferred name for use on unofficial university documents, such as student ID cards, class lists, and
student directories. There is no official University policy guiding the procedures or process at this time.

Prior to 2010, preferred names could be designated for students on an ad-hoc basis when the LGBT
Equity Center contacted the Registrar's Office and requested a change be made. No documentation was
involved and no formal process was implemented. In 2010, it was clear that a process needed to be
created, so a pilot program was established through the Registrar's Office (see enclosed memo).

Today, students may designate a preferred name by visiting the Registrar's Office and filling out the
appropriate form. The LGBT Equity Center can also provide the form and direct students to the
Registrar's Office. The Registrar's Office explains to students where the name will be used and where the
legal name is required, and suggests other offices or systems that the students will need to change on their
own as well, such as ARES if the student is an employee.

Remaining Concerns

The SAC has the following concerns that EDI should consider as it moves forward:

1. ARES: Students who are employees need to designate a preferred name with the Registrar's Office and in ARES, the University's personnel services website. ARES allows student employees to designate a "Primary Name," which will be used on a day to day basis and in any University reporting. Since ARES is online, this step may not be cumbersome, but students will need to be aware of the second system.

2. International students: The SAC received conflicting information on whether international students are able to designate a preferred name. Information from the Registrar's Office suggested that Department of Homeland Security regulations may prevent international students from being able to designate a preferred name, while information from the Office of International Student and Scholar Services indicated that such regulations only apply to situations where the legal name continues to be required by UMD already, such as on transcripts and financial documents. It appears as if international students are currently unable to designate a preferred name, but the SAC feels that all students should have the same ability to designate a preferred name. The EDI Committee should consider reaching out to the Office of International Student and Scholar Services for more information, and should determine whether there are any circumstances where the legal name of an international student must continue to be used. Additionally, if international students are given the ability to designate a preferred name, the Office of International Student and Scholar Services should consider making information on the preferred name process easily accessible to international students, including in materials such as admissions packets or in orientation sessions.

3. System concerns: In its consideration of this issue, the SAC learned that there are many databases on campus that do not communicate or share information. While designating a preferred name with the Registrar's Office will change the name in the Student Information System (SIS), it will not cause UMEG or ELMS class lists to refresh if lists have already been downloaded. SIS and ARES information is also separate. The SAC is concerned that students need to know of any additional places where they must designate a preferred name or any additional steps that will need to be taken. The SAC noted that a policy could outline each of these additional steps for clarity.

4. Communication concerns: The SAC felt that this is an area where students need to be clearly told and reminded of the procedure and implications of a preferred name designation. The SAC felt that a first step forward would be to ensure that appropriate websites have information outlining the process and answering key questions. Currently, the LGBT Equity Center has some information available on its website, but the SAC could not find information on the Registrar's Office website. The Registrar's Office has raised concerns that students may designate a preferred name as a freshman, and later may not recall every instance of where the name will change. This is particularly a concern with mailings, since University mailings will use the preferred name. There have been instances where mail is sent to the permanent address to a parent who is unaware of the student's choice to use a preferred name. The SAC understands there may not be a way around this concern, but it may help to continually remind students of where the preferred name will be used.

Recommendations/Suggestions

The SAC suggests that a University policy be developed to allow students to designate a preferred name for use at UMD. The SAC suggests that the policy outline the process and include reference to any additional steps students need to complete beyond designating a name with the Registrar's Office, such as changing their name in ARES if they are a student employee.

The SAC recommends finding a way to consolidate and standardize information across databases. If there is no way to connect databases, information linking to other systems could be included to remind students that additional steps may be necessary before a preferred name can be fully implemented.

The SAC felt strongly that a communication strategy will be a necessary component of a preferred names policy. Currently, no information on designating a preferred name exists on the Registrar's Office webpage. In reviewing peer institutions, the SAC appreciated efforts by other institutions to provide FAQ documents and other online information that lays out the implications of where a preferred name will be used and where a legal name will still be required. The SAC suggests that such efforts be encouraged at UMD as well.

Additionally, the SAC discussed how to continually remind students of where a preferred name will be used and where it will not be used, so that they continue to be aware of potential issues. The SAC suggests considering a mechanism through the Registrar's Office and the online student portal to remind students who have designated a preferred name each semester or on an annual basis.

    b. **Peer and Big 10 institution policies and procedures for changing student preferred/primary names.**

To fulfill this point of its task, the SAC reviewed information available online from all Big Ten institutions, and considered whether peer institutions had examples that should be considered. The SAC's research is enclosed. The SAC also reviewed a document provided by the Registrar's Office, which showed the results of a 2012 survey of Association of American Universities (AAU) Registrar's Offices on policies and procedures related to preferred names for students.

Findings

The SAC found many similarities between the University of Maryland's process and processes at Big Ten institutions that have a preferred names policy or procedure. Of institutions that have adopted a procedure or policy, all seem to have the same or similar use, allowing for a preferred name to be used on class rosters, student directories, and unofficial University documents. All note that there are certain documents that require the use of a legal name, such as transcripts or financial aid documents.

The SAC focused its discussion on the University of Michigan, Michigan State, Ohio State, Northwestern, and Purdue. Each of these institutions has an online process, through some sort of student portal or online directory, and each provide clear guidance on where the preferred name is used and where it will not be used. The SAC found a few interesting points it wanted to share related to these institutions:
- University of Michigan: In directories at the University of Michigan, the legal name still appears in the directory under "Also Known As." An individual would need to contact Information and Technology Services and request that the legal name be hidden.
- Michigan State: According to the institutions FAQ's on this issue, the preferred name appears alongside the legal name in some places, such as ID cards: "The preferred name will print in the place of the legal first name on the front of the card. The legal first and last name will be printed on the back of the card."
- Northwestern University: The committee is unclear on whether Northwestern allows the ID card to be changed.
- Ohio State: According to the FAQ's, preferred names may not be used on student ID cards at Ohio State because the ID can be used as a second form of ID off-campus.
- Purdue University: the ID card at Purdue may display the preferred name, but the legal name will be included on the back of the card.

Remaining Concerns

Since the SAC found varied use the preferred name on ID cards, it considered the question of whether ID cards can be used as a second form of identification, and if so, what requirements may or should exist related to using a legal or preferred name. On the one hand, the SAC noted that for identification purposes, it may be important to have some reference to a legal name so that the ID card will match a driver's license or passport. On the other hand, the SAC discussed how including the legal name on the ID card makes it more difficult for a student to go by a preferred name, and connects students to a name that they may wish to move beyond. The SAC remains concerned about weighing these considerations, and suggests that EDI seek a balanced solution that acknowledges the implications for students who identify as transgender or other individuals who wish to remove any visible unofficial connection to a legal name.

Recommendations/Suggestions

The SAC suggests that information about the preferred name process for students be articulated online on University websites, such as the Registrar's Office website. In addition, the SAC recommends that the University develop a comprehensive Frequently Asked Question page, similar to those found at peer institutions, to help facilitate understanding related to the policy or procedure.

The SAC suggests that the Registrar's Office and the University administration consider whether the process for designating a preferred name for students could be moved online. The SAC notes that many peer institutions have online systems, which may be easier for students to access, but the SAC also understands that our current systems and databases may not be capable of handling such a process online.

c. Requirements of the Office of the Registrar for recording a student's legal name versus preferred name in University records.

To fulfill this point of its task, the SAC met with Associate Registrar Jackie Vander Velden.

Findings

The SAC found that the University is required to use the legal name on official documents such as transcripts and student financial aid documents.

Remaining Concerns

The SAC has the following concerns that EDI should consider as it moves forward.
- ID cards: In relation to its previous concern, the SAC is unsure of whether there are state regulations on student identification cards if intended for use as an official form of identification. The SAC recommends that EDI consider whether any such regulations exist.
- International Students: Related to the concern articulated above, EDI should investigate whether there are additional requirements for use of the legal name for international students, to determine whether a policy or procedure would need to have any exceptions or added steps for international students and to ensure that the University does not create additional complications for international students.

Recommendations/Suggestions

The SAC feels that the places in which the legal name is used at the University are appropriate, and suggests that no changes are needed to expand how and where the preferred name is used at UMD.

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After concluding its consideration of this issue, the Student Affairs Committee was in agreement with the above suggestions. The Student Affairs Committee respectfully submits this report for consideration by the EDI Committee, and looks forward to learning more about EDI's consideration of preferred and primary names for all members of the campus community. Please contact me with any questions or concerns that you or the committee may have. Thank you for your consideration of this report.

Enclosures:
- Preferred Name Pilot Program Memo
- Peer Institution Research on Preferred Name Policies and Procedures
- Student Affairs Committee Minutes from 11.14.14

IC/seh

UNIVERSITY OF
MARYLAND

OFFICE OF THE REGISTRAR

August 4, 2010

MEMORANDUM

TO: Dr. Nariman Farvardin, Senior Vice President for Academic Affairs and Provost

FROM: Luke Jensen, Director, Office of Lesbian, Gay, Bisexual and Transgender Equity
            Chuck Wilson, Assistant Vice President for Extended Studies and Interim
            University Registrar

SUBJECT: Preferred Name Pilot Program

We are writing to ask that you approve a pilot program for the fall 2010 semester to allow all graduate and undergraduate students to substitute a "preferred name" for their legal name on student identification cards, class lists, and in student directories. While many members of the campus community may prefer to use a name other than their legal name to identify themselves in the classroom or workplace, the impetus for this pilot program is to assist our transgender students.[1] We suggest a pilot program for all students in order to evaluate the feasibility and scope of adopting a University-wide preferred name policy.

The pilot program would require a student to make a written request to the Registrar to use a preferred name. The Registrar will grant a student's request to use a preferred name, except if circumstances indicate that the request is for the purpose of misrepresentation, or to otherwise avoid a legal obligation. Following approval, the Registrar will substitute the preferred name for the legal name on the student's identification card, class lists, and in student directories (associated costs, if any, would be paid by the student). A student's preferred name will be linked to the student's legal name which will continue to be shown on the student's transcript, financial aid records, and other records where use of the legal name is required by law or University policy.

