



1. Call to Order
2. Approval of the March 3, 2020 Senate Minutes (Action)
3. Report of the Chair
4. Procedures for the Remaining Spring 2020 Senate Meetings (Senate Document #19-20-45) (Information)
5. Preliminary Review of the Specifications on the Special Committee on University Finance (SCUF) (Senate Document #19-20-40) (Information)
6. Revisions to the University of Maryland Libraries (LIBR) Plan of Organization (Senate Document #19-20-44) (Action)
7. PCC Proposal to Rename the Master of Science in "Survey Methodology" to "Survey and Data Science" (Senate Document #19-20-46) (Action)
8. Amendment to the University of Maryland Undergraduate Student Course Repeat Policy (Senate Document #19-20-27) (Action)
9. Review of the UMD Policies and Procedures Concerning Tuition Remission (Senate Document #19-20-25) (Action)
10. Revision to the Policy on Smoking at the University of Maryland (Senate Document #19-20-17) (Action)
11. Review of the Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (Senate Document #18-19-32) (Action)
12. New Business
13. Adjournment



CALL TO ORDER

Senate Chair Lanford called the meeting to order at 3:19 p.m.

Lanford noted that President Loh and Provost Rankin would like to address the Senate and stated that they would do so at the start of the meeting if there were no objections from Senators. Hearing none, Lanford welcomed President Loh and Provost Rankin.

UPDATE FROM PRESIDENT LOH & PROVOST RANKIN

President Loh provided an update on the steps the University had taken in response to the COVID-19 crisis:

- 136 study-abroad students were called back from Italy and asked to self-isolate and self-monitor for 14 days.
- The University is imposing restrictions on the use of institutional funds to travel to level-3 countries and encouraging faculty who have been to those countries to self-isolate.

He also noted that in Seattle, there had already been 9 COVID-19-related deaths, public schools had been shut down, and that 30,000 students & faculty at the University of Washington had signed a petition to close the University.

Provost Rankin stated that the Incident Response Team (IRT) had been convening every week to address coronavirus. She provided an overview of their efforts while following CDC guidelines:

- Developing online options for the 759 study-abroad students with options for 400 developed so far;
- Meeting with the Deans to prepare for the possibility of closures or a potential delay of the fall semester;
- Trying to plan ahead so the University is prepared for what may come;
- keep-teaching.umd.edu site will organize resources for instructional faculty;

Lanford thanked President Loh and Provost Rankin for their timely updates.

APPROVAL OF THE MINUTES, FEBRUARY 5, 2020 MEETING

The minutes were approved as distributed.

REPORT OF THE CHAIR

Meeting Extension

The Senate Executive Committee has preemptively approved a 15-minute extension for the meeting so it will not end until 5:15 p.m.

Senator Elections Update

The voting period for staff, student, and single-member constituency Senators ends Friday, March 6, 2020.

Nominations Committee

The Senate Nominations Committee is looking for 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, and Campus Transportation Advisory Committee. The elections will be held at the Transition Meeting on May 6th.

Our New President

Lanford congratulated Dr. Darryll J. Pines, who was appointed the University's 34th President by the Board of Regents starting on July 1, 2020. On behalf of the Senate, she extended our support during the transition and our partnership going forward to help strengthen shared governance together. She also noted that Dr. Pines had established a Transition Committee and had asked her to serve on the committee and chair the sub-committee on the Senate.

DEACTIVATION OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK POLICY AND PROCEDURES CONCERNING TELEPHONE CREDIT CARDS (SENATE DOCUMENT #19-20-43) (INFORMATION)

Lanford noted that the Senate leadership, in collaboration with the President's Office and the Office of General Counsel developed a formal process for deactivating the University's policies and procedures because over time, the principles upon which they were developed, or the circumstances to which they applied have changed significantly or no longer exist, such that the original policy and procedure is moot or no longer needed. The process is similar to the one developed for technical amendments with two important distinctions: they can only be initiated by the administrative unit responsible for implementation; and they will not be formally removed until the Senate is notified and the President has approved the deactivation.

Lanford stated that the request to deactivate the University of Maryland, College Park Policy and Procedures Concerning Telephone Credit Cards came from the University IT Council in collaboration with the Division of IT. The recommendation for removal of the policy is because it is an outdated functionality that has not been used for many years. Lanford noted that this item was being provided as an information item to the Senate but it will also be sent to the President for approval of the deactivation and removal from the University's policy page while allowing the Senate a means to keep a record of the deactivation.

INTERIM UNIVERSITY OF MARYLAND POLICY ON FACULTY PARENTAL LEAVE AND OTHER FAMILY SUPPORTS (SENATE DOCUMENT #18-19-34) (ACTION)

INTERIM UNIVERSITY OF MARYLAND POLICY ON STAFF PARENTAL LEAVE AND OTHER FAMILY SUPPORTS (SENATE DOCUMENT #18-19-35) (ACTION)

Daniel Lathrop, Chair of the Faculty Affairs Committee and Jane Hirshberg, Chair of the Staff Affairs Committee provided a joint presentation of the recommendations from each committee and provided background information.

- A Senator asked whether employees were required to use annual leave before receiving assured parental leave and the chairs confirmed that was the case.
- A Senator inquired about the provision limiting parental leave to three uses. The chairs explained that the policy was actually expanded to three uses.

The Senate voted to approve the Faculty Parental Leave policy with a vote of **85 in favor, 5 opposed, and 5 abstentions.**

The Senate voted to approve the Staff Parental Leave policy with a vote of **87 in favor, 6 opposed, and 2 abstentions.**

AMENDMENT TO THE CODE OF ACADEMIC INTEGRITY (SENATE DOCUMENT #19-20-32) (ACTION)

Andrea Dragan, Chair of the Student Conduct Committee presented the proposal and provided background information.

A Senator inquired whether there would be any benefit to students if they were aware of this clarification in the policy previously.

Andrea Goodwin, Director of Student Conduct stated that students are already alerted that their degree could be revoked.

A Senator inquired on whether the degree revocation was limited to a Maryland degree or degrees from other institutions as well.

Goodwin confirmed that it would only affect the Maryland degree.

The Senate voted to approve the proposal with a vote of **93 in favor, 1 opposed, and 3 abstentions.**

PCC PROPOSAL TO RENAME THE MASTER OF SCIENCE IN “VETERINARY MEDICAL SCIENCE” TO “COMPARATIVE BIOMEDICAL SCIENCES” (SENATE DOCUMENT #19-20-41) (ACTION)

Betsy Beise, Member of the Programs, Curricula, and Courses (PCC) Committee presented the proposal and provided background information.

A Senator inquired whether the program expected any changes in the backgrounds of the incoming students.

Beise stated that they did not anticipate a significant change.

The Senate voted to approve the proposal with a vote of **89 in favor, 4 opposed, and 3 abstentions.**

PPC PROPOSAL TO RENAME THE PH.D. IN “VETERINARY MEDICAL SCIENCE” TO “COMPARATIVE BIOMEDICAL SCIENCES” (SENATE DOCUMENT #19-20-42) (ACTION)

Betsy Beise, Member of the Programs, Curricula, and Courses (PCC) Committee presented the proposal and provided background information.

Senators did not discuss the proposal but voted to approve it with **92 in favor, 1 opposed, and 2 abstentions.**

PROPOSAL TO LOWER THE UNIVERSITY’S GPA CUTOFF FOR LATIN HONORS ELIGIBILITY (SENATE DOCUMENT #19-20-10) (ACTION)

William Reed, Chair of the Academic, Procedures & Standards (APAS) Committee presented the proposal and provided background information.

Senators inquired about the history of past college GPAs, whether 3.9 was too high, whether a 3-year average was considered, whether the change may disincentivize students from taking challenging courses, and whether the change would dilute the honor compared to peers.

Reed explained that the committee explored a variety of options before agreeing on the hybrid approach. He noted that the college GPA trends had been relatively stable over the years. He also noted that Maryland's standards are much higher than the majority of its peers.

The Senate voted to approve the proposal with a vote of **78 in favor, 8 opposed, and 6 abstentions**.

SPECIAL ORDER

George Hurtt, Chair of the University Research Council

Preliminary Directions on the University of Maryland Policy and Procedures for the Establishment and Review of Centers and Institutes

George Hurtt, Chair of the University Research Council provided background information, the council's work-to-date, and an overview of preliminary findings on the centers and institutes policy.

- There is no central repository of centers & institutes at the University;
- There are no clear, stated definitions or levels at the University of what constitutes a center versus an institute;
- There needs to be more clarity about what aspect of the University mission a center or institute supports.
- There is no formal establishment or approval process for new centers and institutes at the University.
- There are no consistent guidelines on structure/operations at the University.
- With regard to funding, clarification is needed on institutional support and DRIF return rates.
- There is no standard review process (internal and/or external).
- There are no existing sunset provisions at the University and no sense of what criteria should be used in determining when and how to close, revise, or repurpose a center or institute.
- There are no probationary periods at the University;

Senators noted the importance of specific merit-based evaluation that can be adapted to each discipline and the importance of enforcing the periodic review cycle.

SPECIAL ORDER

Katharine Abraham, Chair of the Special Committee on University Finance (SCUF)

Spring 2020 Update on the Activities of the Special Committee on Finance

Katharine Abraham, Chair of SCUF, provided an update on the committee's activities thus far including its work in Fall 2019 to develop a deep understanding of University finances:

- The Macro View of University Finances
- The Basics of the Governor's Budget
- Financial Improvement Initiatives
- Student Enrollments and Tuition

- Allocation of Resources across Colleges and Divisions
- Auxiliaries and Student Support Services
- Capital Budget and Facilities Renewal
- Greater College Park Investment
- Allocation of Resources to Faculty and Staff
- Overview of the Budget Request Process

She also provided an overview of the committee's ongoing efforts:

- SCUF is reviewing the priorities in the University's Strategic Plan and developing a list of data needed to appropriately assess budget priorities.
 - Data that show trends over time along various dimensions will help the committee better understand how the Strategic Plan is reflected in budget decisions.
- SCUF is reviewing the budget timeline to determine whether there are specific points in the budget process where recommendations would have the most significant impact.
- SCUF plans to develop informational materials about the University's budget and share them publicly on the Senate website.
 - The committee plans to develop a Frequently Asked Questions list, featuring some common questions and myths about the budget process.
- SCUF has used its first year to develop a deep understanding of University finances, and to thoughtfully develop plans on how to fulfill its charges.
 - Laying the foundation for impactful work over the next two years.
 - Because of the upcoming transition in leadership, the committee plans to gain additional insight from the incoming President on ways in which the committee can best advise his administration.

NEW BUSINESS

Senator Sehgal made a motion to approve a Resolution to Support the University of Maryland's Designation as an Age-Friendly University. The motion was seconded.

Resolution to Support the University of Maryland's Designation as an Age-Friendly University

Whereas, a growing number of institutions of higher education around the world have committed to ensuring age-friendly policies and programs in research, teaching, and practice.

Whereas, the Age Friendly University Global Network developed Ten Principles of an Age-Friendly University, which set out a framework for institutions of higher education to embrace age-friendly practices.

Whereas, the University Senate affirms the following Ten Principles of an Age-Friendly University:

1. To encourage the participation of older adults in all the core activities of the university, including educational and research programs.
2. To promote personal and career development in the second half of life and to support those who wish to pursue second careers.
3. To recognize the range of educational needs of older adults.

4. To promote intergenerational learning to facilitate the reciprocal sharing of expertise between learners of all ages.
5. To widen access to online educational opportunities for older adults to ensure a diversity of routes to participation.
6. To ensure that the university's research agenda is informed by the needs of an aging society and to promote public discourse on how higher education can better respond to the varied interests and needs of older adults.
7. To increase the understanding of students of the longevity dividend and the increasing complexity and richness that aging brings to our society.
8. To enhance access for older adults to the university's range of health and wellness programs and its arts and cultural activities.
9. To engage actively with the university's own retired community.
10. To ensure regular dialogue with organizations representing the interests of the aging population.

Be it resolved that the University Senate supports the designation of the University of Maryland as an Age-Friendly University.

Be it further resolved that the University Senate encourages the Senior Vice President & Provost and the President to support this designation in order to further ensure the proactive inclusion of older stakeholders in all educational, service, research, and cultural aspects of the University.

Senators were generally supportive of the resolution and noted that you can learn at any age but also noted the importance of supporting Disability and Support Services (DSS).

The Senate voted to approve the resolution with a vote of **68 in favor, 7 opposed, and 6 abstentions.**

ADJOURNMENT

The meeting was adjourned at 4:45 p.m.



**Procedures for the Remaining Spring 2020 Senate Meetings
(Senate Document #19-20-45)**

TO Wallace D. Loh | President

FROM Pamela Lanford | Chair, University Senate

I am pleased to forward the Senate Executive Committee’s proposal on Procedures for the Remaining Spring 2020 Senate Meetings (Senate Document #19-20-45) for your consideration and approval. This proposal revises the *Bylaws of the University Senate* to allow the Senate to meet virtually, as needed, during the State of Emergency related to COVID-19. The Senate Executive Committee (SEC) approved this item at its meeting on March 26, 2020 on behalf of the University Senate, under its authority in 4.3.a of the *Bylaws of the University Senate*. Please inform the Senate of your decision and any administrative action related to your conclusion.