We expect that most requests during the fall 2010 semester will be referrals from Luke. While the campus will not advertise this option during the pilot program period, if faculty or staff ask to use a preferred name, they will be referred to University Human Resources for processing.

cc: Dr. Ann G. Wylie
       William McLean
       Dale Anderson
       Susan Bayly

Approved
8/5/10

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[1] Attached is an article that describes the benefits of preferred names to transgender students at the University of Vermont. Also attached is the University of Michigan's Preferred Names Policy. The University of Massachusetts and Illinois State University also have preferred name policies. Susan Bayly has advised us that a preferred name policy is legally permissible, but must apply to faculty, staff, and students.

Student Affairs Committee
Preferred/Primary Name Policies and Procedures at Peer Institutions
Online Information
10.23.2014

University of Illinois at Urbana-Champaign

- Registrar's Office – Information on how to submit your legal name change, not preferred name change, to the office. http://www.registrar.illinois.edu/graduation/namechange.html

- LGBT Office – Directs to the Registrar's Office.

- Diversity Office – No information.

- International Student Services – No information.

Indiana University (Bloomington)

- Student Central on Union (student services offices combining information from Registrar and Student Financial Assistance Office) (http://studentcentral.indiana.edu/personal-information/update-information/name.shtml)

"Your **Primary** name data is your legal identifier, as recognized by the federal government (Social Security Administration and the Department of State) and the state of Indiana. It's what is reflected on your official academic record, and is used for grade rosters, transcripts, and diplomas.
The **Preferred** name can be modified by an individual to recognize a diminutive or nickname (e.g., Bob rather than Robert or Cindy rather than Cynthia)."

"In certain cases, such as transgendered students with differently gendered Preferred and Primary names, to reduce the chance of confusion and possible embarrassment, we suggest you legally change your name and officially update your IU academic record. If you do not wish to do this, we suggest that upon changing your Preferred name you advise the Office of the Registrar at regrdemo@indiana.edu of your dual name status."

- Registrar's Office – No information.

- LGBT Office – Information on how to legally change your gender and name, but not specific preferred name change information.
  http://glbt.indiana.edu/resources/Indiana%20Gender%20Identity.php.

- Diversity Office – No Information.

- International Student Services – No information.

University of Iowa

- Registrar's Office - Permanent name change form, not a preferred name. http://www.registrar.uiowa.edu/LinkClick.aspx?fileticket=tSiwq15GOUI%3d&tabid=79&mid=415.

- LGBT Office – No information.

- Diversity Office – No information.

- International Student Services – No information

University of Michigan

- Preferred names policy and procedures: http://www.itcs.umich.edu/itcsdocs/r1461/

What Is a Preferred Name?

You may prefer to go by a name that is different from your legal name. Also, you may want to have this name appear instead of your legal name in your MCommunity Directory profile and in other university records and documents. The university allows you to do this by setting a preferred name. You must set the preferred name in Wolverine Access, and it will then appear in your directory profile and other records. Some records, such as paychecks, that require use of a legal name, may not be able to use your preferred name. However, whenever possible, your preferred name will be used.

The Preferred Names Policy

Here is the text of the policy:

The university recognizes that as a community many of its members use names other than their legal names to identify themselves. As long as the use of this different name is not for the purposes of misrepresentation, the university acknowledges that a "preferred name" can and should be used wherever possible in the course of university business and education.

Therefore, it is the policy of the university that any student, active or retired faculty or staff member, or alumni may choose to identify themselves within the university's information systems with a preferred name in addition to the person's legal name. It is further understood that the person's preferred name shall be used in all university communications and reporting except where the use of the legal name is required by university business or legal need.

The individual is free to determine the preferred name he or she wants to be known by in the university's information systems. However, inappropriate use of the preferred name policy (including but not limited to avoiding a legal obligation or misrepresentation) may be cause for denying the request.

- Registrar's Office - Reference to process for legal name change with Student Services. https://umich-regoff.custhelp.com/app/answers/detail/a_id/1310/~/documentation-required-to-process-a-student-name-change-or-correction.

- LGBT Office – Information on legal name changes. http://spectrumcenter.umich.edu/article/michigan-name-change-help.

- Diversity Office – No information.

- International Student Services – No information.

Michigan State University

- Preferred Name Policy included in Academic Programs Manual (https://www.reg.msu.edu/academicprograms/Text.aspx?Section=112#s10923)

LEGAL NAME. Students are required to provide their legal name at the time of application and to process official name changes while enrolled, as appropriate. Name change requests must be submitted to the Office of the Registrar with appropriate documentation. Documentation consists of a current driver's license, official state ID card, Social Security card, court order of legal name change, current passport, or official proof of identity certified by U.S. embassy abroad or by the appropriate foreign embassy in the United States.

DIPLOMA NAME. Students indicate their diploma name on the Michigan State University Application for Graduation. The student name listed on a diploma or certificate must match the legal name as it is recorded on the student's official university record, with the following exceptions: option of first name or initial; option of middle name or initial; inclusion of former or maiden name(s); and inclusion of proper capitalization and accentuation of name.

PREFERRED NAME. The university recognizes that many of its students use names other than their legal names to identify themselves. Students may indicate their preferred first name on the Michigan State University Application for Admission or by accessing STUinfo (http://stuinfo.msu.edu).

Once established, preferred name will be used along with legal name across university systems, where possible. The university reserves the right to remove a preferred name if it is used inappropriately, including but not limited to, avoiding a legal obligation or misrepresentation. The legal name will continue to be used for certain university records, documents, and business processes such as reporting, financial aid, official transcripts, and other records where use of legal name is required by law or university policy.

Students may update or remove their preferred name via STUInfo or in person at the Office of the Registrar, Hannah Administration Building, 426 Auditorium Road, Room 150, East Lansing, Michigan, 48824-2603.

- Registrar's Office - Students are able to change their name to a preferred name, information for that process is available in the FAQ's here: https://www.reg.msu.edu/ROInfo/FAQRO.aspx#Current18B.

- LGBT Office – Information on how to change preferred name included in resources section, and directs people to the Registrar's Office and StuInfo.
  - LGBT Resource Center flyer on new policy http://lbgtrc.msu.edu/wp-content/uploads/2010/08/preferred-name-policy-flyer.pdf.

- Diversity Office – No information.

- International Student Services – Reference to name change information on the Registrar's Office website.

University of Minnesota

- Registrar's Office - No information.

- LGBT Office – No information.

- Diversity Office – No information

- International Student Services – No information on preferred name changes. Instructions are included directing students to report legal name changes to the university. http://www.isss.umn.edu/jscholar/J_SEVIS_Scholar.html.

- University of Minnesota Student Senate: Resolution on Preferred Name Policies: http://www1.umn.edu/usenate/resolutions/preferred_nameres.html.
  - Note from University Administration upon receipt of the resolution: * The University administration supports the Resolution on Preferred Name passed by the Student Senate. Use of students preferred name in the classroom and on campus is essential to a safe, inclusive environment at the University of Minnesota, and resources should be dedicated to ensuring preferred name appears on class lists and grade rosters in the student system. The Name Change Request form will continue to serve as a way for student to request a change in their legal name, which will then be updated in the University's student record database. Preferred name can be created/changed through the One Stop Personal Information Quick Link.

University of Nebraska (Lincoln)

- Registrar's Office - Information on legal name change, not preferred name change. http://registrar.unl.edu/student-information.

- LGBT Office – Information on legal name and gender change. http://involved.unl.edu/trans-guide-0.

- Diversity Office – No information

- International Student Services – No information.

- Preferred name became an option in September of 2010 http://www.registrar.northwestern.edu/academic_records/name_change.html and http://ses.northwestern.edu/documentation/SC_Maintain_Names_Tip_Sheet_v9.pdf

Preferred Name

Current students (except for those in the Kellogg School of Management) can indicate a "preferred" first name, which is a name the student wishes to be commonly known as, if different from his or her legal first name. A student may change his or her preferred first and/or middle names using CAESAR. *The student's preferred name will only be seen on Class Rosters, Grade Rosters, Course Management System (Blackboard), and the Online Directory.*

Please note: the "primary" name will continue to be the student's legal name and will continue to appear on transcript, the Wildcard, and any documentation involving financial aid or student accounts. Students must continue to use their primary names when conducting official University business. In addition, indicating a preferred name will *not* change a student's e-mail address that appears in the NU Online Directory. It is important to know that the primary name can only be changed by visiting the Office of the Registrar and requesting a formal name change (see above).

For assistance with the preferred name, see the Maintaining your Preferred Name in CAESAR tip sheet, or contact the NUIT Support Center at 847-491-HELP (4357).

Maintaining your Preferred Name in CAESAR tip sheet

- Registrar's Office - Information for registration of a legal name change. University policy dictates that the name displayed on the student database match the name on the student's social security card. http://www.registrar.northwestern.edu/academic_records/name_change.html.

- LGBT Office – No information

- Diversity Office – No information

- International Student Services – No information.

- Preferred name procedure and process implemented with a new system in BuckeyeLink in fall of 2013
  - Instructions on how to update your preferred name. https://it.osu.edu/assist/sis/WebHelp/studentcenter/sc_update_name.html.

- Office of Student Life FAQ on Preferred Name: http://studentlife.osu.edu/articles/preferred-name-frequently-asked-questions/ :

What is a preferred name?

It is the name that you are called in day to day life. Perhaps you have always gone by your middle name, or a nickname, or a name that is easier to pronounce. Transgender students may self-identify by one name but have not opted to make that change legally.

How do I make the change?

Students can make the change themselves via Buckeye Link self-service in the personal information area. There is no documentation or permission required. There is a heading for name, and an option for preferred name. Changing it is as easy as changing an address or phone number. If no preferred name is selected, the legal name is the default.

Will it appear on my BuckID?