Approved:

Date:

03-30-2020

Wallace D. Loh
President

Copies of this approval and the accompanying legislation will be forwarded to:

- Mary Ann Rankin**, Senior Vice President and Provost
- Reka Montfort**, Executive Secretary and Director, University Senate
- Michael Poterala**, Vice President and General Counsel
- Cynthia Hale**, Associate Vice President for Finance and Personnel
- John Bertot**, Associate Provost for Faculty Affairs
- Elizabeth Beise**, Associate Provost for Academic Planning & Programs
- Sylvia B. Andrews**, Academic Affairs
- Rhonda Smith**, Academic Affairs
- Laura Dugan**, Senate Chair-Elect
- Stephen Henry**, Senate Parliamentarian



Procedures for the Remaining Spring 2020 Senate Meetings

PRESENTED BY Pamela Lanford, Chair

REVIEW DATES SEC – March 26, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [Bylaws of the University Senate](#)

NECESSARY APPROVALS President

ISSUE

On March 5, 2020, the Governor of the State of Maryland declared a State of Emergency due to the COVID-19 pandemic. Over the course of the month of March, the Governor, the University System of Maryland, and the University of Maryland announced several restrictions on gatherings, travel, and University activities in the interest of slowing the spread of the virus and protecting the health and safety of the State and campus community. The University of Maryland announced that it would be moving to an online environment for all coursework for the remainder of the spring 2020 semester and encouraging telework for faculty and staff functions wherever possible for the majority of the spring 2020 semester. The University also announced that all gatherings over ten people should be cancelled if appropriate social distancing could not be maintained.

The *Bylaws of the University Senate* require Senators to be physically present in order to participate in Senate meetings. As a result, the Senate is unable to meet virtually. Given that the current restrictions prevent a Senate meeting from being held in person, the Senate Executive Committee met on March 26, 2020 to discuss how to address the Senate's business for the remainder of the spring 2020 semester or until the restrictions are lifted, in this new environment.

RECOMMENDATION(S)

The Senate Executive Committee recommends that the Bylaws of the University Senate be amended as shown in the document immediately following this transmittal.

The Senate Executive Committee recommends that the Elections, Representation, and Governance (ERG) Committee be charged with developing formal provisions for virtual meetings of the Senate by the end of the Fall 2020 semester.

COMMITTEE WORK

The SEC met virtually on March 26, 2020, and considered all options for moving forward. The SEC weighed the need for the Senate to be able to continue its work and address any urgent needs that arise with the reality that Senators, committee members, and administrators have primary

responsibilities to attend to during the pandemic and are likely undertaking a great deal of work to revise and reconfigure their work to fit an online environment.

The SEC reviewed the Bylaws of the University Senate and discussed the intentions of the Plan of Organization Review Committee during its discussion. The Senate Bylaws require Senators to be physically present in order to participate in meetings. The relevant provision would prevent the Senate from holding virtual meetings or from allowing absentee voting:

3.5 *Senators must be physically present in order to participate in meetings.*

The Senate Bylaws also allow the SEC to act on behalf of the Senate when needed:

4.3.a *Where time or the availability of the membership precludes a meeting of the Senate, as, for example, during the summer or between semesters, the Executive Committee may act for the Senate.*

4.3.b *A report of all actions taken by the Executive Committee when acting for the Senate, with supporting material, shall be included with the agenda of the next regular meeting of the Senate. By written request of ten (10) Senators, received by the Chair of the Senate prior to the call to order of that meeting, any Executive Committee action on behalf of the Senate shall be vacated and the item in question placed on the agenda as a special order. If any such item is not petitioned to the floor, it shall stand as an approved action of the Senate.*

The provision on physical presence was added by PORC in 2015 after a detailed discussion on whether to allow Senators to vote without attending the Senate meeting. PORC felt it was important for Senators to be engaged in the discussion in order to vote, and added the language to prevent absentee voting or proxy voting. PORC did not consider situations like the current pandemic, which could require holding an entire meeting of the Senate through a virtual platform.

After an in-depth discussion, the SEC determined that the Senate should have the option of moving forward with virtual meetings or other mechanisms to address its work. The SEC indicated that Senate committees and councils should be given the opportunity to finalize pending charges on which they have expended a great deal of effort so far. The SEC also acknowledged that it is unclear how long the pandemic restrictions will last, so having the flexibility to conduct business in virtual meetings would be prudent. In developing pathways for addressing Senate business, the SEC noted that concerns related to equity, accessibility, and availability of Senators should be acknowledged and addressed wherever possible.

The SEC voted to exercise its authority under 4.3.a. to amend the Bylaws by striking the language on physical presence and adding language allowing for virtual meetings and alternate solutions for voting, as follows:

3.5 ~~*Senators must be physically present in order to participate in meetings.*~~ ***The Senate may hold virtual meetings instead of in-person meetings when there is a declared State of Emergency in Maryland and the University has restricted operations in place. Once the State of Emergency and University restrictions on normal operations for all constituencies have ended, the Senate will resume regular operations for its meetings. Alternative voting methods, including absentee voting, may be considered under these conditions.***

The SEC also voted to charge the Senate Elections, Representation, & Governance Committee with developing formal provisions for virtual meetings of the Senate by the end of the Fall 2020 semester in order to develop a permanent amendment to the Bylaws to prepare for any future situations that would prevent meetings from being held in person.

ALTERNATIVES

The President or a group of ten Senators could reject the proposed amendment to the Bylaws. If rejected, the Senate would not be able to meet virtually to attend to Senate business during the COVID-19 pandemic.

RISKS

There are no known risks to the University in adopting this recommendation.

FINANCIAL IMPLICATIONS

There are no known financial implications in adopting this recommendation.

**BYLAWS
OF THE
UNIVERSITY SENATE
AT THE
UNIVERSITY OF MARYLAND**



Amended on February 7, 2020



BYLAWS OF THE UNIVERSITY SENATE

University of Maryland, College Park

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BYLAWS OF THE UNIVERSITY SENATE

The University of Maryland, College Park

ARTICLE 1 AUTHORIZATION

- 1.1 These *Bylaws of the University Senate* (hereafter referred to as the *Bylaws*) are adopted according to Article 7 of the *University of Maryland Plan of Organization for Shared Governance* (hereafter referred to as the *Plan*), and are subject to amendment as provided for in the *Plan*.

ARTICLE 2 MEMBERSHIP

- 2.1 The members of the Senate are as designated in Article 3 of the *Plan* and further specified in 2.1 and 2.2 below. All elected members are subject to the conditions stated in the *Plan*, including its provisions for expulsion, recall, and impeachment (Articles 4.10, 4.11, and 5.8 of the *Plan* and Article 2.3, 2.4, and 2.5 below).

2.1.a Staff Senators

For the purpose of Senate representation, the Staff Constituency is divided into the following categories. Each category shall elect one Senator from among its ranks for each 200 staff members or major fraction thereof.

1. Exempt Staff with appointment in Colleges, Schools, and Academic Affairs
2. Exempt Staff with appointment in Divisions
3. Non-Exempt Staff with appointment in Colleges, Schools, and Academic Affairs
4. Non-Exempt Staff with appointment in Divisions

- 2.1.b Staff member job categories will not include the category designated for the President, vice presidents, provosts, and deans if they hold faculty rank.

- 2.1.c Any individual within the faculty member voting constituency cannot be included in the staff member voting constituency or nominated for election as a staff Senator. Staff candidates for the Senate must have been employed at the University of Maryland College Park for 12 months prior to standing as candidates for the Senate. Staff members may not stand for Senate elections while in the probationary period of employment.

- 2.1.d An ex officio member denoted in the *Plan* (Article 3.6.a.) who is not precluded from staff member categories as noted in Articles 2.1.b and 2.1.c may be elected as a voting member of the Senate by an appropriate constituency. Such ex officio members should also have been employed by the University of Maryland College Park for 12 months prior to standing as candidates for the Senate.

- 2.1.e As noted in the *Plan* (Article 3.3.c), the term of each staff Senator shall be three (3) years. Terms of staff members will be staggered in such a way that for each term, one-third of the total members from a job category are serving the first year of their term. Not every member of a specific staff job category shall be elected in the same year. However, if the University or these *Bylaws* redefine the staff job categories outside of a normal reapportionment, the staff Senate seats will be vacated. A subsequent election will be held to populate all staff Senate seats within the new categories with staggered terms as follows:

- (1) One-third of the members in a job category who received the lowest number of votes will serve a one-year term,
- (2) One-third of the members in a job category who received the second lowest number of votes will serve two-year terms,
- (3) One-third of the members in a job category who received the highest number of votes will serve three year-terms.

A person serving less than a three-year term is defined as not to have served a full term and is eligible for re-election to a full term the following year.

2.2 Single Member Constituencies

The Senators defined in (a)-(g) below shall be voting members of the Senate. All elections held pursuant to this section shall be organized by the Office of the University Senate.

- (a) Part-Time Research, Part-Time Teaching, Adjunct, and both Full-Time and Part-Time Visiting Faculty who are not members of the Faculty Constituency as defined in Section 3.2 of the Plan shall together elect one (1) Senator, for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as a faculty Senator.
- (b) Emeritus Faculty who are not members of the Faculty Constituency as defined in Section 3.2 of the *Plan* shall elect one (1) Senator from among their ranks for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as a Faculty Senator.
- (c) Head Coaches who are not members of the Faculty Constituency as defined in Section 3.2 of the University Plan of Organization together shall elect one Senator from among their ranks to serve for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as a faculty Senator.
- (d) Post-Doctoral Scholars, Post-Doctoral Associates (formerly Research Associates), Junior Lecturers, and Faculty Assistants (formerly Faculty Research Assistants) who are not members of any Senate constituency as defined in Article 3 of the *Plan* together shall elect one (1) Senator, for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as a Faculty Senator.
- (e) The Contingent II staff shall elect one (1) Senator from among their ranks for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as all other staff Senators. The Contingent II staff Senator shall have been employed by the University for twelve months prior to their election.
- (f) The part-time undergraduate students shall elect one (1) Senator from among their ranks for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as all other student Senators.
- (g) The part-time graduate students shall elect one (1) Senator from among their ranks for a term of one (1) year, renewable for up to three (3) years. When the Senate votes by constituencies, that Senator shall have the same voting rights as all other student Senators.

2.3 Elected Senators shall not be absent from two (2) consecutive regularly scheduled meetings of the Senate without notifying the Office of the University Senate that they will require an excused absence (Article 4.10.a of the *Plan*). Also in accordance with Article 4.10 of the *Plan*, until the member attends a meeting of the Senate, or the Senator is expelled, that Senator shall be counted in the total membership when a quorum is defined for a meeting.

2.4 If an elected Senator is no longer a member of the constituency by which he or she was elected, the seat shall be vacated and the Senator shall be replaced according to the following guidelines:

- 2.4.a If there was a runner-up in the election in which the Senator was elected, the runner-up shall replace that Senator immediately, provided he or she is still eligible.
- 2.4.b If there was no runner-up in the election in which the Senator was elected and the vacancy occurs in the spring semester, that Senator shall serve for the remainder of the Senate year and shall be replaced in the next election cycle for the remainder of the term.
- 2.4.c If there was no runner-up in the election in which the Senator was elected and the vacancy occurs prior to the spring semester, or if the Senator is unable to serve the remainder of the Senate year, the Senate Executive Committee, in consultation with the appropriate constituency, shall appoint a replacement for that Senator.

- 2.5 If an elected Senator is no longer in satisfactory standing at the University, he or she shall be replaced immediately in accordance with 2.4.a or 2.4.c above.
- 2.6 All elections shall be completed by the Transition Meeting of the Senate.

ARTICLE 3 MEETINGS

3.1 Regular Meetings:

The Senate shall schedule at least four (4) regular meetings each semester. The notice, agenda, and supporting documents shall be mailed, by campus or electronic-mail, from the Office of the University Senate to the membership no later than one calendar week prior to each regular meeting unless otherwise approved by the Executive Committee.

3.2 Special Meetings:

3.2.a Special meetings of the Senate may be called in any of the following ways, with the matter(s) to be considered to be specified in the call:

- (1) By the presiding officer of the Senate;
- (2) By a majority vote of the Executive Committee of the Senate;
- (3) By written petition of a majority of the elected members of the Senate. The petition shall be delivered to the Chair or the Executive Secretary and Director of the Senate. The Chair shall give notice of arrangements for the meeting within seventy-two (72) hours of receipt of a valid petition;
or
- (4) By resolution of the Senate.

3.2.b The notice of a special meeting shall include the agenda and shall be sent to the members of the Senate as far in advance of the meeting as possible. The agenda of a special meeting may specify a scheduled time of adjournment.

3.2.c The scheduling of a special meeting shall reflect the urgency of the matter(s) specified in the call, the requirement of reasonable notice, and the availability of the membership.

3.3 Openness of Meetings and Floor Privileges:

3.3.a Meetings of the Senate shall be open to all members of the campus community except when the meetings are being conducted in closed session.

3.3.b Representatives of the news media shall be admitted to all meetings of the Senate except when the meetings are conducted in closed session. The use of television, video, or recording equipment shall not be permitted except by express consent of the Senate.