No. Your BuckID can be used as a secondary form of identification in many places, and having two IDs with different names could prove to be a problem.

What about student employees?

Everything student related would follow the preferred name model, and everything employee related would not. So a student would show up in Carmen under the preferred name, and their legal name would show up on a paycheck.

- Registrar's Office - Information for changing a student's legal name. https://registrar.osu.edu/students/req_chng_rec.pdf.

- LGBT Office – Information on the new policy for changing a students preferred name. http://multiculturalcenter.osu.edu/posts/documents/preferred-name-faq-10-13.pdf.

- Diversity Office – Directed to the LGBT Office

- International Student Services – No information.

Pennsylvania State University

- Preferred name policy listed in the policy manual, effective January 27, 2014. https://guru.psu.edu/policies/AD84.html.

PREFACE:

This mechanism is intended for those who have a significant reason for utilizing a preferred name instead of, or in addition to, their legal name, particularly individuals in the process of gender transition or those who have a safety concern. At this time, Penn State does not have information systems in place which can accommodate all forms of a person's legal and preferred name; changes must be made manually, on a

case by case basis, for each system that can accommodate a preferred name. Name changes based on preference alone cannot be accommodated at this time but may become available as future information systems are designed.

- Registrar's Office - Information on how to legally change a student's name. http://www.registrar.psu.edu/student_forms/namechange.pdf.

- LGBT Office – No information.

- Diversity Office – No information.

- International Student Services – No information.

Purdue University

- Preferred name may be specified on BlackBoard and on Boilerlink. Preferred name change information: http://www.purdue.edu/lgbtq/resources/bbchange.html ; http://www.purdue.edu/lgbtq/resources/boilerlinkname.html ; http://www.purdue.edu/business/card/faq.html#whatspreferred

What is a preferred name?

- Many individuals on campus have expressed a desire to be known by a name different than their legal name, which is referred to as preferred name.

How do I change my preferred name?

- Students can change their preferred name via the myPurdue portal. https://wl.mypurdue.purdue.edu/cp/home/displaylogin
- Faculty and staff must contact Human Resources.
- The Purdue ID Card Office is not able to change preferred names in either system.
  - It may take up to 3 business days for the update to appear and a card to be printed

Where else does my preferred name appear?

- The legal name will continue to be used in business processes that require use of the legal name, such as for payroll records and student transcripts.

Who can get their preferred names on their Purdue ID Card?

- Faculty, staff, retiree, and student cardholders may have an appropriate preferred name used on their Purdue ID Cards.

- Registrar's Office – Referred to the LGBT preferred name information.

- LGBT Office – Preferred name information.
  http://www.purdue.edu/lgbtq/resources/bbchange.html

- Diversity Office - Referred to the LGBT preferred name information.

- International Student Services - Referred to the LGBT preferred name information.

- Registrar's Office - Preferred name policy http://registrar.wisc.edu/preferred_name.htm.

Policy

It is the policy of the University of Wisconsin – Madison that any faculty, staff, or student may choose to identify themselves within the university community with a preferred first and/or middle name that differs from their legal name.

As long as the use of the preferred first and/or middle name is not for the purpose of misrepresentation, it will appear instead of the person's legal name in university related systems and documents except where the use of the legal name is required by university business or legal need.

- LGBT Office – Information on the phasing in of the new preferred name policy.
  http://lgbt.wisc.edu/trans.htm.

- Diversity Office – No information.

- International Student Services – No information.

- Preferred name procedure begins in Fall 2014. Information http://socialjustice.rutgers.edu/trans-ru/on-campus-preferred-name-change.

Rutgers University recognizes that members of the university community use names other than their legal names with which to identify themselves. The university seeks to promote the comfort and safety of students who wish to be identified by a name other than their legal name by instituting a preferred name procedure.

The student's preferred name shall be used in all university communications and reporting, except where the use of the legal name is required by university business or legal need.

a. **Beginning in the Fall 2014 semester, the student's preferred name will be displayed in the following:** electronic course management systems; sakai, class rosters

*Please allow for at least 48 hours for your preferred name to appear in the course systems.

b. **The student's legal name will be displayed on the following university locations and documents:** transcripts; enrollment certifications; financial aid records; student accounts; health insurance documents; payroll documents (for student employees); diplomas.

**Please note we are currently working on also changing names in the following systems, but they will not be available until later in the year: residence hall rosters; student identification cards

- Registrar's Office - No information

- LGBT Office - Preferred name information http://socialjustice.rutgers.edu/trans-ru/on-campus-preferred-name-change.

- Diversity Office – No information

- International Student Services – No information.

Members Present: Ian Chambers(Chair), Benjamin Bengfort (Graduate Student), Ellen Cesewski (Undergraduate), Robin Chiddo (Ex-Officio University Relations Rep), Mihili Gunaratne (Undergraduate), Cynthia Hale (Ex-Officio Provost's Rep), Mary Hummel (Ex-Officio VP Student Affairs Rep), Rebecca Kenemuth (Exempt Staff), Kevin Lafrancis (Undergraduate), Michael Lee (Undergraduate), James McShay (Ex-Officio VP Student Affairs Rep), Pamela Orel (Faculty), Dennis Passarella-George (Ex-Officio Resident Life Rep), Piyush Ramachandran (Graduate Student), Josiland Sledge (Non-Exempt Staff), Austin Trupp (Undergraduate), Andrew Williams (Graduate Student).

Members Absent/Excused: Kellie Achstetter (Undergraduate), Joseph Baier (Undergraduate), David Bigio (Faculty), Ori Gutin (Undergraduate), Mark Leone (Ex-Officio Graduate School Rep), Marc Limansky (Ex-Officio Administration and Finance Rep), Stephanie Okhagbuzo (Graduate Student), Ravali Paidipati (Undergraduate), Bryan Pfeffer (Undergraduate), Patrick Ronk (Ex-Officio SGA Rep), Gareth Vaz (Ex-Officio GSG Rep), Gary White (Faculty).

Senate Staff Present: Sarah Heidt (Committee Coordinator).

Guest Present: Jackie Vander Velden, Associate Registrar.

Call to Order

The meeting was called to order at 11:03am.

Approval of the Minutes

The minutes from September 17, 2014 and October 27, 2014 were approved unanimously without correction.

Report of the Chair

There was no report of the Chair.

Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases (Senate Document #14-15-03)

Chambers opened the meeting welcoming the Associate Registrar, Jackie Vander Velden, and thanking her for coming to discuss the process for students to designate a preferred name for use at UMD.

Vander Velden began by discussing the development of the preferred name process. Before a process was put in place, a member of the LGBT Equity Center would call the Registrar's Office and ask for changes to be made to preferred names when needed, and the Registrar's Office would make those changes in the Student Information System (SIS) database. Over time, it became clear that a formal process was needed, so in 2010, a pilot program was created whereby students could go to the Registrar's Office and fill out a form to have a change made in the system. Vander Velden explained that currently, students can designate a preferred name by going to the Registrar's Office directly. However, she noted that there are complications with international students being able to designate a preferred name, due to Homeland Security regulations.

Vander Velden explained that there is no policy in place at this time. There was a previous attempt to create a policy on preferred names for students, but there were difficulties coming to agreement on how to implement the policy, and it was not adopted.

Vander Velden noted that it is very easy for employees to change their preferred name through ARES, but the process for students is more cumbersome. A few items need to use the legal name, such as financial aid documentation and transcripts, and she explained that there is a need for a policy to provide guidance on where the preferred name is to be used versus the legal name. She noted concerns particularly for students who are in transition, who may want other students and faculty to address them one way but may not be comfortable having their parents know. This becomes an issue when mail is sent to the permanent address on file, which in many cases is the parent's home address. Vander Velden also explained that the legal name is reported to the national student clearinghouse for purposes of enrollment and degree verification.

A committee member asked if a student would be aware that mail will be sent with the preferred name rather than the legal name. Vander Velden noted that this would be explained to the student when designating a preferred name. She did explain, however, that it could be that a student could forget where the preferred name would be used if they designate the name in freshman year and they are now a senior.

Vander Velden outlined one concern with the ability to designate a preferred name. The University has had one case where someone used the ability to designate a preferred name as an opportunity for identity theft, obtaining a copy of the diploma and transcripts of someone with an advanced degree.

The committee discussed which databases and systems change with the designation of a preferred name. The change affects class rosters, student directories, and student ID cards. It does not change the name in ELMS, which is a separate database that gets an original feed from the Registrar's Offices that does not refresh, but students are able to change their own name within ELMS.

Chambers noted that for student employees, information in UMD's personnel services website, known as ARES (Administrative Resource Enterprise Services), is independent of information in the Registrar's Office database. He asked in what cases information in the two systems override each other. Vander Velden noted that the student would need to change their name on both systems, but that the databases recognize the primary function of an individual in determining which system should override the other. For example, if an individual's primary function is as a student, the student database information should override the ARES information.

In considering the different databases and the limitations of the system, a member asked how a policy could be created that would take into account the limitations of the system. Vander Velden suggested that the committee should not focus on the system limitations as much and instead should develop a policy that makes sense for students.

A member asked whether a system could be designed to allow students to change the preferred name online and designate with check boxes where they would like the preferred name to be used. She noted that this might allow students the flexibility to use a preferred name on campus while still ensuring that mail sent to the permanent address uses the legal name. Vander Velden noted that it can be difficult to maintain a system like that with different levels of access to information and mailings, between the administration and Colleges and Schools. She did explain that some institutions have a field in their databases for aliases or other names students are known as. Some institutions list these aliases on transcripts as well, which can be helpful in cases where transfer students may use a name that differs from

the name on the transcript. Vander Velden noted this can be an issue because the University is trying to move away from using Social Security Numbers to verify information.