3.3.c When a report of a committee of the Senate is being considered, members of that committee who are not members of the Senate may sit with the Senate and have a voice but not a vote in the deliberations of the Senate on that report.

3.3.d Any Senator may request the privilege of the floor for any member of the campus community to speak on the subject before the Senate. The Chair shall rule on such requests.

3.3.e By vote of the Senate, by ruling of the Chair, or by order of the Executive Committee included in the agenda of the meeting, the Senate shall go into closed session. The ruling of the Chair and the order of the Executive Committee shall be subject to appeal, but the Chair shall determine whether such appeal shall be considered in open or closed session.

3.3.f While in closed session, the meeting shall be restricted to voting members of the Senate (Article 3 in the *Plan*), to members granted a voice but not a vote (Articles 3.6, 5.2.c, and 5.5.c. of the *Plan*), to the Executive Secretary and Director, to the parliamentarian and any staff required for keeping minutes and to other persons expressly invited by the Senate.

3.4 Rules for Procedure:

3.4.a The version of *Robert's Rules of Order* that shall govern the conduct of Senate meetings shall be *Robert's Rules of Order, Newly Revised*.

3.4.b A quorum for meetings shall be defined as a majority of elected Senators who have not given prior notification of absence to the Office of the University Senate, or sixty (60) Senators, whichever number is higher. For the purpose of determining a quorum, ex officio members without vote shall not be considered.

3.5 ~~Senators must be physically present in order to participate in meetings.~~ **The Senate may hold virtual meetings instead of in-person meetings when there is a declared State of Emergency in Maryland and the University has restricted operations in place. Once the State of Emergency and University restrictions on normal operations for all constituencies have ended, the Senate will resume regular operations for its meetings. Alternative voting methods, including absentee voting, may be considered under these conditions.**

ARTICLE 4 EXECUTIVE COMMITTEE

4.1 Membership and Election:

4.1.a As set forth in the *Plan* (Article 8.2), the members of the Executive Committee shall include the Chair and Chair-Elect of the Senate, thirteen (13) members elected from the voting membership of the Senate, and four (4) non-voting ex officio members.

4.1.b The election of the Executive Committee shall be scheduled as a special order at the transition-meeting of the Senate in the Spring Semester, but in no case shall it precede the election of the Chair-Elect as provided for in the *Plan* (Article 5.3 and 5.7.a). In the event of a tie vote in the election for members of the Executive Committee, a ballot will be made available to each Senator as soon as the votes are counted and the tie discovered. Ballots are to be returned within one (1) week from the date of distribution.

4.1.c In the event of a vacancy on the Executive Committee, the available candidate who had received the next highest number of votes in the annual election for the Executive Committee shall fill the remainder of the unexpired term.

4.2 Charge: The Executive Committee shall exercise the following functions:

4.2.a Assist in carrying into effect the actions of the Senate;

4.2.b Act for the Senate as provided for by and subject to the limitations stated in Article 4.3;

4.2.c Act as an initiating body suggesting possible action by the Senate;

4.2.d Review and report to the Senate on administrative implementation of policies adopted by the Senate;

4.2.e Prepare the agenda for each Senate meeting as provided for by and subject to limitations stated in Article 4.4;

4.2.f Serve as a channel through which any member of the campus community may introduce matters for consideration by the Senate or its committees;

- 4.2.g Prepare and submit reports on the Senate's work to the President and the campus community;
- 4.2.h Review the operations of the Office of the University Senate each year, and make recommendations to the President or his or her designee for improvements in those operations and for the replacement or continuation of the Executive Secretary and Director;
- 4.2.i Serve as the channel through which the Senate and the campus community may participate in the selection of officers of the campus and the University;
- 4.2.j Perform such other functions as may be given it in other provisions of these *Bylaws* and the *Plan*; and
- 4.2.k Make recommendations on nominees for campus-wide and system-wide committees and councils requiring representatives, when necessary.

4.3 **Rules Governing Executive Committee Action for the Senate:**

- 4.3.a Where time or the availability of the membership precludes a meeting of the Senate, as, for example, during the summer or between semesters, the Executive Committee may act for the Senate.
- 4.3.b A report of all actions taken by the Executive Committee when acting for the Senate, with supporting material, shall be included with the agenda of the next regular meeting of the Senate. By written request of ten (10) Senators, received by the Chair of the Senate prior to the call to order of that meeting, any Executive Committee action on behalf of the Senate shall be vacated and the item in question placed on the agenda as a special order. If any such item is not petitioned to the floor, it shall stand as an approved action of the Senate.

4.4 **Rules Governing Preparation of the Senate Agenda:**

- 4.4.a The order of business for regular meetings shall be as follows:
 - (1) Call to order;
 - (2) Approval of the minutes of the previous regular meeting and any other intervening special meeting(s);
 - (3) Report of the Chair (including any report from the Executive Committee);
 - (4) Special orders of the day;
 - (5) Unfinished business;
 - (6) Reports of committees;
 - (7) Other new business; and
 - (8) Adjournment.
- 4.4.b For regular meetings the Executive Committee shall consider all submissions for inclusion on the Senate agenda. The Executive Committee may not alter a submission, but may delay its inclusion, may include it on the agenda of a special meeting, may submit the material directly to a committee of the Senate, or may refuse to place it on the agenda if the material is inappropriate, incomplete, or unclear. The party making a submission shall be notified of the action taken in this regard by the Executive Committee.
- 4.4.c The order of business for a special meeting shall be as follows:
 - (1) Call to order;

- (2) Statement by the Chair of the nature and origin of the call of the meeting;
 - (3) The special order;
 - (4) Other business as determined by the Executive Committee; and
 - (5) Adjournment.
- 4.4.d For a special meeting the agenda shall include the matter(s) specified in the call of that meeting as the Special Order. Other items may be included on the agenda as the Executive Committee deems appropriate.
- 4.5 **Meetings of the Executive Committee:** A quorum of the Executive Committee shall be seven (7) voting members. Minutes of the meetings shall be kept. The agenda shall be made publicly available prior to each meeting. The Executive Committee shall meet at the call of the Chair or by petition of seven (7) voting members of the Executive Committee, or by petition of twenty-five (25) voting members of the Senate.
- 4.6 **The Senate Budget:** The Executive Secretary and Director shall be responsible for the Senate budget, shall consult with the Executive Committee on the preparation of the budget request, and shall report to the Executive Committee the funds received.
- 4.6.a The Executive Secretary and Director shall make an annual report to the Associate Vice President for Personnel and Budget on expenditure of the Senate budget.
- 4.6.b Consent of the Executive Committee shall be required before any change in the budgeted use of Senate funds involving more than ten percent (10%) of the total may be undertaken.
- 4.7 **Referral of Items to Standing Committees:** The Executive Committee shall refer items to the standing committees.
- 4.7.a The Executive Committee shall refer an item to an appropriate committee when instructed by the Senate or when requested by the President, or when petitioned by 150 members of the Senate electorate.
- 4.7.b The Executive Committee may also refer any item it deems appropriate, and the standing committee shall give due consideration to such requests from the Executive Committee.
- 4.7.c The Chair of the Senate may, as need requires, act for the Executive Committee and refer items to standing committees. All such actions shall be reported at the next meeting of the Executive Committee.
- 4.8 To the extent permitted by law and University policy, the records of the Senate shall be open.

ARTICLE 5 COMMITTEES OF THE SENATE

- 5.1 **Standing Committees - Specifications:** The specifications of each standing committee of the Senate shall state its name, its specific charge, and any exceptions or additions to the basic charge to standing committees stated in Article 5.2. The specifications shall list all voting ex officio members and shall define committee composition.
- 5.1.a **Standing Committees:** In an appropriate section of Article 6 there shall be specifications for each committee.
- 5.2 **Standing Committees - Basic Charge:** In its area of responsibility, as defined in its specifications, each committee shall be an arm of the Senate with the following powers:
- (1) To formulate and review policies to be established by the Senate according to the *Plan* (Article 1);
 - (2) To review established policies and their administration and to recommend any changes in policies

or their administration that may be desirable;

- (3) To serve in an advisory capacity, upon request, regarding the administration of policies;
- (4) To function on request of the President or of the Executive Committee as a board of appeal with reference to actions and/or decisions made in the application of policies; and
- (5) To recommend the creation of special subcommittees (Article 5.7-5.9) when deemed necessary.

5.3 **Standing Committees - Committee Operation:**

5.3.a Agenda Determination:

- (1) A committee shall have principal responsibility for identifying matters of present and potential concern to the campus community within its area of responsibility. Such matters should be placed on the agenda of the committee.
- (2) Nonprocedural items shall be placed on the agenda of a committee by vote of that committee, by referral from the Executive Committee (Article 4.7), or by referral of policy recommendations. The committee shall determine the priorities of its agenda items.
- (3) Committee agendas shall be made publicly available prior to each meeting.

5.3.b Action minutes of the proceedings of each committee meeting shall be kept in accordance with *Robert's Rules of Order for Small Committees*.

5.3.c Rules for Procedure of Standing Committees: The version of *Robert's Rules of Order* that shall govern the conduct of Standing Committees shall be *Robert's Rules of Order for Small Committees, Newly Revised*. Standing Committees shall determine how advancing technology, such as phone and video conferencing and other electronic methods of participation, can be used for their purposes. Standing Committees may choose to conduct votes via email, and shall agree on any other mechanisms for conducting business outside of meetings, when necessary.

5.3.d Quorum Requirements of Standing Committees: Unless a quorum number is specified in the membership description of a committee, the quorum shall be a majority of voting members of the committee.

5.4 **Standing Committees - Reporting Responsibilities:** Each committee shall be responsible through its presiding officer for the timely delivery of the following reports.

5.4.a The Executive Secretary and Director shall receive an announcement of each meeting of the committee stating the time and place of the meeting with agenda items. It shall be sent as far in advance of the meeting as possible.

5.4.b The committee shall report its progress on agenda items as required by the Executive Secretary and Director or the Chair of the Senate.

5.4.c Reports providing information and/or recommendations to the Senate shall be submitted to the Executive Committee for inclusion on the Senate agenda. Reports resulting from the committee's advisory or board of appeals function shall be submitted to the appropriate Senate or campus officer, and the Executive Committee notified of the submission.

5.4.d Upon written request of at least four (4) members of a committee, the presiding officer of that committee shall include a minority statement with any committee report. Those requesting inclusion need not support the substance of the minority statement.

5.4.e An annual report shall be presented to the Chair of the Senate at the end of the academic year, or, if approved by the Chair, no later than August 16, for submission to the Executive Committee. The report

shall include a list of all items placed on the committee's agenda, noting the disposition of each and a summary of the committee's deliberations. A cover sheet for each annual report, containing an outline of topics considered by the committee and their status, shall be made publicly available. In the case of committees with little activity, the committee may recommend inactive status the ensuing year until charged by the Executive Committee to address a specific matter:

- (1) A committee may be placed on inactive status with approval of the Executive Committee. No presiding officer or members shall be appointed to the committee while on inactive status.
- (2) A committee on inactive status may be reactivated by the Executive Committee when matters within its purview, as stipulated in Article 6, are brought to the Executive Committee for review. Following reactivation, the Office of the University Senate shall solicit volunteers for the committee in its annual volunteer period, and the Committee on Committees shall select members for the committee, in accordance with the provisions of 5.5 below.
- (3) A Special Committee (Article 5.9) may not be appointed to consider matters within standing committee specifications in lieu of reactivating an inactive committee.

5.5 Standing Committees - Selecting Members: Persons shall be named to standing committees in accordance with the procedures listed below.

- 5.5.a The Office of the University Senate shall provide information on the charge and membership specifications of each committee.
- 5.5.b The Office of the University Senate shall solicit volunteers for the Senate's standing committees on an annual basis through an online process. During this volunteer period, all faculty, staff, and students shall be eligible to indicate their top three preferences for any committees with vacancies in their constituency and include a candidacy statement for consideration by the Committee on Committees. The Office of the University Senate will maintain these records for potential future use.
- 5.5.c The Committee on Committees shall develop slates of nominees to fill vacancies on the standing committees and University Councils. No person shall be nominated for a committee position without consenting to serve on that committee, either through indicated preference or explicit agreement. In making nominations, the Committee on Committees shall keep in view the continuing membership of the committee to ensure that the full membership complies with specifications of the *Plan* and these *Bylaws*. Committee members shall be nominated consistent with requirements for diversity specified in Section 8.1 of the *Plan*.
- 5.5.d Ex officio members named in a committee's specifications shall be voting members unless otherwise specified in the *Bylaws*. Upon recommendation of the Committee on Committees, the Executive Committee may appoint ex officio members with particular expertise or benefit to the committee. Such members shall serve with voice, but without vote. The Executive Committee is empowered to make such changes in non-voting ex officio membership as appropriate.
- 5.5.e The Committee on Committees shall forward a slate of nominees for committee service to the Executive Committee to place on the Senate agenda for approval. Each nominee shall be identified by name and constituency. The notice of nomination shall also include the name and constituency of continuing members of the committee, and the name and office of the ex officio members, listed for information only. The nominations shall be subject to action by the Senate consistent with the *Plan* and the specifications of these *Bylaws*.
- 5.5.f Terms on standing committees shall be two (2) years for faculty and staff, and one (1) year for students. Appointments to two-year terms shall be staggered: that is, as far as practical, half of the terms from each faculty or staff constituency shall expire each year. Terms shall begin on July 1 of the appropriate year.
- 5.5.g A member of a standing committee whose term is expiring may be appointed to another term, subject to restrictions (1) and (2) below. The Committee on Committees is particularly charged to consider the reappointment of active student members.