A member suggested that the Registrar's Office could send emails once a year to students who have selected a preferred name, reminding them of where the name will be used and asking them to verify that the information is correct. He noted that similar emails are currently sent by the Registrar's Office to verify other information. Vander Velden agreed that this could be an appropriate method to remind students of how preferred names are used. She cautioned the committee against recommending a registration block related to these emails. She also explained that the Registrar's Office has recently secured resources to improve the student portal, which would be a good resource for pushing information out to students, particularly around registration time.

A member noted that many students who need to designate a preferred name, particularly transgender students, will have a higher awareness of the issues involved and will be making deliberate decisions. However, he noted that students may find the system to be too complex, especially with the different places they have to go to change their name (with the Registrar's Office, with ARES, and in other databases). He explained that part of the difficulty seems to be that the databases do not talk to each other and students need to know all of the places they need to go to change the name entirely. Vander Velden noted that the Registrar's Offices does tell students where the name will change and where else they will need to go to get an ID card and if they are a student employee, and she noted that the LGBT Equity Center does communicate the information as well. In response to a question, Vander Velden clarified that SIS will show only the preferred name as well.

Chambers noted that some information online indicates that student employees may be able to have paychecks issued with the preferred name as long as a W2 includes the legal name. Coordinator Heidt suggested that the committee could ask for more information on the related procedures from PHR before the next meeting.

A committee member noted that international students may need to be able to designate a preferred name as well, since many other countries have different naming conventions than the US. He noted that some international students are entered in US databases as FNU, First Name Unknown, which creates problems when the passport and the I20 do not match. Vander Velden noted that this has been a problem, but because of Department of Homeland Security regulations, international students may not be able to designate a preferred name on campus. Heidt suggested that the committee ask for more information on this topic as well, and members suggested speaking with individuals in International Student & Scholar Services.

A member suggested that transfer students may need to be provided for differently in any policy or procedures, due to the difficulty of matching transcripts without the use of SSNs. She noted that it may be difficult to have transfer students who come in under one name and leave under another name. Members asked whether there would be a way to map students back to previous names in the system to make it easier to match information. Vander Velden suggested the committee consider whether additional fields for "also known as" or aliases would be helpful in databases and on official documents such as transcripts. A member noted that this sometimes happens for graduate students who change names before entering graduate school as well. Another member suggested that this information could be very important for the information the Registrar's Office sends to the Alumni Association as well, since currently the Alumni Association only receives legal names.

In closing, Chambers thanked Vander Velden for speaking with the committee. He suggested that committee members think more about what they would like to recommend related to putting a policy in

place or consolidating communication processes before the next meeting, so that the committee could discuss how to move forward at that point.

New Business

There was no new business.

Adjournment

The meeting was adjourned at 11:46am.

Submitted by: Sarah Heidt.

Equity, Diversity, & Inclusion Committee

State and Peer Research | Winter 2015

❖ Senate Doc # 14-15-03: Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases

❖ Prepared by Senate Research & Archiving Graduate Assistant, Winter 2015

State of Maryland

State Law

State law (Sec. IV, Chapter 474, p.3123) says that the State of Maryland cannot discriminate on the basis of gender identity or expression. (This reflects the Fairness for All Marylanders Act of 2014). (The Anti-Discrimination Act of 2001 had only applied employment protections to sexual orientation.) This follows a 2007 executive order by Governor O'Malley (01.01.2007.16). However, the law does not say anything about changing names

In 2014, the State settled a lawsuit regarding health coverage for state employee gender reassignment. As part of the settlement, the State incorporated policy changes making state employees eligible for health care coverage for an array of transition-related care. The State of Maryland thus joins Oregon and California as the three states providing this coverage.

Procedures for State Employees

Department of Budget and Management is HR unit of state government. State employee information is managed on the new Statewide Personnel System (SPS). The SPS Workday system administers employee information and has a "Change Personal Information" form. A training manual (http://pilot.dbm.maryland.gov/sps/SPS%20Training%20Guides/SPS_Help_Center/Employees/Change%20Personal%20Information-Job%20Aid.pdf) reports that the "Change Personal Information" form allows employees to change both name and gender, although there is no screenshot substantiating that.   The old system appears to be a paper form, but there is no gender change portion of the form (available at http://dbm.maryland.gov/benefits/Documents/HBForms/PersonalInfoChangeForm.pdf).

Other States

Procedures for State Employees – Oregon

Paper form for Employee Personal Information change does not ask for different gender: http://www.oregon.gov/OMD/AGP/docs/Employee_Personal_Info_Change_Form.docx

University of Maryland

LGBT Equity Center guide at http://www.umd.edu/lgbt/transresources.html

Federal (U.S.) Government

EEOC

Equal Employment Opportunity Commission requires employers of more than 50 employees to report gender, race/ethnicity and job category of all employees in EEO-1. (For state and local government employers, this is the EEO-4 form.) Gender is binary M/F, does not allow for 'unknown' or unreported. (The state of Maryland annual EEO reports gender in the same manner.) Nonetheless, the EEOC has recently become more assertive about treating discrimination against employees by gender identity and may become sensitive to this reporting issue.[1]

U.S. Department of Education

All colleges and universities that accept federal student financial aid must complete an annual Integrated Postsecondary Education Data System (IPEDS) survey from the U.S. Department of Education.[2] This survey includes an "Institutional Characteristics" section that includes the gender breakdown of enrolled students. The survey is administered by the National Center for Education Statistics (NCES) and data is available online.

NCES provides limited guidance to respondents who record non-M/F genders. The agency insists that "It is up to the institution to decide how best to handle reporting individuals whose gender is unknown."[3] One sample policy that tackles this problem is the Colorado state Department of Higher Education: "Students whose ID ends with an even digit will be reported to NCES as male; students with an ID that ends with an odd number will be reported as female."[4]

Reporting on gender issues is required by the Civil Rights Act of 1964 but does not appear to impact the recording of gender/sex markers. Title IX of the United States Education Amendments of 1972 (amending the 1964 civil rights law) requires self-assessment reporting on non-discrimination compliance. This requirement is codified in 34 C.F.R. 106.4: "Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel."[5] (Educational institutions must also retain these reports for at least three years.) Because self-reporting has no form template, requirement for gender statistics, or guidance on transgender or unidentified-gender reporting, Title IX may have no impact on the recording of gender/sex markers.

The Family Educational Rights and Privacy Act (FERPA) dictates the release of student academic records. This type of record is distinct and separate from demographic data, including gender. Colleges and universities typically publish an online FERPA compliance statement; this may be an opportunity to provide an additional statement regarding IPEDS and other gender statistics reporting.

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[1] http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm
[2] "Authorized by Title IV of the Higher Education Act of 1965, as amended (20 USC 1094, Section 487(a)(17) and 34 CFR 668.14(b)(19)" http://nces.ed.gov/ipeds/about/
[3] https://surveys.nces.ed.gov/ipeds/VisFaqView.aspx?mode=reg&id=3&show=all#803
[4] http://highered.colorado.gov/Data/Documentation/FieldDefinitions.aspx?ftype=3#Gender
[5] http://www.gpo.gov/fdsys/pkg/CFR-2014-title34-vol1/pdf/CFR-2014-title34-vol1-sec106-3.pdf

Social Security

Gender is no longer used as part of the SSN identity verification process. Gender is still recorded in Social Security records and may be changed via passport, driver's license, or medical record (including doctor's letter).

http://www.socialsecurity.gov/employer/ssnvshandbk/return.htm

http://www.transequality.org/Resources/SSAResource_June2013.pdf

Self-Reporting of Gender Data

College Board

The College Board compiles profiles of colleges and universities through its Annual Survey of Colleges. (This survey data is also supplemented by state and federal reporting.) The profiles are intended to be consulted by college applicants when choosing a school to attend. Student gender is reported in these profiles, although it is unclear if this data comes directly from the College Board's survey or IPEDS.

Voluntary System of Accountability (VSA)

The Voluntary System of Accountability (VSA) is a voluntary consortium of colleges and universities that shares self-reported data, including student gender. VSA provides a common form for the collection.

Peer Research

Big Ten Peers

University of Illinois at Urbana-Champaign
http://www.registrar.illinois.edu/graduation/namechange.html

Indiana University
"Your Primary name data is your legal identifier, as recognized by the federal government (Social Security Administration and the Department of State) and the state of Indiana. It's what is reflected on your official academic record, and is used for grade rosters, transcripts, and diplomas. The Preferred name can be modified by an individual to recognize a diminutive or nickname (e.g., Bob rather than Robert or Cindy rather than Cynthia)." "In certain cases, such as transgendered students with differently gendered Preferred and Primary names, to reduce the chance of confusion and possible embarrassment, we suggest you legally change your name and officially update your IU academic record. If you do not wish to do this, we suggest that upon changing your Preferred name you advise the Office of the Registrar at regrdemo@indiana.edu of your dual name status."

http://glbt.indiana.edu/resources/Indiana%20Gender%20Identity.php.

http://studentcentral.indiana.edu/personalinformation/update-information/name.shtml

University of Iowa
Permanent name change form, not a preferred name.

http://www.registrar.uiowa.edu/LinkClick.aspx?fileticket=tSiwq15GOUI%3d&tabid=79&mid=415

University of Michigan
There is an IT **policy** that students **and** faculty/staff may change a preferred name. (This is tied directly to the Wolverine Access system so there are some University-system exceptions to eligible students/personnel.) Because the policy is written and administered by IT, it seems implied that various databases are synchronized. There is no provision for changing gender or honorific.

http://www.itcs.umich.edu/itcsdocs/r1461/

https://umich-regoff.custhelp.com/app/answers/detail/a_id/1310/~/documentation-required-toprocess-a-student-name-change-or-correction.

http://spectrumcenter.umich.edu/article/michigan-name-change-help

Michigan State University
Supports a preferred name change through Registrar's office and STUinfo system. Legal names may be changed at Registrar's office if students present a legal document as proof.

http://www.reg.msu.edu/ROInfo/FAQRO.aspx

http://lbgtrc.msu.edu/wpcontent/uploads/2010/08/preferred-name-policy-flyer.pdf

University of Minnesota
http://www.isss.umn.edu/jscholar/J_SEVIS_Scholar.html

http://www1.umn.edu/usenate/resolutions/preferred_nameres.html

University of Nebraska Lincoln
http://registrar.unl.edu/student-information

http://involved.unl.edu/transguide-0

Northwestern University
Preferred name became an option in September 2010

http://www.registrar.northwestern.edu/academic_records/name_change.html

http://ses.northwestern.edu/documentation/SC_Maintain_Names_Tip_Sheet_v9.pdf

Rutgers University
Preferred name procedure begins in fall 2014

http://socialjustice.rutgers.edu/trans-ru/on-campus-preferred-name-change

Ohio State University
Preferred name procedure and process implemented with a new system in BuckeyeLink in fall 2013. Adding a new Preferred name will not change the Primary name which is saved in your student record and used in correspondence. If you need to change your Primary name due to a legal name change or any other reason, submit your change in writing to the Office of the University Registrar. Some changes will require proof.