- (1) No reappointment shall be made that would cause the appointee to serve longer than four consecutive years on the same committee.
- (2) At most, half of the non-student members of a committee whose terms are expiring in any given year may be reappointed.

5.5.h Terms as presiding officer of a committee shall be one year. A presiding officer may be reappointed if his/her tenure as a Senator is continuing; however, no one shall serve as presiding officer of a committee for longer than two (2) consecutive years.

5.5.i Appointments of the presiding officers of committees shall be made by the Chair of the Senate, designated on the annual committee slate, and shall be approved by the Senate.

5.6 **Standing Committees - Replacing Presiding Officers and Members:** The presiding officer and members of any active standing committee may be replaced for cause after inquiry by the Office of the University Senate with approval of the Executive Committee.

5.6.a Cause, for presiding officers, is defined as the following:

- (1) Failure to activate the committee during the first semester after appointment in order to organize its business and determine an agenda; or
- (2) Failure to activate the committee in order to respond to communications referred from the Executive Committee; or
- (3) Failure to activate the committee in order to carry out specific charges required in Article 6 or other Senate documents.

5.6.b Cause, for members, is defined as the following:

- (1) Continual absence from committee meetings and/or lack of participation in committee activities; or
- (2) Lack of registration on campus for students or termination of employment on campus for faculty and staff.

5.6.c Procedure for replacing presiding officers and members:

- (1) The decision to replace a presiding officer rests with the Executive Committee; and
- (2) Requests for replacing a committee member shall be submitted by the presiding officer of a committee to the Executive Committee; such requests will contain a statement citing the appropriate "cause."

5.6.d When the Executive Committee decides to replace a presiding officer or committee member, it shall request the Committee on Committees to identify a suitable replacement.

5.7 **Standing Committees - Appointing Special Subcommittees:** A standing committee of the Senate may appoint special subcommittees to assist in the effective performance of its responsibilities. Persons appointed to special subcommittees who are not members of standing committees must be approved by the Executive Committee. The Chair of any special subcommittee must be a member of the standing committee making the appointment.

5.8 **Standing Committees - Appointing Special Joint Subcommittees:** Two or more standing committees of the Senate may appoint special joint subcommittees to assist in the effective review of issues that pertain to the charge of multiple committees. Persons appointed to serve who are not members of associated standing committees must be approved by the Executive Committee. The Chair of any such subcommittee must be a member of one of the associated standing committees making the appointment. Special Joint Subcommittees

will report directly to the full associated standing committees for final action.

- 5.9 **Special Committees:** A special committee of the Senate may be established by resolution of the Senate to carry out a specified task. The empowering resolution shall also stipulate the means of selecting the committee and any restrictions on its composition. The committee shall function until the completion of its tasks or until discharged by the Senate. A final report of its work shall be presented to the Senate. Members shall serve for the duration of the committee unless otherwise specified by the Senate.

ARTICLE 6 STANDING COMMITTEE SPECIFICATIONS

6.1 Academic Procedures and Standards Committee:

- 6.1.a **Membership:** The committee shall consist of an appointed presiding officer; ten (10) faculty members; one (1) staff member; three (3) undergraduate and one (1) graduate student; and the following persons or a representative of each: the Senior Vice President and Provost, the Director of Undergraduate Admissions, the University Registrar, the Associate Provost for Academic Affairs and Dean for Undergraduate Studies, and the Associate Provost for Academic Affairs and Dean of the Graduate School.
- 6.1.b **Quorum:** A quorum of the Academic Procedures and Standards Committee shall be ten (10) voting members.
- 6.1.c **Charge:** The committee shall formulate and continually review policies, rules, and regulations governing the admission, readmission, academic standing, and dismissal of all students for academic deficiency.
- 6.1.d **Charge:** The committee shall formulate and continually review policies and procedures for academic advisement, scheduling of classes, and registration.
- 6.1.e **Charge:** The committee shall formulate and continually review policies to be observed by the instructional staff in conducting classes, seminars, examinations, students' research, and student evaluations.
- 6.1.f **Policies, rules, and regulations exclusively governing admission, readmission, scholastic standing, and dismissal of graduate students for academic deficiency shall be reviewed by an appropriate committee of the Graduate School. Such policies, rules, and regulations will be transmitted by the Graduate School directly to the Senate through the Executive Committee. Policies, rules, and regulations that concern both graduate and undergraduate matters shall be considered by both the Academic Procedures & Standards (APAS) Committee and the appropriate committee of the Graduate School.**

6.2 Campus Affairs Committee:

- 6.2.a **Membership:**
- (1) The committee shall consist of an appointed presiding officer; six (6) faculty members; two (2) undergraduate and two (2) graduate students; two (2) staff members, with one exempt and one non-exempt to the extent of availability; the President or a representative of the Student Government Association; the President or a representative of the Graduate Student Government; and the following persons or a representative of each: the Senior Vice President and Provost, the Vice President for Administration & Finance, the Vice President for Student Affairs, the Vice President for University Relations, the Vice President for Diversity & Inclusion, and the Chair of the Coaches Council.
 - (2) When discussions of safety are on the agenda, the Chief of Police, the Office of General Counsel, the Director of Transportation Services, and other campus constituencies, as appropriate, shall be invited to participate or send a representative.
 - (3) The Chair of this committee or a faculty member designated by the Chair and approved by the Senate Executive Committee will serve as an ex officio member of the Athletic Council. The Chair,

or a committee member designated by the Chair, shall also serve as an ex-officio member of the Campus Transportation Advisory Committee.

- 6.2.b Quorum: A quorum of the Campus Affairs Committee shall be nine (9) voting members.
- 6.2.c Charge: The committee shall formulate and continually review policies and regulations affecting the entire campus, its functions, its facilities, its internal operation and its external relationships, including the awarding of campus prizes and honors, and make recommendations concerning the future of the campus.
- 6.2.d Charge: The committee shall formulate and continually review policies and procedures for the periodic review of campus level administrators.
- 6.2.e Charge: The committee shall periodically gather community input on safety and security issues and shall act as a liaison between the police and the campus community.

6.3 Committee on Committees:

6.3.a Membership and terms:

- (1) As set forth in the *Plan* (Article 8.3.a), the Committee on Committees shall be chaired by the Chair-Elect of the Senate.
- (2) The voting membership, as defined in the *Plan* (Article 8.3.a), shall consist of the Chair-Elect of the Senate, six (6) faculty members elected by faculty Senators, with no more than one (1) from any College or School; one (1) non-exempt staff member elected by non-exempt staff Senators; one (1) exempt staff member elected by exempt staff Senators; one (1) undergraduate student elected by undergraduate student Senators; and one (1) graduate student elected by graduate student Senators.
- (3) Students are elected to serve for one (1) year, faculty and staff for two (2) years, whether or not their membership in the Senate continues beyond their first year of service in the committee.
- (4) Terms of faculty and staff members are staggered in such a way that, at any time, no more than three (3) faculty members and one (1) staff member are serving the second year of their term.
- (5) In the event of a vacancy on the Committee on Committees, the available candidate who had received the next highest number of votes in the last annual election for the Committee on Committees shall fill the remainder of the unexpired term. In the event that there is no runner-up, the Executive Committee shall fill the vacant seat.
- (6) A quorum of the Committee on Committees shall be six (6) voting members.

6.3.b Charge:

- (1) As set forth in the *Plan* (Article 8.3.b), responsibilities of the Committee on Committees include:
 - (a) Identification and recruitment of individuals for service on Senate committees;
 - (b) Approval of the University Library Council slate of nominees, as mandated in section 2.C of the Bylaws of the University Library Council.
 - (c) Creation of a slate of nominees for the Nominations Committee, for approval by the Senate.
- (2) Additional duties include:
 - (a) As needed, the Committee on Committees may be charged to assess effectiveness of committees, and make recommendations for improvements and changes in their operations and structure.

(b) Other such duties as specified by the Executive Committee.

6.3.c Operation: The Committee on Committees shall follow the procedures specified for standing committees in Article 5 above, with the exception of 5.5.

6.4 Educational Affairs Committee:

6.4.a Membership: The committee shall consist of an appointed presiding officer; ten (10) faculty members, of whom at least two (2) must be tenured/tenure-track faculty members and at least two (2) must be professional track faculty members; two (2) staff members, with one exempt and one non-exempt to the extent of availability; two (2) undergraduate students and one (1) graduate student; the President or a representative of the Student Government Association; the President or a representative of the Graduate Student Government; the Associate Dean for General Education; a representative of the Associate Provost for Academic Affairs and Dean for Undergraduate Studies; and the following persons or a representative of each: the Senior Vice President and Provost, the Associate Provost for Academic Affairs and Dean of the Graduate School, and the Vice President of Information Technology and CIO.

6.4.b Quorum: A quorum of the Educational Affairs Committee shall be eleven (11) voting members.

6.4.c Charge: The committee shall formulate and continually review plans and policies to strengthen the educational system of the College Park campus. The committee shall receive ideas, recommendations, and plans for educational innovations from members of the campus community and others. The committee shall inform itself of conditions in the Colleges, Schools, and other academic units, and shall propose measures to make effective use of the resources of the campus for educational purposes.

6.4.d Charge: The committee shall exercise broad oversight and supervision of the General Education Program at the University of Maryland as described in the 2010 document Transforming General Education at the University of Maryland and the General Education Implementation Plan approved by the University Senate in February 2011. The committee shall review and make recommendations concerning the General Education Program to the Senate and the Associate Provost for Academic Affairs and Dean for Undergraduate Studies. Such recommendations shall include, as the committee deems appropriate, the program's requirements and its vision, especially with regard to evaluating trends, reviewing learning outcomes, and maintaining the balance of courses in the General Education categories.

6.4.e Relation of the Educational Affairs Committee to the General Education Program and the Office of the Associate Provost for Academic Affairs and Dean for Undergraduate Studies:

- (1) The Associate Provost for Academic Affairs and Dean for Undergraduate Studies will prepare an annual report on the status of the General Education Program and will send the report to the Educational Affairs Committee by October 1.
- (2) The Associate Provost for Academic Affairs and Dean for Undergraduate Studies will meet with the Educational Affairs Committee as needed to discuss or update the report. Topics will include but not be limited to: the membership and ongoing work of the General Education Faculty Boards; the proposal and approval process for General Education courses; the learning outcomes for the different course categories; areas where additional courses or rebalancing may be needed; trends and developments that may impact the General Education Program; and informational resources for students, faculty, and advisors about the General Education Program.
- (3) The Office of the Associate Provost for Academic Affairs and Dean for Undergraduate Studies shall inform the committee of modifications in the proposal or review process, the disposition of recommendations from the committee, and any other changes regarding the implementation of the General Education Program as specifically delegated to that office.

6.5 Elections, Representation, and Governance Committee:

- 6.5.a Membership: The committee shall consist of an appointed presiding officer; six (6) faculty members; one (1) exempt staff member; one (1) non-exempt staff member; two (2) undergraduate and two (2) graduate students; and representatives of the Director of Human Resources and the Associate Vice President for Institutional Research, Planning, and Assessment.
- 6.5.b Quorum: A quorum of the Elections, Representation, and Governance Committee shall be eight (8) voting members.
- 6.5.c Charge: The committee shall review and recommend policies regarding the conduct of elections, determine correct apportionments for all constituencies, and investigate and adjudicate all charges arising from the management and results of Senate elections.
- 6.5.d Charge: The committee shall determine the correct apportionment for all constituencies every five (5) years as stipulated in Article 3.8 of the Plan and following any review or revision of the *Plan* as stipulated in Article 6.3 of the *Plan*.
- 6.5.e Charge: The committee shall supervise all Senatorial elections and referenda in accordance with the *Plan* (Article 4.2), and shall consult with certain constituencies in their nomination and election processes in accordance with the *Plan* (Article 4) as requested by the Executive Committee.
- 6.5.f Charge: The committee shall formulate and review procedures for the tallying and reporting of election results and shall perform other such duties as appropriate (Article 3.3.b of the *Plan*).
- 6.5.g Charge: The committee shall review the Plans of Organization of the Colleges, Schools, and other units, in accordance with the *Plan* (Article 11) and as specified in Appendix 7 of these Bylaws.
- 6.5.h Charge: The committee shall review and observe the operation and effectiveness of the University Senate and make any appropriate recommendations for improvements.
- 6.5.i Charge: The committee shall receive all petitions for impeachment of the Chair or Chair-Elect in accordance with the *Plan* (Article 5.8).
- 6.5.j Charge: The committee shall initiate procedures for expelling Senators in accordance with the *Plan* (Article 4.10).
- 6.5.k Charge: The committee shall receive all petitions for the recall of Senators in accordance with the *Plan* (Article 4.11).