Instructions on how to update preferred name:
https://it.osu.edu/assist/sis/WebHelp/studentcenter/sc_update_name.html

Office of Student Life FAQ on Preferred Name:
http://studentlife.osu.edu/articles/preferred-name-frequently-asked-questions/ :

Pennsylvania State University
Preferred name policy listed in the policy manual, effective January 27, 2014. However, it is somewhat limited in scope: "Only the first name may be designated to appear as a preferred name, in systems which can accommodate it." (It seems implied that some systems cannot accept a preferred name variant.) No reference to gender change appears in the policy, but references to gender transition do appear. Honorifics are not discussed. Accommodations for employees and staff appear. Procedure requires coordination with LGBTA Student Resources Center, Center for Women Studies or Affirmative Action Office; it is not automatic. Some documentation may be required.

https://guru.psu.edu/policies/AD84.html

Legal name change instructions: http://www.registrar.psu.edu/student_forms/namechange.pdf

Purdue University
Preferred name may be specified on BlackBoard and on Boilerlink. Preferred name change information:

http://www.purdue.edu/lgbtq/resources/bbchange.html

http://www.purdue.edu/lgbtq/resources/boilerlinkname.html

http://www.purdue.edu/business/card/faq.html#whatspreferred

University of Wisconsin-Madison
Registrar's Office - Preferred name policy http://registrar.wisc.edu/preferred_name.htm

LGBT Office – Information on the phasing in of the new preferred name policy http://lgbt.wisc.edu/trans.htm

Aspirational Peers

University of California, Berkeley
Preferred name can be automatically updated anytime through students' Bear Facts online system. Preferred names **cannot** ever be changed but may be deleted (reverting back to legal name)**.** Legal name change requires legal documents.

http://registrar.berkeley.edu/preferred-name.html

 http://bulletin.berkeley.edu/archive/2013-14/academicpolicies/#otherpoliciestext

http://registrar.berkeley.edu/Registrar/namechng.html

University of California, Los Angeles

Identified by Campus Pride as having a preferred name procedure, but does not appear to be available online. According to the California Campus LGBTQ Centers blog, UCLA is "on course to use a preferred name system in fall 2014." Legal name change is available through the Registrar's office.

http://careerqueerscalifornia.blogspot.com/2014/05/uc-davis-launches-preferred-name-system.html

http://www.registrar.ucla.edu/forms/namechange.pdf

University of North Carolina, Chapel Hill

UNC is interesting for having a stated **policy** for preferred name changes. No legal document is necessary, but students must present a signed, notarized letter with their request, along with a completed form and identification. (The form does not appear to be available online.) Unclear whether or not it allows gender change.

http://registrar.unc.edu/academic-services/policies-procedures/university-policy-memorandums/upm-22-name-change-policy/

For employees, preferred name changes are done by request:

http://help.unc.edu/help/campus-directory-faqs/

Non-Peer Universities with Flexible Name/Gender Change Policies

New York University

Makes affirmative policy statement that "to assist in providing a comfortable and non-discriminatory University experience for students whose gender identity and/or gender expression does not conform to their assigned legal sex at birth, the University accepts requests from such students to change University records to reflect their gender identity and/or gender expression."

However, this change requires documentary evidence, and does not allow for a gender-neutral pronoun or non-reporting of gender category.

http://www.nyu.edu/registrar/forms-procedures/name-change_a.html

University of California, Santa Cruz

This policy is mentioned in the Senate proposal in Appendix D. UCSC does not require any documentary evidence for a name or gender change in university records, only the student's request. However, the gender change can only change to U for "unknown" or "undetermined" and **cannot** change from male to female or vice versa.

http://registrar.ucsc.edu/forms/students/preferred-name.pdf

University of Colorado, Boulder

According to Campus Pride, Colorado, Boulder can change gender on campus records without evidence of medical intervention. However, the University's GLBTQ (sic) Resource Center says that gender marker can only

be changed if a new driver's license is presented. The Registrar's office requires legal documentation for name changes, and the form for name changes does not include a field for gender.

http://www.colorado.edu/glbtqrc/name-pronoun-gender-marker-changes

http://www.colorado.edu/registrar/sites/default/files/forms/name_change_and_record_update_form.pdf

Advocate Voices

Campus Pride

Campus Pride, a leading national organization advocating for LGBTQ college students, recommends best practices to support transgender and other gender non-conforming students. Among these best practices is a provision to "create a process by which students can change the gender on their campus records upon the request of the students or with only a letter of support from a licensed mental health or medical professional."

http://www.campuspride.org/tools/best-practices-to-support-transgender-and-other-gender-nonconforming-students

Human Rights Campaign

To recognize the name and gender of transgender employees, Human Rights Campaign recommends that employers "develop systems for addressing situations in which an employee's gender presentation does not match legal documents."

http://www.hrc.org/resources/entry/personnel-documentation-for-transgender-employees

A Resolution Supporting the Director of the Lesbian, Gay, Bisexual & Transgender (LGBT) Equity Center's Proposal for University Senate Bill 14-15-03

S 17-03-08 A

1. WHEREAS, the Student Government Association (SGA) is the representative body of the undergraduate students of the University of Maryland, College Park (UMCP); and,

2. WHEREAS, the University of Maryland has long promoted diversity as a core value[1]; and,

3. WHEREAS, university policy should work to protect and serve vulnerable communities on our campus; and,

4. WHEREAS, in line with the university's value of diversity and inclusion, all students should have the right to control the expression and recognition of their identities; and,

5. WHEREAS, the process to update personal information differs between staff and students, and the process for students is complex and not easily accessible;[2] and,

6. WHEREAS, streamlining this process will be to the benefit of students across the board, of all backgrounds, sexual orientations, and gender identities; and,

7. WHEREAS, in August 2014, Dr. Luke Jensen, Director of the LGBT Equity Center at the University of Maryland, submitted a proposal to the University Senate entitled "Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases;" and,

8. WHEREAS, the proposal declares that "The University of Maryland should establish clear policies using common nomenclature and processes for both employees and students who wish to update their personal information including but not limited to name and gender;" and,

9. WHEREAS, the proposal states that most issues concerning current university policy on name changes "arise from lack of coordination, lack of clarity, too few options, and the need for equity between employees and students when updating personal information. These could all be resolved successfully with University-wide policies;" and,

10. WHEREAS, the proposal acknowledges the solution to these issues is complex, and recognizes "The specifics on how to update personal information could be technological"; and,

11. WHEREAS, this proposal serves to establish basic policy that will guide the university as it updates processes regarding these issues that have a substantial impact on the lives of many University of Maryland students; and,

12. WHEREAS, this proposal from the Director of the LGBT Equity Center falls in line with the SGA's core values, and precedent has demonstrated the SGA's support behind a proposal sends a clear, resounding message to decision-makers; and,

13. WHEREAS, other Big Ten peer institutions, including the University of Iowa and the University of Michigan, have infrastructure in place that allows students to easily update information related to their primary names, gender identity and pronouns;[3] and,

14. THEREFORE BE IT RESOLVED that the Student Government Association formally and publically take a stance in support of the Director of the LGBT Equity Center's proposal regarding University Senate Bill 14-15-03.[4]

Sponsor: Elizabeth Jones (BSOS)

Co-Sponsor: Mitchell Wilson (ARHU)

Committee: Student Affairs

Vote: In Favor 30   Opposed   0   Abstentions 1

Therefore, the bill: <mark>PASSES</mark>   FAILS
 CR_____

Chris Ricigliano
Speaker of the Legislature

Katherine Swanson
Student Body President

Addendums

[1] http://www.umd.edu/diversity/pdfs/Diversity_Plan_Final_102210.pdf

[2]

NOTE: Welcome to the University's Employee Personal Information System. The following information has been extracted from the University's PHR system. Please make changes as necessary to ensure accuracy and click "Update" when finished. To inquire, or change, any information that is displayed but not accessible, please contact your unit's PHR Coordinator.

Personal Information	
U ID	▇▇▇▇▇▇
PAYROLL NAME	Luke S. Jensen
PRIMARY NAME *(Contact the UMCP Registrar's Office regarding name changes if you were previously a UMCP student)*	
Prefix Name:	n/a ÷
First Name:	Luke
Middle Name:	S.
Last Name:	Jensen
Suffix Name:	n/a ÷
BIRTHDATE	▇▇▇▇▇▇
HISPANIC OR LATINO ORIGIN?	No Change/View Selections
RACIAL IDENTITY	White Change/View Selections
GENDER	○ Female ● Male
CITIZENSHIP STATUS	Citizen of U.S.
CITIZENSHIP COUNTRY	United States
MILITARY STATUS	Non-Veteran ÷
DISABLED?	○ Yes ● No
RETIREMENT SYSTEM	TIAA, ORP
HIGHEST EDUCATION LEVEL	Doctoral Degree Earned

[3]

David Schafer   go to ... ⟨≫⟩

Personal Information	Notification Preferences

addresses ‖ names ‖ phone numbers ‖ u m emergency alerts ‖ email addresses ‖ emergency contacts ‖ racial/ethnic survey ‖ disability status ‖ veteran data ‖ gender identity

Designated Pronouns

Use this page to enter/update and/or delete your pronoun information with the University. If you do not designate a pronoun, none will be listed for you. Please be aware that if you wish to update your educational records consistent with your gender identity, you should contact the Registrar's Office. Pronouns will be used and shared only with those who have a legitimate educational interest in the information. If you have specific questions about this information please contact:

Students: Contact the Registrar's Office at ro.registration.questions@umich.edu

Employees: Contact the Shared Services Center at 5-2000 from the Ann Arbor Campus, 734-615-2000 from the local Ann Arbor area, or 1-866-647-2000 for toll free long distance.