6.6 Equity, Diversity, & Inclusion Committee:

- 6.6.a Membership: The committee shall consist of an appointed presiding officer; five (5) faculty members; three (3) exempt staff members; two (2) non-exempt staff members; two (2) undergraduate and two (2) graduate students; and the following persons or a representative of each: the Senior Vice President and Provost, the Vice President for Diversity & Inclusion, the Vice President for Administration & Finance, the Vice President for Student Affairs, and the Director of the Office of Civil Rights and Sexual Misconduct.
- 6.6.b Quorum: A quorum of the Equity, Diversity, & Inclusion Committee shall be ten (10) voting members.
- 6.6.c Charge: The committee shall actively promote an equitable, diverse, and inclusive campus that is free from all forms of discrimination by formulating and continually reviewing policies and procedures pertaining to issues of equity, diversity, and inclusion. These include but are not limited to the University of Maryland Non-Discrimination Policy and Procedures and the University of Maryland Disability & Accessibility Policy and Procedures.
- 6.6.d Charge: The committee shall consider programs and activities for improving equity, diversity, and inclusiveness on campus, and shall make recommendations to appropriate campus bodies.

6.7 Faculty Affairs Committee:

- 6.7.a Membership: The committee shall consist of an appointed presiding officer; ten (10) faculty members, of whom four (4) shall be Senators including one (1) assistant professor and one (1) professional track faculty member; one (1) undergraduate student and two (2) graduate students; one (1) staff member; and the following persons or a representative of each: the President, the Senior Vice President and Provost, and the Director of Human Resources. One (1) elected Council of University System Faculty representative from the University shall serve as a voting ex officio member. The Faculty Ombuds Officer shall serve as a non-voting ex officio member.
- 6.7.b Quorum: A quorum of the Faculty Affairs Committee shall be nine (9) voting members.
- 6.7.c Charge: The committee shall formulate and continually review policies pertaining to faculty life, employment, academic freedom, morale, and perquisites.
- 6.7.d Charge: The committee shall work for the advancement of academic freedom and the protection of faculty and research interests.
- 6.7.e Charge: The committee shall, in consultation with Colleges, Schools, and other academic units, formulate and review procedures for the periodic review of academic administrators below the campus level.
- 6.7.f Charge: The committee shall review the Appointment, Promotion, and Tenure or Permanent Status section of each College, School, or the Library 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.

6.8 Programs, Curricula, and Courses Committee:

- 6.8.a Membership: The committee shall consist of an appointed presiding officer; ten (10) faculty members; one (1) staff member; two (2) undergraduate students and one (1) graduate student; and the following persons or a representative of each: the Senior Vice President and Provost, the Associate Provost for Academic Affairs and Dean for Undergraduate Studies, the Associate Provost for Academic Affairs and Dean of the Graduate School, and the Dean of Libraries.
- 6.8.b Quorum: A quorum of the Programs, Curricula, and Courses Committee shall be nine (9) voting members.
- 6.8.c Charge: The committee shall formulate, review, and make recommendations to the Senate concerning policies related both (1) to the establishment, modification, or discontinuance of academic programs, curricula, and courses; and (2) to the establishment, reorganization, or abolition of colleges, schools, academic departments, or other units that offer credit-bearing programs of instruction or regularly offer courses for credit.
- 6.8.d Charge: The committee shall review and make recommendations to the Senate in at least the areas designated by (1) through (3) below. Recommendations in these areas are not subject to amendment on the Senate floor unless a detailed objection describing the area of concern has been filed with the Office of the University Senate at least forty-eight (48) hours prior to the meeting at which the recommendations will be introduced. The committee will announce proposed recommendations to the campus community sufficiently in advance of the meeting at which they are to be considered so as to allow time for concerned parties to file their objections.
 - (1) All proposals for the establishment of a new academic program, for the discontinuance of an existing academic program, for the merger or splitting of existing academic programs, or for the renaming of an existing academic program;
 - (2) All proposals for the creation, abolition, merger, splitting, or change of name of Colleges,

Schools, departments of instruction, or other units that offer credit-bearing programs of instruction or regularly offer courses for credit; and

- (3) All proposals to reassign existing units or programs to other units or programs.
- 6.8.e Charge: The committee shall review and shall directly advise the Office of Academic Planning and Programs concerning proposals to modify the curricula of existing academic programs, or to establish citation programs consistent with College rules approved by the Senate. The committee shall inform the Senate of its actions in these cases.
- 6.8.f Charge: The committee shall review, establish, and advise the Vice President's Advisory Committee concerning policies for adding, deleting, or modifying academic courses.
- 6.8.g Charge: The committee shall be especially concerned with the thoroughness and soundness of all proposals, and shall evaluate each according to the mission of the University, the justification for the proposed action, the availability of resources, the appropriateness of the sponsoring group, and the proposal's conformity with existing regulations. The committee shall be informed of any recommendations made by the Academic Planning Advisory Committee concerning resource issues, the consistency of the proposed action with the University's mission and strategic directions, or both.
- 6.8.h Operation: The committee shall follow the procedures specified for standing committees in Article 5 above, with the exception of 5.3.b.
- 6.8.i Relation of the Programs, Curricula, and Courses Committee to the Office of the Senior Vice President and Provost.
 - (1) The committee, in consultation with the Office of the Senior Vice President and Provost, shall determine the requirements for supporting documentation and the procedures for review for all proposals.
 - (2) The committee shall be informed by the Office of the Senior Vice President and Provost of all proposed modifications to existing programs and curricula. After consulting with the presiding officer of the committee, the Office of the Senior Vice President and Provost shall act on all minor changes that are not of a policy nature.
 - (3) The committee shall be informed by the Office of the Senior Vice President and Provost of all changes made pursuant to 6.8.i(2). The committee shall be informed by the Office of the Senior Vice President and Provost of all other changes in academic curricula whose approval has been specifically delegated to that office. In particular, this includes the approval to offer existing academic programs through distance education or at a new off-campus location.
- 6.8.j Relationship of the Programs, Curricula, and Courses Committee to the Graduate School: Proposals concerned with graduate programs and curricula shall receive the review specified by the Graduate School, in addition to the review of the Programs, Curricula, and Courses Committee. Any such proposal whose approval has been denied by the Graduate School shall not be considered by the committee.

6.9 Staff Affairs Committee:

- 6.9.a Membership: The committee shall consist of an appointed presiding officer; eight (8) staff members, with two (2) members from each of the elected staff categories; two (2) Category II contingent employees, with one exempt and one non-exempt to the extent of availability; one (1) faculty member; one (1) student; and one (1) representative each of the Senior Vice President and Provost, the Director of Human Resources, the Vice President for Administration & Finance and the Vice President for Student Affairs. The three (3) elected University representatives to the Council of University System Staff (CUSS) shall serve as voting ex officio members; the alternate University representatives to the Council of University System Staff (CUSS) shall be non-voting ex officio members.
- 6.9.b Quorum: A quorum of the Staff Affairs Committee shall be nine (9) voting members.

- 6.9.c Charge: The committee shall formulate and continually review campus policies affecting staff members, including policies regarding periodic review of campus departments and administrators that employ staff members.
- 6.9.d Charge: The committee shall assist the Office of the University Senate in soliciting nominations and encouraging participation in elections of staff Senators as specified in Article 4.5 of the *Plan*.
- 6.9.e Charge: Staff Affairs shall assist the Committee on Committees and the Senate Executive Committee in identifying and recruiting staff representatives for campus and Senate committees, including system-wide activities involving staff.
- 6.9.f Charge: The committee shall administer the Council of University System Staff (CUSS) nomination and election process. Definitions of eligible staff shall be defined by the Board of Regents and CUSS.
- 6.9.g Charge: The committee shall actively promote and provide orientation and opportunities for staff involvement in shared governance at every administrative level.
- 6.9.h Charge: The committee shall facilitate the annual nomination process for the Board of Regents' Staff Awards at the University of Maryland, College Park.

6.10 Student Affairs Committee:

- 6.10.a Membership: The committee shall consist of an appointed presiding officer; eight (8) undergraduate students, of whom four (4) must be Senators; four (4) graduate students, of whom two (2) must be Senators; two (2) faculty members; two (2) staff members with one exempt and one non-exempt to the extent of availability; the President or a representative of the Student Government Association; the President or a representative of the Graduate Student Government; two (2) representatives of the Office of the Vice President for Student Affairs; and one (1) representative each from the Graduate School, and the Department of Resident Life.
- 6.10.b Quorum: A quorum of the Student Affairs Committee shall be ten (10) voting members.
- 6.10.c Charge: The committee shall formulate and continually review policies regarding all non-academic matters of student life including, but not limited to, student organizations, resident life, extracurricular activities, and student concerns in the campus community.
- 6.10.d Charge: The committee shall support the work of other Senate committees by assessing and communicating the student perspective on a range of issues affecting students, including matters outside the purview described in 6.10.c.
- 6.10.e Charge: The committee shall assist the Office of the University Senate and the Colleges and Schools as appropriate in soliciting nominations and encouraging participation in the election of student Senators.

6.11 Student Conduct Committee:

- 6.11.a Membership: The committee shall consist of an appointed presiding officer; four (4) faculty members; one (1) staff member; five (5) students, of whom at least three (3) must be undergraduate students and one (1) must be a graduate student; and the Director of the Office of Student Conduct, or a representative, as a non-voting ex officio member.
- 6.11.b Charge: The committee shall formulate and continually review recommendations concerning the rules and codes of student conduct, as well as means of enforcing those rules and codes.
- 6.11.c Charge: The committee acts as an appellate body for infractions of the approved Code of Student Conduct and Code of Academic Integrity. Procedures for the committee's operation in this role are to be developed and filed with the Office of Student Conduct and the Executive Secretary and Director of the Senate. The committee shall also confirm members of all judicial boards listed in the Code of Student

Conduct, except conference and ad hoc boards.

ARTICLE 7 SPECIAL COMMITTEE ON UNIVERSITY FINANCE

- 7.1 Membership and Selection:
- 7.1.a Composition: The special committee shall consist of a presiding officer appointed by the Senate Chair from among the tenured faculty; five (5) tenured or tenure-track faculty members; one (1) professional track faculty member; one (1) exempt staff member; one (1) non-exempt staff member; two (2) undergraduate students; one (1) graduate student; the immediate Past Chair of the Senate; the Associate Vice President for Finance and Chief Financial Officer; the Associate Vice President for Finance and Personnel, Academic Affairs; and the following persons or a representative of each: the President, and the Vice President for Student Affairs. The Senior Vice President and Provost shall also appoint a representative chosen from among current and former unit-level budget officers or former department chairs. All members of the special committee shall be voting members.
- 7.1.b Selection of Members: The regular membership of the special committee shall be selected by the elected members of the Senate Executive Committee. Following the May 7, 2019, Transition Meeting, current Senators may nominate any member of the campus community. Nominees shall provide a statement indicating their interest in and qualifications for the special committee. Members of the Senate Executive Committee may not be nominated. Elected members of the Senate Executive Committee will vote by constituencies for members of the special committee. In the event of a tie, the Senate Chair will cast the deciding vote.
- 7.1.c Membership—Vacancies: After each Transition Meeting of the Senate, current Senators may nominate members of the campus community for any vacant seats. In the event of a vacancy during the academic year, members of the Senate Executive Committee from the respective constituency will select a replacement from the most recent list of nominees. If there are no interested nominees, a new nomination period will be opened and members of the Senate may submit nominations following the procedures in 7.1.b.
- 7.1.d Membership—Terms: Terms shall be three (3) years for faculty and staff, and one (1) year for students. Student members who wish to continue may be renewed up to two times. Terms shall begin on July 1, 2019.
- 7.2 Charge: The special committee shall exercise the following functions:
- 7.2.a Develop a deep understanding of the University's budget and budgeting processes and use that knowledge to educate the campus community on these practices.
- 7.2.b Consult with and advise the President, the Senior Vice President and Provost, and other University administrators on short- and long-term institutional priorities, particularly as they relate to the University's mission and Strategic Plan.
- 7.2.c Advise Senate-related bodies—including committees, councils, and task forces—on the fiscal implications of any proposed recommendations under consideration.
- 7.2.d Report to the Senate two times each year on the budgetary and fiscal condition of the University and the administration's response to any special committee recommendations.
- 7.2.e Regularly report on its activities and the budgetary and fiscal condition of the University to the Senate Executive Committee.
- 7.3 Operations:
- 7.3.a Agenda Determination: The special committee shall have principal responsibility for identifying matters of present and potential concern to the campus community within its area of responsibility. The presiding

officer shall place such matters on the agenda of the committee. Agendas shall be made publicly available prior to each meeting.

7.3.b Meetings: The special committee shall meet as frequently as is needed to accomplish its charge, but at least monthly throughout the academic year. Additional meetings may be required over the summer months to accommodate the University's budgeting processes. Given the sensitive nature of the special committee's work, meetings will be closed to all but members and invited guests.

7.3.c Minutes: Action minutes of the special committee's proceedings shall be kept in accordance with Robert's Rules of Order for Small Committees.

7.3.d Procedure: The version of *Robert's Rules of Order* that shall govern the special committee shall be *Robert's Rules of Order for Small Committees, Newly Revised*. The special committee shall determine how technology, such as phone and video conferencing and other electronic methods of participation, can be used for its purposes. The special committee may choose to conduct votes via email, and shall agree on any other mechanisms for conducting business outside of meetings, when necessary.

7.3.e Quorum: Quorum shall be a majority of the members of the special committee.