Gender Pronoun   [÷]

SAVE

PREFERRED NAME AND PRONOUNS

For information on preferred names and pronouns, please see **Identity Terminology** ☑ on The University's **Resources for Trans Communities and their Allies** ☑ site.

Official Student Records Name	Standard Name
Rachel Kay Zuckerman	Rachel Kay Zuckerman
Official Student Records Name is used by the Office of the Registrar on official documents. It will appear on your transcript, diploma, and any official verification letters. For information on updating this name, please contact the **Office of the Registrar** 🔍.	Standard Name is used on your University Bill, financial aid, and most communications on campus. For information on changing your Standard Name, please contact the **Office of the Registrar** 🔍.

Preferred Name and Pronouns

You have not set a preferred first name.
pronouns: [She, her, hers]

	`Update preferred first name`	She, her, hers ⇕	`Update pronouns`

You may specify a preferred first name used with your standard last name (Zuckerman). Your preferred name will be available to your advisor in the University Student Record System (MAUI), and will appear on instructor class lists in MAUI and ICON along with your pronouns.

MyUI | HOME | COURSES / REGISTRATION | STUDENT INFORMATION | FINANCIAL AID & BILLING | ICON

Programs of Study & Advisors	i	Address Change/Update ☑	i
🎓 COURSES & GRADES		Child Care Subsidy ☑	
Completed Grades	i	Degree Application	i
Course Evaluations (ACE) ☑	i	Emergency and Missing Person Contact Information	i
Course Deadlines ☑	i	Ethnicity Change/Update	i
Course Schedule	i	Graduation Date	i
Courses with Special Permissions	i	Hawk Alert Contact Information ☑	i
Final Exam Schedule	i	Health Requirement Status	i
Grades in Progress	i	Housing Online Application (Star/Rez) ☑	
Honors Contract Form ☑	i	Official Name	i
Request Prerequisite Special Permission	i	Name Pronunciation ☑	i
👤 MY UIOWA		Preferred Name and Pronouns	i
My Email	i	Professional MBA Student Portal ☑	i
		Restrict or Unrestrict Student Information	i
		Sex and Gender	i

SEX AND GENDER

On this page, you may update your sex and gender. Please specify your sex in the first section (required). You may also specify your gender identity in the second section (optional). For the definitions of sex and gender, as well as the definitions for the individual options under each, please use **Identity Terminology** ☑ on The University's **Resources for Trans Communities and their Allies** ☑ site.

Note: If you have a dorm contract and update your sex on this form, the update will be reported to the Housing Office..

Update Sex (select one, required)

- ⦿ Female
- ◯ Intersex
- ◯ Male
- ◯ Prefer not to answer

`Update Sex`

Update Gender (select all that apply)

- ☐ Agender
- ☐ Cisgender
- ☐ Man

[4] Senate Summary:

https://www.senate.umd.edu/sms/index.cfm?event=publicViewBill&billId=437&context=s

Proposal full text:

https://drive.google.com/file/d/0B40CHYfvlWdEN0RWT0x5WmI0TUU/view

University Senate
CHARGE

Date:	September 9, 2014
To:	Terry Owen Chair, Equity, Diversity, and Inclusion (EDI) Committee
From:	Donald Webster Chair, University Senate
Subject:	Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases
Senate Document #:	14-15-03
Deadline:	May 8, 2015
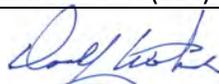
The Senate Executive Committee (SEC) requests that the Equity, Diversity, and Inclusion (EDI) Committee review the proposal entitled, "Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases" and consider whether changes to the current policies and procedures are necessary.

Specifically, we ask that you:

1. Consult with the proposer regarding his specific concerns.

2. Research the current policies and procedures governing changes to sex/gender markers and honorifics for all campus constituents (employees and students).

3. Research how information on sex/gender and honorifics of all campus constituents is stored in University databases.

4. Review policies and procedures for changing sex/gender markers and honorifics at peer and Big 10 institutions.

5. Consult with a representative from University Human Resources regarding current procedures for changing sex/gender markers and honorifics in personnel records.

6. Consult with a representative from the Office of Research Administration (ORA) on unit responsibilities for reporting gender information to grant funding agencies.

7. Consult with a representative from Institutional Research Planning and Assessment (IRPA) regarding federal and state reporting guidelines related to gender.

8. Consult with a representative from the Division of Information Technology regarding current information management systems for personnel and student records.

9. Consult with a representative of the Office of the Registrar regarding student records.

10. Consult with the University's Office of Legal Affairs on whether the State of Maryland's Office of the Attorney General has developed policies or guidelines regarding how sex/gender markers should be recorded for state employees.

11. Consider recommendations from the Senate Student Affairs Committee regarding the process for changes to preferred/primary name for students. The Student Affairs Committee is charged with researching the following by December 19, 2014:

    a. Current UM policies and procedures for changing student preferred/primary names on unofficial documents.

    b. Peer and Big 10 institution policies and procedures for changing student preferred/primary names.

    c. Requirements of the Office of the Registrar for recording a student's legal name versus preferred name in University records.

12. If appropriate, recommend revisions related to preferred/primary name, honorifics, and sex/gender markers to relevant University of Maryland policies and procedures.

13. Consult with the University's Office of Legal Affairs on any recommended policy revisions.

We ask that you submit your report and recommendations to the Senate Office no later than May 8, 2015. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

Cc: Gilbert Nuñez, Chair, Student Affairs

Attachment

Name:	Luke Jensen
Date:	August 2014
Title of Proposal:	Policies and Procedures Governing Preferred/Primary Names and Sex/Gender Markers in University Databases
Phone Number:	301.405.8721
Email Address:	ljensen@umd.edu
Campus Address:	2218 Marie Mount Hall
Unit/Department/College:	LGBT Equity Center
Constituency (faculty, staff, undergraduate, graduate):	Staff
Description of issue/concern/policy in question:	The University depends on employees and students to provide and update their personal information regarding how they are known on campus. This includes name and gender. Personal information is stored in separate databases, personnel files and student records. The nomenclature and processes for updating this information are quite different. There is no policy or mechanism for ensuring uniformity of data resulting in conflict between the two, a situation encountered by students who are also employees. Employees and students may be known by a name that is different than their legal name. These are recorded and used on campus. Legal names are retained for payroll, official transcripts, financial aid records, and other records where the use of the legal name is required by law or by University policy. Employees and students have the ability to update this information, but the nomenclature, manner, and flexibility to do so are quite different for employees and students. And, for those who are employee and student, the data may be in conflict resulting in unintended consequences. There is also a question of equity in the level of access given to employees and that given to students. A fuller description of the issue is found in **Appendix A: Use of a name other than the legal name**. Employees have the ability to update their gender at will. Students may update their sex in student records by submitting a request and

	supporting documentation. Gender is found in personnel files. Sex is found in student records. For those who are employee and student, the gender in personnel files does not necessarily match the sex found in student records. There appears to be no statement for either employees or students on why this information is collected and how it is used. The only options for both employees and students for gender and sex are female and male. This does not accommodate those who identify as neither including those with passports from countries that allow for a third option. Also, there appears to be no option for those who wish to not disclose. A fuller description of the issue is found in **Appendix B: Gender and sex in personnel files and student records**. The University asks employees how they wish to be addressed. The options include n/a, Mr., Ms., Miss, Mrs., and Dr. These data are stored in employees' Personal Information as "prefix name" and may be changed by the employee at will. No such courtesy is offered to students. For correspondence, a variety of campus units appear to access the sex (or gender) field in student (or employee) records and simply add a Mr. or Ms. in front of the name. This practice ignores how individuals wish to be addressed, allows for only two options, and may be incorrect, confusing, embarrassing, and call attention to difference thus inviting harassment. A fuller description of the issues is found in **Appendix C: Use of honorifics based on gender or sex**.
Description of action/changes you would like to see implemented and why:	The University of Maryland should establish clear policies using common nomenclature and processes for both employees and students who wish to update their personal information including but not limited to name and gender. It should provide greater flexibility regarding gender by allowing individuals to opt out of answering, and it should not rely on gender or sex markers in personnel files or student records for the use of honorifics. Policies should ensure that both employees and students *continue* to have the ability to use a name other than their legal name including a first, middle, and last name, and they should both have the ability to update that information whenever they deem appropriate. Policies should insist on uniformity between personnel files and student records. They should also name campus administrators who will be responsible for implementation and consistency. Policies on the use of a name other than a legal name would ensure that employees and students are able to continue to have this ability and that the use of this name would be respected across all units.

	Such policies would also reduce confusion and eliminate conflicting data between personnel files and student records. The University should be clear on the data it collects regarding gender and sex, and should disclose how these data are used and who has access to them. The data collected should be the same for employees and students. Both employees and students should have the same ability to update their gender and sex information. Providing this information should be optional. This would accommodate those who identify as neither and those with international documentation that has a third option. No unit of the University should rely on a gender or sex marker for the choice of an honorific. Honorifics should be used only when formality requires its usage. Both employees and students should have the ability to choose the honorific appropriate for them. This should include Mx., an honorific that does not rely on gender or an advanced degree, and both should have the ability to opt out of any honorific. Such a policy would ensure that individuals are addressed appropriately thus avoiding confusion, embarrassment, and reducing opportunities for harassment.
Suggestions for how your proposal could be put into practice:	Most of the issues noted above arise from lack of coordination, lack of clarity, too few options, and the need for equity between employees and students when updating personal information. These could all be resolved successfully with University-wide policies. The specifics on how to update personal information could be technological through the use of existing software.