7.3.f Guests: The special committee may invite guests to participate in its meetings if it is deemed necessary.

7.4 Dissolution:

7.4.a The special committee shall be dissolved following the adjournment of the last regular Senate meeting of the 2021-2022 academic year, at which time the provisions in this article will become inoperative.

ARTICLE 8 UNIVERSITY COUNCILS

8.1 **Definition:** University Councils are established by Article 8.6 of the *Plan* to exercise an integrated advisory role over specified campus units and their associated activities. University Councils are jointly sponsored by the University Senate and the Office of the President or Provost (as appropriate). University Councils may be assigned reporting responsibilities to any member(s) of the College Park administration at the dean level or above (hereafter referred to as the "designated administrative officer").

8.2 **Creation of University Councils:** Proposals to create a University Council shall be evaluated by a task force appointed jointly by the Senate Executive Committee and the designated administrative officer to whom the new Council would report. Following its deliberations, this task force shall present a report (hereafter referred to as the "Task Force Report") to the Senate, the designated administrative officer, and the director of the unit whose activities are the focus of the Council. The Task Force Report shall indicate the specifications that define the working relationship among the Senate, the designated administrative officer, and the director. The Task Force Report shall include at least the following: the scope and purpose of the new Council; a review of the current committees and advisory relationships to be superseded by the proposed Council; identification of the designated administrative officer and unit director to whom the Council reports; the charge to the Council; the size, composition, and appointment process of members of the Council; the Council's relationship to the Senate, the designated administrative officer, and the director including the responsibilities of these three sponsors to the Council and the responsibilities of the Council to these three sponsors; and principles for operation of the Council. The Task Force Report shall be reviewed by the Executive Committee, approved by the designated administrative officer, and then approved by the Senate. At the same time, the Senate shall approve appropriate revisions in its *Bylaws* to incorporate the Council into its council structure as defined in Article 8 of these *Bylaws*. The Task Force Report, as approved, shall be preserved with official Senate documents, serving as a record of the original agreements establishing the Council.

8.3 **Specifications in Senate Bylaws:** For each Council, Senate Bylaws shall: state its name; specify its responsibilities to the Senate; define its membership, including any voting privileges of ex officio members; and identify any exceptions or additions to the provisions of this Article particular to the Council.

8.4 **Basic Charge:**

8.4.a The Council's responsibilities to the University Senate shall include those specified for Senate committees in Article 5.2 of these *Bylaws*. In addition, each Council shall:

- (1) Sponsor hearings, as appropriate, on issues within its purview that are of concern to the Senate and the campus community.
- (2) Provide a mechanism for communication with the campus community on major issues facing the unit and its activities.
- (3) Respond to charges sent to the Council by the Senate Executive Committee in accordance with Article 4.7.
- (4) Provide an annual written report to the Senate on the Council's activities including the status of unresolved issues.

8.4.b Responsibilities to the designated administrative officer shall be specified in the Task Force Report and may include:

- (1) To advise on the unit's budget, space, and other material resources, in addition to personnel, staffing and other human resources.
- (2) To advise on the unit's administrative policies and practices.
- (3) To advise on the charges to be given to periodic internal and external review committees.
- (4) To respond to requests for review, analysis, and advice from the designated administrative officer.
- (5) To meet at least annually with the designated administrative officer to review the major issues facing the unit and its activities on campus.
- (6) To fulfill such other responsibilities as specified in the Task Force Report.

8.4.c Responsibilities to the unit's director shall be specified in the Task Force Report and may include:

- (1) To advise on the needs and concerns of the campus community.
- (2) To advise on opportunities, policies, and practices related to the unit's ongoing operations.
- (3) To review and advise on unit reports, studies, and proposed initiatives.
- (4) To respond to requests for review, analysis, and advice made by the director.
- (5) To meet at least annually with the director to review the major issues facing the unit and its activities on campus.
- (6) To fulfill such other responsibilities as specified in the Task Force Report.

8.5 **Membership and Appointment to University Councils:**

8.5.a **Membership:** Councils shall have nine (9) to thirteen (13) members as specified in the appropriate subsection of Article 9 of these *Bylaws*. In addition, each Council shall include an ex officio member designated by the administrative officer, and such other ex officio members as specified in Article 5.5.d of these *Bylaws*. These ex officio members shall have voice but no vote.

8.5.b **Appointment:** Representatives of the designated administrative officer's office and the University Senate shall agree on nominees for vacancies on the Council. These nominations shall be submitted to the

designated administrative officer for approval. In addition, these nominations shall be submitted to the University Senate for approval, or for election if specified in the Council's governing documents. In exercising its powers of appointment to the Council, the Senate shall follow procedures for review and approval for Senate committee appointments specified in Article 5.5.e of these *Bylaws*.

- 8.5.c Terms: Rules governing beginning date and length of terms, and restrictions on reappointment shall be specified in the governing documents of each Council. The presiding officer shall serve a three (3) year term and cannot be reappointed, unless otherwise specified in the governing documents of the Council.
- 8.5.d Appointment of Presiding Officer: The designated administrative officer and the Senate Executive Committee shall reach an agreement on a presiding officer, and the joint choice shall be submitted to the Senate for approval. If the presiding officer is selected from among the membership of the Council, a replacement shall be appointed to the vacated seat.

8.6 **Operational Relationship of University Councils to Sponsors:**

- 8.6.a The Office of the University Senate shall provide basic support for the activities of University Councils.
- 8.6.b The office of the designated administrative officer, through its ex officio University Council member, shall provide liaison to other administrative units as required.
- 8.6.c The unit director shall provide the University Council with internal data, reports, studies, and any other materials required to support the Council's work. In addition, the director shall also arrange for unit staff to appear before the committee as requested.
- 8.6.d Control of the University Council's agenda shall be the responsibility of the presiding officer of the University Council and the voting members of the University Council in accordance with procedures for standing committees provided in Article 5.3.a, subject to the charges provided in Article 8.4 of these *Bylaws*, the appropriate subsection of Article 9 of these *Bylaws*, and the approved Task Force Report governing the University Council.
- 8.6.e Each University Council shall develop its own bylaws, which must be approved by the designated administrative officer and by the Senate.
- 8.6.f In addition to the required annual report, the presiding officer shall keep the Chair of the Senate informed of the major issues before the University Council and shall indicate when action or information items are likely to be forwarded for Senate consideration. In submitting recommendations for Senate action, the University Council shall inform the unit director and the designated administrative officer in advance of its recommendations. For purposes of conducting Senate business, reports from the University Council and floor privileges of the Senate shall be managed in the same manner as standing committees of the Senate defined in these *Bylaws* (3.3.c, 4.4.b). In the case where the presiding officer of the University Council is not a member of the Senate, he or she may report to the Senate and participate in the deliberations of the Senate subject to the provisions of Article 3.3.c of these *Bylaws*.

8.7 **Review of University Councils:**

- 8.7.a Five (5) years after a University Council is formed, a review of the University Council shall be undertaken jointly by the Senate and administration, and a written report issued. The review may recommend continuation of the University Council in its original form and mode of operation, modification of the University Council structure and/or operations, or discontinuance of the University Council.
- 8.7.b Following the initial review, the University Council and its operations shall be reviewed in conjunction with the periodic review of the *Plan*.

ARTICLE 9 UNIVERSITY COUNCIL SPECIFICATIONS

9.1 University Library Council

- 9.1.a Charge: The University Library Council has the responsibility to provide advice and to report on policy issues concerning the University Libraries to the University Senate, to the Senior Vice President and Provost, and to the Dean of Libraries (see Appendix 1 for additional responsibilities and the Library Council's Bylaws).
- 9.1.b Membership: The Library Council shall consist of thirteen (13) appointed members and four (4) ex officio members. The appointed members shall be: the Chair, ten (10) faculty members including at least one (1) member of the library faculty, one (1) graduate student, and one (1) undergraduate student. The four (4) ex officio members shall be a representative of the Office of the Senior Vice President and Provost, a representative of the Office of the Dean of Libraries, a representative of the Division of Information Technology, and the Chair-Elect of the Senate.
- 9.1.c The Chair shall be a tenured faculty member.
- 9.1.d Reporting Responsibilities: The University Library Council shall report to the University Senate and the Senior Vice President and Provost under the terms of responsibility defined in Article 8.4 of these *Bylaws*.

9.2 University Research Council:

- 9.2.a Charge: In addition to the charges specified in Articles 5.2 and 8.4 of these *Bylaws*, the Research Council shall be governed by the following: The Research Council is charged to formulate and continually review policies regarding research, its funding, its relation to graduate and undergraduate academic degree programs, and its service to the community. Also, the Research Council is charged to review the research needs of faculty, other researchers and students, and to make recommendations to facilitate the research process and productivity of the University. Further, the Research Council shall formulate and continually review policies on the establishment, naming, reorganization, or abolition of bureaus, centers, or institutes that do not offer programs of instruction or regularly offer courses for credit, including their relationship to graduate and undergraduate academic programs. Additionally, when it perceives problems, the Research Council has the power to undertake investigative studies and recommend solutions.
- 9.2.b Membership: The University Research Council shall consist of thirteen (13) appointed members and ten (10) ex officio members. The appointed members shall be the Chair and eight (8) faculty members; one (1) staff member; and three (3) students, including at least one (1) graduate and one (1) undergraduate student. Eight (8) voting ex officio members include a representative of the Vice President for Research, a representative of the Dean of the Graduate School, a representative of the Dean of Undergraduate Studies, the Director of the Office of Research Administration and Advancement, and the Chairs of four (4) subcommittees of the University Research Council as follows: Research Development and Infrastructure Enhancement Subcommittee (RDIES); Research Advancement and Administration Subcommittee (RAAS); Intellectual Property and Economic Development Subcommittee (IPEDS); and Awards and Publicity Subcommittee (APS). A representative of the President and a representative of the Senior Vice President and Provost shall serve as non-voting ex-officio members.
- 9.2.c The Chair shall be a tenured faculty member.
- 9.2.d Reporting Responsibilities: The University Research Council shall report to the University Senate and the Vice President for Research under the terms of responsibility defined in Article 8.4 of these *Bylaws* and the report establishing the University Research Council.

9.3 University IT Council:

- 9.3.a Charge: The IT Council shall advise and report on policy issues concerning the Division of Information Technology to the University Senate and the Vice President for Information Technology and CIO. In addition to such responsibilities as are enumerated in Article 8 of these *Bylaws*, and as articulated in the Bylaws of the University IT Council (see Appendix 3), the IT Council shall:

- 1) Respond to requests from the Division of Information Technology, extra-divisional advisory bodies (such as the Council of Deans or the Campus Student Technology Advisory Fee Committee), the University Senate, or other campus stakeholders for guidance on IT policy and implementation.
 - 2) Advise on the Division of Information Technology's budget, material resources, personnel, staffing and human resources, and administrative policies and practices.
 - 3) Investigate matters concerning the Division of Information Technology and recommend solutions to the University Senate, the Vice President for Information Technology and CIO, or the general campus community.
 - 4) Advise on IT planning, including strategic and other major planning for information technology operation and development.
 - 5) Advise on policy recommendations related to campus technology facilities, equipment, software, and services.
- 9.3.b Membership: The IT Council shall consist of up to thirteen appointed members, and additional non-voting ex-officio members. The appointed members shall be: the chair, one ~~staff~~ member, one undergraduate student, one graduate student, one professional track faculty member, one tenured faculty member, and the chairs of the IT Council Working Groups. The non-voting ex-officio members shall include a representative from the University Libraries; a representative from the Office of the Provost; a representative from the Information Technology Advisory Committee; and the Vice President for Information Technology and CIO. Additional non-voting ex-officio members may be appointed as needed, by agreement between the Vice President for Information Technology and CIO and the Senate Executive Committee.
- 9.3.c The chair of the IT Council shall be appointed by the Vice President for Information Technology and CIO and the Senate, as described in 8.5 of these *Bylaws*. The chair will serve a three-year term.
- 9.3.d Working Groups: The IT Council may create up to seven Working Groups. These groups should carry out research and make recommendations on IT issues, and work with the appropriate Division of Information Technology staff member appointed by the Vice President for Information Technology and CIO. The specific responsibilities of each Working Group shall be described in the Bylaws of the University IT Council. The chair of each Working Group shall be appointed by the Vice President for Information Technology and CIO and the Senate and shall serve a two-year term.
- 9.3.e Reporting Responsibilities: The IT Council shall report to the Vice President for Information Technology and CIO and to the University Senate under the terms of responsibility defined in Article 8.4 of these *Bylaws*.

ARTICLE 10 THE ATHLETIC COUNCIL

10.1 The Athletic Council

- 10.1.a The Athletic Council exists to help the University develop and maintain the best possible intercollegiate athletic program consistent with the academic integrity of the institution and the academic and social development of student athletes. The Athletic Council shall operate in accordance with its charter (Appendix 4), which shall specify its role, scope, responsibilities, leadership, and membership. Changes to the charter shall be approved by the President of the University.
- 10.1.b Membership: The charter designates its membership. The membership of the Athletic Council elected by the Senate includes:
- 1) Seven faculty members elected by the Senate at the annual Transition Meeting. Elected faculty representatives shall serve for a three-year term, and faculty who have served a full term shall for a period of one year be ineligible for re-election. The Senate should make every effort to assure diversity among the candidates for election to the Council.

- 2) One staff member elected by the Senate at the annual Transition Meeting for a three-year term. A staff member who has served a full term shall for a period of one year be ineligible for re-election.
- 3) The Chair of the Senate Campus Affairs Committee, or a faculty member designated by the Committee, shall serve as an ex-officio member.

10.1.c Relationship between the Senate and the Athletic Council:

- 1) The Council in cooperation with the Athletic Director shall submit an annual report to the Senate on the status of intercollegiate athletics at the University. This report shall at least include an analysis of admissions, academic performance, class attendance, major selection, graduation rates, budget performance, and compliance with NCAA, Conference, and campus rules.
- 2) The Council shall inform the Senate for its review of any proposed amendments to the Council's charter.

ARTICLE 11 DUTIES OF THE EXECUTIVE SECRETARY AND DIRECTOR

- 11.1 The Executive Secretary and Director of the Senate shall be responsible for the minutes and audio recordings of all Senate meetings.
- 11.1.a The minutes shall include only actions and business transacted. They shall be submitted to the Senate for approval. Copies of the approved minutes shall be made available to all chief administrative officers of Colleges, Schools, departments, and other units, and to the campus news media.
- 11.1.b A complete audio recording shall be made of each meeting and shall be maintained by the Office of the University Senate. In accordance with the University's Records Retention and Disposal Schedule, a copy of each audio recording, excluding only those parts recorded during closed sessions, shall be placed with the minutes in the University Archives for open access.
- 11.2 The Executive Secretary and Director shall also maintain the following kinds of Senate records (see Article 4.8):
- (1) All material distributed to Senate members;
 - (2) All material received by or distributed to members of the Executive Committee;
 - (3) Any minutes of the Senate or the Executive Committee not otherwise included under (1) and (2);
 - (4) Annual reports of all committees of the Senate not otherwise included under (1) and (2);
 - (5) The audio records of Senate meetings;
 - (6) The current and all previous versions of the *Plan* and the *Bylaws*;
 - (7) Articles concerned with Senate structure and operation from campus and University publications as they come to the attention of the Executive Secretary and Director; and
 - (8) Other items deemed appropriate by the Executive Secretary and Director or the Chair of the Senate.
- 11.3 The Executive Secretary and Director shall store inactive records of the Senate in the University Archives.
- 11.4 The Executive Secretary and Director shall be responsible for the preparation of the Senate budget in accordance with Article 4.6.

- 11.5 The Executive Secretary and Director shall prepare as soon as possible after each annual senatorial election, a directory of the membership of the new Senate indicating for each member the constituency, term, office or department, and email address. A copy of this directory shall be available to all members of the new Senate.
- 11.6 The Executive Secretary and Director shall keep a list, with campus addresses and telephone numbers, of all Senate officers and of all presiding officers of all Senate committees. This information shall be available upon request to any member of the campus community.
- 11.7 The Executive Secretary and Director shall make available to each Senator, by campus mail or electronic means, a copy of the agenda and supporting material for each meeting. The receipt of the agenda and the supporting material then available shall satisfy the notice requirements of the meeting in question (Article 3.1 and 3.2.b).
- 11.8 The Executive Secretary and Director shall prepare for the members of the Senate and its Executive Committee, as appropriate, all agendas, minutes, reports, and other documents, with the exception of proposals relating to the Programs, Curricula, and Courses (PCC) Committee. Nonetheless, the Executive Secretary and Director shall be responsible for the distribution of all items of Senate business, including PCC items to the members of the Senate and its Executive Committee, and to other such committees as necessary.
- 11.9 The Executive Secretary and Director shall inform the Executive Committee of the status of all members of the Senate in accordance with the *Plan* (Article 3.4.a(3-4), 3.4.b(3-4), and 3.7) and these *Bylaws* (Articles 2.2, 4.1, 5.5, and 5.6).
- 11.10 The Executive Secretary and Director shall have the privilege of attending the meetings of all standing committees and ad hoc committees of the Senate to assist in the coordination of Senate business.
- 11.11 The Executive Secretary and Director shall provide information or assistance as requested for revision of the undergraduate catalog.

ARTICLE 12 ANNUAL TRANSITION OF THE SENATE

12.1 Preparation for Transition:

12.1.a By no later than the scheduled December meeting of the Senate, the Committee on Committees shall present to the Senate eight (8) nominees from among outgoing Senate members to serve on the Nominations Committee. The nominees shall include four (4) faculty members, one (1) exempt staff member, one (1) non-exempt staff member, one (1) graduate student, and one (1) undergraduate student. Further nominations shall not be accepted from the floor of the Senate. The Senate, as a body, shall approve the slate of nominees to serve on the Nominations Committee. The Chair-Elect of the Senate shall serve as a non-voting, ex officio member of the Nominations Committee. The Nominations Committee shall elect its own Chair from within the membership of the committee. The Nominations Committee shall solicit nominations from the membership of the Senate and shall present to the Chair of the Senate by April 15:

- (1) A slate of at least two (2) candidates per seat from each constituency for elected membership on the Executive Committee, including those incumbent elected members who are eligible and willing to stand for reelection,
- (2) Slates of candidates to replace the outgoing members of the Committee on Committees, the Campus Transportation Advisory Committee (CTAC), the University Athletic Council, and the Council of University System Faculty (CUSF), and any other committees as required by these *Bylaws*, including at least one (1) nominee for each position to be filled, and
- (3) A minimum of two (2) candidates for the office of Chair-Elect.

Before reporting to the Chair of the Senate, the Nominations Committee shall secure the consent of all candidates in writing.

12.1.b. A brief statement of each candidate's qualifications shall be sent to the voting membership of the incoming Senate ten (10) working days before the Transition Meeting of the Senate. Any further nominations made by members of the Senate and accompanied by a brief supporting statement and the consent of the candidate must be received by the Executive Secretary and Director at least twelve (12) working days before the Transition Meeting. These additional nominations shall be sent to the voting membership of the incoming Senate ten (10) working days before the Transition Meeting.

12.2 Transition Meeting:

12.2.a The Transition Meeting will be the last regularly scheduled meeting of the Spring semester, and starts a new Senate session.

12.2.b Terms of office of newly elected Senators will begin, and the terms of the outgoing Senators will end, with the call to order of the Transition Meeting by the outgoing Chair.

12.2.c Election of the Chair-Elect, as provided for in section 5.7.a of the *Plan*, shall be the first order of business of the Transition Meeting, after which the outgoing Chair will pass the gavel to the previous Chair-Elect, who will assume the Chair.

12.2.d The election of the Executive Committee, election of incoming members of the Committee on Committees, Campus Transportation Advisory Committee (CTAC), Athletic Council, Council of University System Faculty (CUSF), and such other persons elected by the members of the Senate, shall be scheduled special orders of the Transition Meeting. Nominations may be received from the floor by the Chair, in addition to those provided for in Article 12.1. Any such nomination is contingent on the consent of the candidate, which must have been secured beforehand in writing if the nomination is made in the absence of the candidate. In the event of a tie vote in the election for members of the Executive Committee or the Committee on Committees, a ballot will be distributed to each Senator in the appropriate constituency. Ballots are to be returned to the Office of the University Senate within one (1) week from the date distributed.

12.2.e The elected members of the outgoing Executive Committee and the Committee on Committees shall continue to serve until the election of new members is held.

12.2.f After the conclusion of the Transition Meeting, any vacancies on standing committees will be filled by the new Committee on Committees, subject to the approval of the Executive Committee and pending confirmation by the full Senate at its next regularly scheduled meeting.

APPENDIX 1
BYLAWS OF THE UNIVERSITY LIBRARY COUNCIL

1. **Charge to the Library Council:** The University Library Council has the responsibility to provide advice about policy issues concerning the University Libraries to the University Senate, to the Senior Vice President and Provost, and to the Dean of Libraries.

A. The Council's Responsibilities to the University Senate:

- (1) Make recommendations for major changes and improvements in policies, operations, and services of the Libraries that represent the concerns and interests of Senate constituencies as well as other users of the Libraries. Such recommendations should specify the resource implications. Reports and recommendations to the University Senate shall be submitted to the Senate Executive Committee for placement on the agenda of the University Senate in the same manner as reports from the Senate's standing committees. It is expected that the Library Council will also inform the Senior Vice President and Provost in advance of these legislative recommendations. In addition to the mandatory annual report, the Chair of the Library Council shall keep the Chair of the Senate informed of the major issues before the Library Council and shall indicate when action or information items are likely to be forwarded for Senate consideration.
- (2) Respond to charges sent to the Library Council by the Senate Executive Committee.
- (3) Provide an annual written report of the Library Council's activities, including the status of recommendations made by the Library Council each year, and of unresolved issues before the Library Council.

B. The Library Council's Responsibilities to the Senior Vice President and Provost:

- (1) Advise on the Libraries' budget, space, personnel and staffing, and other resources. It is expected that the Senior Vice President and Provost will consult the Library Council before undertaking major reviews of the Libraries with APAC and before preparing the annual budget for the Libraries.
- (2) Advise on the Libraries' administrative policies and practices.
- (3) Advise on the charges to be given to the committees to review the Dean of Libraries and to conduct the unit review of the University Libraries based on University policy
- (4) Advise on matters concerning the Libraries in conjunction with accreditation review and strategic planning.
- (5) Respond to requests for review, analysis, and advice made by the Senior Vice President and Provost.
- (6) Meet at least annually with the Senior Vice President and Provost to review the major issues facing the Libraries and its activities on campus.
- (7) The Library Council is responsible for informing the Senior Vice President and Provost of pending reports and recommendations to the University Senate.

C. The Library Council's Responsibilities to the Dean of Libraries:

- (1) Advise on the needs and concerns of diverse constituencies within the campus community with respect to Library policies, services, and new resources and technology.
- (2) Advise on strategies to involve Library users in the initiation, evaluation, and integration of new Library policies, practices, procedures, and technology. Such strategies might include forums for the discussion of changes, workshops for adjusting to new technologies, and ongoing programs of Library education.
- (3) Advise on operations, policies and new opportunities.
- (4) Advise on Library planning including strategic planning and other major plans for Library operation and development.

- (5) Review and advise on the Libraries' reports, studies, and proposed initiatives that have significant long-term resource implications for the Libraries.
- (6) Hold at least one (1) meeting each year at which the Dean shall review major issues and plans, summarized in a State of the Libraries report distributed in advance to the Library Council.
- (7) It is expected that the Library Council will adopt a broad campus perspective and that the Dean of the Libraries will inform the Library Council of the University Libraries' needs and concerns and seek advice about major modifications of policies and operations affecting the campus community.

D. To Fulfill Its Responsibilities, the Library Council May:

- (1) Undertake investigative studies in matters concerning the University Libraries and recommend solutions to the University Senate, the Senior Vice President and Provost, the Dean of Libraries, or the general campus community.
- (2) Conduct open hearings on major issues concerning the University Libraries and their activities.
- (3) Communicate directly with the campus community on concerns related to support for, policies of, and services provided by the University Libraries.

2. **Composition of the Library Council:** The Library Council shall consist of thirteen (13) appointed members and four (4) ex officio members. The appointed members shall be: the Chair, ten (10) faculty members including at least one (1) member of the Library faculty, one (1) graduate student, and one (1) undergraduate student. The four (4) ex officio members shall be a representative of the Office of the Senior Vice President and Provost, a representative of the Dean of the Libraries Office, a representative of the Division of Information Technology, and the Chair-Elect of the Senate.

A. Tenure in Office:

- (1) The Library Council Chair should be a tenured faculty member appointed for a single three-year term. Normally, the Chair shall have served as a member of the Library Council. If the Chair is serving as a regular member of the Library Council at the time of appointment, a new member shall be appointed to serve the remainder of the term the Chair has vacated. The Senior Vice President and Provost and the Senate Executive Committee shall reach an agreement on the Library Council Chair, and the joint choice shall be submitted to the University Senate for its approval.
- (2) The remaining ten (10) faculty members shall be appointed for staggered two-year terms. No faculty member shall serve more than two (2) terms consecutively. For this purpose, members who have served more than a year should be considered to have served a full term.
- (3) The two (2) student members shall be appointed for one-year terms. No student member should serve more than two (2) terms consecutively. For this purpose, student members who have served more than half their term should be considered to have served a full term.
- (4) The Office of the Senior Vice President and Provost will appoint a member of the Provost's staff as an ex officio member of the Library Council who will have voice but not vote.
- (5) The Dean of Libraries' Office will appoint an upper-level member of the Libraries' administrative staff as an ex officio member of the Library Council who will have voice but no vote.
- (6) The Vice President for Information Technology and Chief Information Officer (CIO) will appoint a member of the Division of Information Technology's staff as an ex officio member of the Library Council who will have voice but no vote.
- (7) The Chair-Elect of the Senate shall serve as an ex officio member of the Library Council who will have voice but no vote.