Additional Information:	**Appendix A: Use of a name other than the legal name**
	
	    Exhibit 1: Screen shot of Employee Data Verification Page in ARES
	
	    Exhibit 2: Preferred name form used by students
	
	Appendix B: Gender and sex in personnel files and student records
	
	Appendix C: Use of honorifics based on gender or sex
	
	Appendix D: Data from outside sources
	
	Appendix F: Responses to anticipated questions

Please send your completed form and any supporting documents to senate-admin@umd.edu
or University of Maryland Senate Office, 1100 Marie Mount Hall,
College Park, MD 20742-7541. Thank you!

Appendix A: Use of a name other than the legal name

Current status

All employees may use a "primary name" including first, middle, and last for use in public directories and ID cards. Their "payroll name" is their legal name. The two do not have to match. Employees may access their personal information via ARES and update (change) their "primary name" at will. See Exhibit 1.

All students may use a "preferred name" including first, middle, and last for use in directories, class rosters, and ID cards. Their legal name is used for their transcript and financial aid documents. The two do not have to match. Students may request to use a preferred name by submitting a paper form to the Office of the Registrar. See Exhibit 2.

Individuals who are both students and employees must submit a paper form to the Registrar and update their "primary name" in ARES. If they submit the form, but fail to make the change in ARES, our systems will overwrite whatever the Registrar has and display their "primary name" in online directories and in class rosters. If the student/employee does not designate a "primary name," their legal name is the default option. The problem becomes evident when a student is hired as an employee on campus while already using a "preferred name." Unless they are informed about how our systems work and about their ability to update their "primary name," their legal name starts appearing in directories and class rosters.

It would appear that student employees could simply skip filing a form with the Registrar and change their "primary name" at will via ARES. It is unknown if any individual has done so.

Although employees may use a "primary name" from their date of employment, most are unaware of this option. Currently, students become aware of the option of using a "preferred name" by visiting the web site of the LGBT Equity Center or by word of mouth. Incoming students are beginning to discover this option with a small number now requesting the use of a "preferred name" before they register for classes.

Requested Change

Both employees and students should be able to *continue* using a name other than their legal name except where a legal name is required. This includes first, middle, and last names. Instances where a legal name must be used include payroll, official transcripts, and financial aid documents. The systems should be harmonized using the same terminology. Recommended usage would be "primary name" for both employees and students. The legal name could be referenced as "payroll name" and "transcript name." Harmonization of terminology would reduce confusion about which name is used where for both the user and University officials.

The systems should be harmonized so that a primary name in one system will always be the same in the other system. Ensuring the primary name is in both employment and student records would eliminate unwanted appearances of the legal name and its attendant

consequences. (It is assumed that databases relying on either employment or student records, e.g., health records in the University Health Center, would also have the updated information.)

The process for updating a primary name should be the same for employees and students. One recommended process would be an online request similar to one used at the University of Michigan.   Another option would be to give students the same ability to update their personal information that employees now enjoy. A single process would bring greater clarity about the use of a primary name for both the user and University officials.

Updating a primary name should be at will for both employees and students. Any disclaimer should be the same for both. This could be an attestation that using a primary name other than the legal name is not for misrepresentation or to otherwise avoid a legal obligation. Language from the current Preferred Name Change Request Form could be added: "Requests will be approved except in circumstances that indicate that this request is for the purpose of misrepresentation, or to otherwise avoid a legal obligation."

Greater efforts should be made to inform new employees, including student employees, of their option to use a primary name that differs from their legal name. Applicants for admission to the University of Maryland should be given the option of using a primary name that differs from their legal name on the application.

The process for changing the payroll and transcript name (a legal change of name) should be clearly stated. Such a change would require evidence of a legal change of name in process or completed. Publicly known policies would provide greater transparency for both users and University officials.

Suggested implementation

University policies should be established that clearly outline what is available to students and employees regarding the use of a name other than a legal name. The policy should reflect the requested changes. While the exact process for updating a primary name would likely be technological, the policy should identify who is responsible for overseeing a single process and for harmonizing employment and student records.

One example of a single process for employees and students exists at the University of Michigan. See http://www.itcs.umich.edu/itcsdocs/r1461/.

Exhibit 1: Screen shot of Employee Data Verification Page in ARES

Items highlighted in <mark>yellow</mark> may be updated at will by the employee.

Exhibit 2: Preferred name form used by students

UNIVERSITY OF MARYLAND
Preferred Name Change Request Form

Date: _____

UID Number ___ ___ ___ - ___ - ___ ___ ___ ___

Legal Name _____ _____ _____
                (first)   (middle)   (last)

Name currently listed on University of Maryland records (if different from above)

_____ _____ _____
      (first)   (middle)   (last)

Requested preferred name(s)

_____ _____ _____
      (first)   (middle)   (last)

I understand that by completing this form and signing below, I am authorizing the University of Maryland College Park to use my preferred first and/or middle and/or last name(s) on student identification cards, class lists, and student directories only. My preferred first/middle/last name(s) will be linked to my full legal name, University and Student Identification numbers, which will continue to be shown on my transcripts, financial aid records, and other records where use of the legal name is required by law or University policy.

The use of preferred first and/or middle and/or last names will be approved at the discretion of the Office of the Registrar. Requests will be approved except in circumstances that indicate that this request is for the purpose of misrepresentation, or to otherwise avoid a legal obligation.

I have read and understand the above information.

_____   _____
            Signature   Date

Internal Office use only
_____
Staff Signature/Approval Date

Appendix B: Gender and sex in personnel files and student records

<u>Current status</u>

Personnel files for employees contain a field for "gender." Student records contain a field for "sex." These data are used in various known and unknown ways.

Employees may update their gender by accessing their personal information through ARES. They are forced to choose either female or male. Individuals who identify as neither must pick one or the other. It is unknown what would happen should someone be hired with international documentation indicating something other than female or male.

The data fields in student records include one for sex and are populated from the application. There has been some confusion on what students have been asked. Online applications appear to ask sex while some of the recent paper applications asked gender. Sex and gender are not synonyms and we should not be confusing the two.[1] Thus, we are recording information from some of our students that we did not ask. We do not know all the ways these data are used, thus we do not know the number of problems caused by this discrepancy.

Students may update the sex field in their student records by providing documentation. This may be a government issued document (driver's license, passport, etc.) with the corrected data, or documentation from either a medical health care provider *or* a mental health care provider. In practice, students provide this documentation to the Director of the LGBT Equity Center who then attests to the Office of the Registrar that he has reviewed the documentation and requests the field be changed.

Students also have only two options: female and male.

It is unknown what the University does (would do) with an international student holding a passport with a sex other than female or male.

<u>Requested change</u>

The University should be clear on the data it is collecting. The University should state why the data are being collected and give some indication as to who has access to this personal information. The University should also make all efforts to ensure that usage of this information is legitimate and necessary.

The University should not require anyone to supply this personal information and should state that responding is optional on all applications. Individuals holding a passport indicating

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[1] Sex references the physical body, usually female or male, although some do not fall easily into one or the other classification. Gender references social role and self-concept, usually woman or man aligning with female or male, although such an alignment does not hold true for some including some who do not fit a simple binary for distinguishing sex.

something other than female or male should at least be able to opt out of answering questions on gender or sex. Transgender individuals should also be able to opt out of answering questions related to sex or gender.

Both employee and student records should allow for a non-response.

Students should be given the same access to updating their gender or sex that employees have. That would include changing a response of female or male to a non-response.

For any internal or external reports, the University could simply indicate an unknown or non-response percentage for those who choose to not answer.

Access to any space, such as the residence halls, or program, such as athletics, where gender or sex may be a factor, the unit administering that space or program should not depend solely on any gender or sex marker in personnel files or student records. An individual's sex, self-identified gender identity and expression, and requests based on personal need are all factors that should be taken into consideration. And, while taking all these factors into consideration, the unit should also seek to maximize that individual's access and participation.

Suggested implementation

The University of Maryland should handle gender on its application as the University of California. (See https://admissions.universityofcalifornia.edu/applicant/html/caq.html then click on "personal information.") They state why they collect these data and that providing the information is optional. There is no penalty for choosing to not answer.

In addition to female and male, employees could have the ability to "unclick" or withdraw their current gender information. Or, a "non-response" option should be added. Students could be given the same opportunities via existing mechanisms for updating personal information.

Appendix C: Use of honorifics based on gender or sex

Current status

The University asks employees for a "prefix name" which is an honorific. The options are n/a, Mr., Ms., Miss, Mrs., and Dr. They are used in public directories. It is unclear if they have any other purpose.

Students receive correspondence from different campus units using an honorific. Because students are not asked which is appropriate for them, the campus unit simply picks one based on the sex field in student records. So, for example, a student utilizing a preferred name of "Mary Smith" where the sex field is marked "male" will receive correspondence addressed to "Mr. Mary Smith" or "Mr. Smith." Such a result is confusing, perhaps embarrassing, and may invite harassment. Anyone handling such correspondence would be immediately alerted that there is something not quite right. We know that transgender individuals suffer a disproportionate amount of harassment, both verbal and physical. By calling attention to a person's status as transgender, we may create a circumstance that invites harassment. Also, refusing to reference someone by their stated gender may in itself be regarded as a form of harassment.

Requested change

The University should establish a campus-wide policy regarding the use of gender and sex data in personnel files and student records. The policy should state that using gender or sex data for the choice of an honorific is inappropriate and not a legitimate use of that data.

The University should determine if there is sufficient need to collect data on honorifics for students. If not, no honorifics should be used for students. If there is sufficient need, the University should include a choice of honorific on its application and it should be added to student records just as it currently exists for employees. Students should be given the same ability to update their honorific that employees currently have and it should be harmonized with personnel files in the same manner as suggested for primary name.

Any use of an honorific by a campus unit should be based only on what that individual has indicated in either personnel or student records, and should *not* be based on the gender or sex marker in their personnel file or student record.

The choices of an honorific should include Mx., an honorific that does not depend on either gender or an advanced degree. Also, individuals should be allowed to opt out of any honorific.

Suggested implementation

For employees, simply adding Mx. as an option to their personnel file would be sufficient. For students, a choice of honorific could be added to the application and to student records. Students should be able to update their honorific in the same manner suggested for updating their primary name.

Appendix D: Data from outside sources

From the University of Michigan comes an example of a single process for employees and students to utilize a name other than the legal name. See http://www.itcs.umich.edu/itcsdocs/r1461/.

From the University of California (See https://admissions.universityofcalifornia.edu/applicant/html/caq.html then click on "personal information.")

> Why do you want to know my gender and ethnicity?
> This information is used for statistical purposes only by UC, government agencies and researchers. Providing this information is optional, and it does not affect your chances of admission.

Campus Pride identifies 47 colleges that allow students to change their gender marker with no evidence of medical intervention. At least eight do so with a simple request by the student. See http://www.campuspride.org/tpc-records/.

By simple request, students at the University of California, Santa Cruz, may change their gender/sex marker to "u" for "unknown" or "undetermined." See http://registrar.ucsc.edu/forms/students/preferred-name.pdf.

U.S. Department of State guidelines for updating your passport regarding gender: http://www.travel.state.gov/content/passports/english/passports/information/gender.html.

To update gender on passports from New Zealand, applicants need only provide a "Statutory Declaration indicating the sex / gender identity you wish to be displayed in your passport (M, F or X)" and "How long you have maintained your current sex / gender identity." See http://www.passports.govt.nz/Transgender-applicants.

Australians may update the gender in their passports in the same manner as U.S. citizens. However, they have X as a third option. See https://www.passports.gov.au/web/sexgenderapplicants.aspx.

Indications of numbers of transgender people as estimated by scholars at the Williams Institute may be found at http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/how-many-people-are-lesbian-gay-bisexual-and-transgender/.

The most comprehensive study of the discrimination faced by transgender people, "Injustice At Every Turn," may be found at http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf.

Appendix F: Responses to anticipated questions

Why should the university allow individuals to use a name other than their legal name?

One reason is professional courtesy. It is to the institution's advantage to publicly name individuals who may have a professional name that differs from their legal name. For example, world-class musicians and other performing artists are frequently known by a name other than their legal name. It would be ludicrous to insist that they be listed in directories and on ID cards under their legal name.

Another identifiable group of individuals using a name other than a legal name would be international constituents. While some may insist that everyone do their best in pronouncing their name, others may tire of hearing their name consistently mangled and choose to use a name on campus that is more common in the United States.

Some individuals may come to an awareness of being transgender over time. Their legal name may no longer match who they are and how they present themselves on campus. As with professional courtesy, it benefits the institution to have people listed in directories, on class rosters, and holding ID cards that match how they are known on campus from day to day.

Such individuals may eventually seek to change their name legally. Others may find it particularly onerous to do so. A lengthy process may be required. Use of a name other than a legal name allows for the University to recognize individuals as they evolve regardless of where they may be in a legal process. Doing so assists the University in providing a safe and supportive learning environment.

Clear and easy-to-find policies on the use of a name other than a legal name, and the process for updating a legal name, would provide transparency and a clear pathway for all.

Doesn't the gender of employees need to match the data held by the Social Security Administration?

No. The Social Security Administration stopped issuing no-match letters for gender effective September 24, 2011. See http://www.socialsecurity.gov/employer/ssnvshandbk/return.htm. Also, updating data with the Social Security Administration is the responsibility of the employee, not the University.

What are the implications for students and the Selective Service?

Students identified as male on their birth certificates must register with the Selective Service to be eligible for federal student financial aid. This is the responsibility of the student, not the University. See http://www.finaid.org/students/selectiveservice.phtml, especially the section on "Transgender Students" and the link to their "Guide to Completing the FAFSA for LGBT Families" found at http://www.finaid.org/fafsa/lgbtfafsa.phtml#selectiveservice.

It would appear that accommodating transgender individuals is the primary rationale for most of the issues outlined. Why should we go to so much effort for so few?

Two responses: these policies would benefit all, not only transgender individuals; and regardless of numbers (see below), the University should be creating a supportive and empowering work and learning environment for all.

As mentioned above, use of a name other than a legal name benefits at least three identifiable groups. They include those whose professional name differs from their legal name, individuals with international documentation or who otherwise have names that are difficult to pronounce by most individuals on campus, and transgender people. Of course, there are additional individuals who use a different name for personal reasons and find it otherwise unnecessary, or difficult, or inconvenient, or even impossible to obtain a legal change of name.

According to a 2011 report issued by Gary J. Gates and published by the Williams Institute, a national think tank located at UCLA Law, approximately 0.3% of the U.S. population is transgender. See http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/how-many-people-are-lesbian-gay-bisexual-and-transgender/. That translates to about 130 students, staff, and faculty on campus, and even more of our alumni. This number does not account for gender variant and genderqueer people who may not self-identify with the word "transgender."

Ultimately, the issue is about impact, not numbers. Gender identity and expression are now protected classes in the State of Maryland. The University should create policies to minimize discrimination and harassment.

According to "Injustice At Every Turn," the largest survey of transgender and gender variant people in the United State, (see http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf), 22% of trans people report having been harassed or disrespected by a government agency or official, and 22% also report being denied equal treatment by a government agency or official. Having one's name, gender, and sex on records match a person's self-identification is important for many reasons, but it helps to reduce harassment. According to this same study, 40% of trans people who presented an "incongruent" identity document were harassed, 15% were asked to leave an establishment, and 3% were assaulted.

The same survey indicates that one third of transgender people who have transitioned have not updated their identity documents. Sometimes, this is due to the costs and inaccessibility of changing one's documents. But changing one's legal documents or having a medical procedure should not be a requirement to change one's sex in university records, which merely record what should be optional demographic data and does not serve as legal documentation. The American Medical Association issued a statement in June against the requirement of surgery in order to change government documents, citing that medical decisions and identity documents should not be intertwined as such. See http://www.marketwired.com/press-release/ama-calls-for-modernizing-birth-certificate-policies-1918754.htm.

More agencies and institutions are moving away from the requirement of medical documentation to change sex or gender in records. The country of Argentina passed a law in 2012 that created a simple administrative process for people to change their documents to match their self-perceived gender identity and name. Activists and advocates are asking for the same around the world. In fact, Campus Pride, a U.S. national LGBT higher education organization that produces the annual rating of LGBT-friendly colleges, now includes as one rating factor whether or not a university has a simple and accessible way for people to change their recorded sex or gender without having to furnish any medical documentation.

ITC REPORT FOR 2016-17

Dr. William Bowerman
Chair, IT Council

OVERVIEW OF REPORT

- Report Organization: 5 Work Group Reports
  - Work Plan
  - Accomplishments
- Administrative Systems
- Infrastructure
- Security
- Learning Technologies
- Research Technologies
- ITC Accomplishments
- Questions

WORK GROUP LEADERS AND MEMBERS

- Administrative Systems: Ann Holmes
- Infrastructure: Adam Porter
- Security: Jim Zahniser
- Learning Technologies: Ronald Yaros
- Research Technologies: Jeffrey Hollingsworth
- ITC Members: William Bowerman

Willie Brown

Sandra Loughlin

Hannah Ogden

Kevin Prem

Robin Puett

Andrew Smith

ADMINISTRATIVE SYSTEMS

- Established a system for project submission
- Organized a governance process to prioritize projects
- Established and Oriented the Administrative Systems Work Group

INFRASTRUCTURE

- Reviewed the building sequence for wireless refresh
  - Highest priorities given to building with the most classes
- Focus on the Vision, Priority and Pace for UMD's network

SECURITY

- Well Received Security Office Open House for Campus IT Community
- Institutional Risk Assessment
  - Last performed in Summer 2015
  - Sent to 230 units
  - Data Collection ends 4/21
- 3 Additional Security Staff Positions created
- International Travel IT Security Analysis
  - Environmental scan for best practices
  - Detailed Information being added to Office of International Affairs website
  - Continuing Work

LEARNING TECHNOLOGIES

Current and progressive technologies are the foundation to support learning, enhance communication, and enable the distributed interactivity.

Provide enterprise-class learning technology solutions and services

Recommend adding, upgrading, or decommissioning technologies in our General Purpose Classrooms (GPCs).

Approved New Learning Technologies

ELMS Canvas Design Tool
Canvas – Open Catalog for Non-Credit bearing courses
WebEx Integration with ELMS
Students Wait-lists (ELMS – automation)
New AV classroom interface - designed and tested
Qualtrics survey tool integration with ELMS
Feedback Studio – Turnitin
UDOIT (ELMS Accessibility Tool)

Under Review

Media Management System
ePortfolios

RESEARCH TECHNOLOGIES

- Research Computing Survey of Professors, Research Scientists, Postdocs
    - Focus on current services used, new services desired, and customer satisfaction
    - Developed survey in Spring 2017, deploy survey Summer 2017
    - Analysis and action based on survey in Fall 2017
- Management and Operations of High Performance Computing Resources
    - Developed policies and procedures for file and account expiration on systems
    - Planning for retirement of older systems (Deepthought I)
- Ensure Research Tech serves full range of campus community
    - Expanded committee to represent most colleges and schools
    - Identify offerings to meet needs of community beyond CMNS and Engineering

ITC ACTIVITIES

- Travel Technology: IT Security for University Travelers Using Computers
- Data Classification Guidelines
- Web Accessibility Guidelines
- DRAFT Bylaws for the ITC

QUESTIONS