- B. **Qualifications of Library Council Members:** Successful operation of the Library Council requires that the members of the Library Council understand the nature of the Libraries and represent the best interests of the campus as well as the particular interests of their specific constituencies.
1. The Library Council members should be chosen from people who can bring a campus-wide perspective to their deliberations on Library matters and who have shown interest and willingness to foster a good working relationship between the Libraries and their users.
 2. Library Council members should be selected to represent as broad a range of campus disciplines and interests as possible. Faculty members should include representatives from both the professional and arts and sciences colleges, and within these constituencies, representatives of the arts and humanities, social sciences, and physical and biological sciences.
- C. **The Appointment Process:** In the spring of each year, the Chair of the University Library Council shall notify the representative of the Office of the Senior Vice President and Provost and the Chair-Elect of the Senate of the appointments required for the following academic year. The representative of the Office of the Senior Vice President and Provost and the Chair-Elect of the Senate shall draw up a slate of nominees who will agree to serve, and the slate will be submitted to the Senior Vice President and Provost and the Committee on Committees for approval. The list of nominees for Library Council membership shall be submitted to the University Senate for approval. Ordinarily, the slate will be presented at the same Senate meeting at which other committee slates are approved. Dates of appointment and beginning of terms shall correspond with those of Senate committees. Replacement of Library Council members will take place through the same consultative process as the initial appointment, with submission of names to the Senate occurring as needed.
3. **Operation of the Library Council:** Effective and efficient Library Council operation will require adequate support and full cooperation among the Senate, the Senior Vice President and Provost, the Dean, and their offices.
- A. The Office of the University Senate or its designee will provide normal committee support to the Council, including maintaining mailing lists, reproducing Library Council documents, keeping a copy of Library Council minutes, maintaining files for the Library Council, and arranging meeting rooms.
 - B. The Office of the Senior Vice President and Provost, through its ex officio Library Council member, will provide liaison to other administrative units, such as the Office of Institutional Research, Planning and Assessment, for their reports, data, or assistance. The Office of the University Senate will also provide website space for the Library Council.
 - C. The Dean of the Libraries will provide the Library Council with internal data, reports, studies, etc. as needed to support the Library Council's work. The Dean will also arrange for unit staff to present testimony concerning such reports as the Library Council finds useful in carrying out its responsibilities. The Dean's assistance to the committee shall also include providing the Library Council members with the opportunity to attend an appropriate orientation session dealing with the Libraries.
 - D. Control of the Library Council's agenda will be the responsibility of the Library Council Chair and the voting members of the Library Council.
 - E. While being responsive to the needs of the Senior Vice President and Provost and the Senate in a timely manner is necessary, the sponsoring parties and the Dean of the Libraries must not attempt to micro-manage the ongoing operation of the Library Council. In turn the Library Council must not attempt to micro manage the Libraries.
 - F. The Library Council shall meet as necessary, but in no case less than once per semester. Meetings may be called by the Chair. In addition, upon receiving a request of any three members of the Library Council, the Chair shall call a meeting. A majority of the voting members of the Library Council shall constitute a quorum for the conducting of official business of the Library Council.
4. **Operational Relationship of the Library Council to its Sponsors:**
- A. For purposes of University Senate action, a Library Council created through Senate action will appear in essentially the same role as a standing committee of the University Senate.

- B. The Chair may present reports and recommendations to the Senate but will not have a vote in Senate proceedings, unless he or she is a member of the Senate.
 - C. Since the committees of the Senior Vice President and Provost range widely in form and function, and do not operate under a formal plan of organization and bylaws, there is no need to specify the Library Council's standing in the same fashion. For other purposes, such as APAC review of the Unit, the Library Council might be consulted like a College Advisory Council (that colleges will have under the shared governance plan) could be.
 - D. The Dean of Libraries will ordinarily meet with the Library Council and have a voice in its deliberations. Since one of the three main functions of the Library Council is to advise the Dean, the Dean shall not formally be a member of the Library Council. On formal reports and recommendations of the Library Council to the University Senate or to the Senior Vice President and Provost, the Dean of the Libraries may send a separate memorandum to the Senate or the Senior Vice President and Provost, as appropriate, supporting or opposing the report or the recommendations, and providing rationale for the Dean's position.
5. **Review of the Library Council:** The Library Council and its operations will be reviewed in conjunction with the periodic review of the Senate and the *Plan*.

APPENDIX 2
BYLAWS OF THE UNIVERSITY RESEARCH COUNCIL
{To be inserted once available}

APPENDIX 3
BYLAWS OF THE UNIVERSITY IT COUNCIL

1. **Charge to the University Information Technology (IT) Council:** The IT Council has the responsibility to facilitate alignment of vision, priorities, and pace of IT investments and to recommend IT policies to the University Senate and administration. The IT Council is supported by Working Groups, which facilitate campus-wide communication related to IT matters.
- A. **The Council's Responsibilities to the University Senate:**
- 1) Advise on strategic issues involving the University's use of IT, information security, access, retrieval and content stewardship, and telecommunication and knowledge dissemination.
 - 2) Bring IT initiatives and proposals to the Senate for consideration and review.
 - 3) Keep the Senate informed of strategic IT matters through periodic updates.
 - 4) Respond to charges sent to the IT Council by the Senate Executive Committee.
 - 5) Provide an annual written report of the IT Council's activities.
- B. **The IT Council's Responsibilities to the Vice President for Information Technology and Chief Information Officer (CIO):**
- 1) Advise on policy recommendations related to campus technology facilities, equipment, software, and services - particularly in the areas of computing (both academic and administrative), networking, and telecommunications.
 - 2) Advise on IT planning, including strategic and other major planning for information technology operation and development.
 - 3) Advise on the Division of Information Technology's budget, space, and other material resources, in addition to personnel, staffing and other human resources.

- 4) Advise on the Division of Information Technology's administrative policies and practices.
- 5) Respond to requests for review, analysis, and advice made by the Vice President for Information Technology and CIO.

C. The IT Council's Responsibilities to the Deans, the Campus Student Technology Advisory Fee Committee, and the Campus Community:

- 1) Ensure the distribution of information concerning available campus technology services and how they might be best used to serve the campus community.
- 2) Seek input from current and prospective users concerning types of technology services the campus can provide.
- 3) Respond to input from current users concerning the quality of campus technology services.

D. To Fulfill Its Responsibilities, the IT Council May:

- 1) Investigate matters concerning the Division of Information Technology and recommend solutions to the University Senate, the Vice President for Information Technology and CIO, or the general campus community.
- 2) Conduct open hearings on major issues concerning the Division of Information Technology and its activities.
- 3) Communicate directly with the campus community on concerns related to the Division of Information Technology's services and policies.

2. **Organizational Structure of the IT Council:** The IT Council shall include five standing Working Groups, each of which will have a chair.

3. **Composition of the IT Council:** The IT Council shall consist of eleven appointed members and additional non-voting ex-officio members. The appointed members shall be: the chair, one staff member, one undergraduate student, one graduate student, one professional track faculty member, one tenured faculty member, and the chairs of the five IT Council Working Groups. The non-voting ex-officio members shall be a representative from the University Libraries; a representative from the Office of the Provost; a representative from the Information Technology Advisory Committee (ITAC); and the Vice President for Information Technology and CIO. Additional non-voting ex-officio members may be appointed as needed, by agreement between the Vice President for Information Technology and CIO and the Senate Executive Committee.

A. Tenure in Office:

- 1) The IT Council chair should be a tenured faculty member, and is appointed for a single, three-year term. Normally, the chair shall have served as a member of the IT Council. If the chair is serving as a regular member of the IT Council at the time of appointment, a new member shall be appointed to serve the remainder of the term the chair has vacated. The Vice President for Information Technology and CIO and the Senate Chair shall reach an agreement on the IT Council chair, and the joint choice shall be submitted to the University Senate for its approval.
- 2) The five Working Group chairs shall be appointed for staggered two-year terms. No working group chair shall serve more than two terms consecutively. For this purpose, members who have served more than a year should be considered to have served a full term.
- 3) The two faculty members (professional track and tenured) shall be appointed for two-year terms. No faculty member shall serve more than two terms consecutively. For this purpose, members who have served more than a year should be considered to have served a full term.

- 4) The staff member shall be appointed for a two-year term. No staff member shall serve more than two terms consecutively. For this purpose, members who have served more than a year should be considered to have served a full term.
- 5) The two student members shall be appointed for one-year terms. No student member should serve more than two terms consecutively. For this purpose, student members who have served more than half their term should be considered to have served a full term.
- 6) The Dean of the Libraries will appoint a representative from the University Libraries as a non-voting ex officio member of the IT Council.
- 7) The Provost will appoint a representative from the Office of the Provost as a non-voting ex-officio member of the IT Council.
- 8) The Information Technology Advisory Committee (ITAC) will appoint a representative from the committee as a non-voting ex-officio member of the IT Council.
- 9) The Vice President for Information Technology and CIO, or a designee, shall serve as a non-voting ex-officio member of the IT Council.

B. Qualifications of IT Council Members: Successful operation of the IT Council requires that its members understand the nature of the Division of Information Technology and represent the best interests of the campus as well as the particular interests of their specific constituencies.

- 1) IT Council members should be chosen from people who can bring a campus-wide perspective to their deliberations on IT matters and who have shown interest and willingness to foster a good working relationship between the Division of Information Technology and its users.
- 2) IT Council members should be selected to represent as broad a range of campus disciplines and interests as possible. Faculty members should include representatives from the various disciplines on campus ranging from the arts and humanities and social sciences to the physical and biological sciences and engineering.

C. The Appointment Process: In the spring of each year, the Senate Office shall notify the Vice President for Information Technology and CIO and the Chair of the Senate of the appointments required for the following academic year. The Vice President for Information Technology and CIO and the Chair of the Senate shall draw up a slate of nominees who will agree to serve, and the slate will be submitted to the Committee on Committees for approval. The final slate of nominees for IT Council membership shall be submitted to the University Senate for approval. Ordinarily, the slate will be presented at the same Senate meeting at which other committee slates are approved. Dates of appointment and beginning of terms shall correspond with those of Senate committees. Replacement of IT Council members will take place through the same consultative process as the initial appointment, with the submission of names to the Senate occurring as needed.

4. Operation of the IT Council

- A. The Division of Information Technology or its designee will provide normal committee support to the Council, including maintaining mailing lists, reproducing IT Council documents, keeping IT Council minutes and agendas on an IT governance website, and arranging meeting rooms.
- B. Control of the IT Council's agenda will be the responsibility of the IT Council chair and the voting members of the IT Council.
- C. While being responsive to the needs of the Vice President for Information Technology and CIO and the Senate in a timely manner is necessary, the Working Groups and the sponsoring parties - as well as the Deans, the Campus Student Technology Fee Advisory Committee, and the campus community - must not attempt to micro-

manage the ongoing operation of the IT Council. In turn, the IT Council must not attempt to micro-manage the Division of Information Technology.

D. The IT Council should typically meet once every month and shall meet at least once per semester. Meetings will be scheduled by Division of Information Technology staff, in consultation with the IT Council chair and the Vice President for Information Technology and CIO.

5. **Working Groups of the IT Council:** The Working Groups will serve in an advisory capacity to the IT Council. These groups should carry out research and make recommendations on IT issues, and shall each work with the appropriate Division of Information Technology staff member, as appointed by the Vice President for Information Technology and CIO.

A. **The five Working Groups shall be:**

- 1) **IT Infrastructure Working Group**, which focuses on building and maintaining a sound, advanced, secure, and productive physical information technology infrastructure (including but not limited to facilities, hardware, networks, and software) capable of supporting broad and effective use by students, faculty, and staff throughout the institution, including remote University members such as agricultural extension offices.
- 2) **Learning Technologies Working Group**, which provides the vision, priorities, and pace for enterprise learning technology solutions and services to be undertaken on campus. Its work focuses on endorsing the adoption of new learning technology solutions, as well as making recommendations for upgrading or decommissioning existing services. Working group members are nominated by the Deans.
- 3) **Research Technologies Working Group**, which provides the vision, priorities, and pace for enterprise research technology solutions and services to be undertaken on campus. Its work focuses on endorsing the adoption of new research technology solutions, as well as making recommendations for upgrading or decommissioning existing services. Working group members are nominated by the Deans.
- 4) **Administrative Systems Working Group**, which advises the Vice President for Information Technology and CIO in matters of enterprise-wide administrative system technology decisions and priorities.
- 5) **IT Security Working Group**, which advises the Vice President for Information Technology and CIO on IT security matters. The focus is on securing the integrity of information technology resources, safeguarding institutional information, protecting the privacy of University community members in their use of IT, and ensuring the continuity of the institution's IT resources and information repositories in the face of possible disaster scenarios.

B. **Composition of the Working Groups:** Each Working Group will have a chair appointed by the Vice President for Information Technology and CIO and the Senate Chair for a two-year term. The membership of each Working Group will be appointed by the Vice President for Information Technology and CIO unless otherwise specified above (5.A.2 and 3), but will be flexible so that additional members can be engaged in the decision-making and review process as appropriate. The membership of each Working Group shall include a combination of faculty, staff, and students.

C. Terms on Working Groups shall be two (2) years for faculty and staff. Appointments to two-year terms shall be staggered: that is, as far as practical, half of the terms from each faculty or staff constituency shall expire each year. Terms shall begin on July 1 of the appropriate year.

D. **Meetings of the Working Groups:** The Working Groups usually meet three to four times a semester.

E. **Working Group Responsibilities:**

- 1) Provide knowledge in a particular area and serve as an advisory board, by which the IT Council can route items for review and comment.

- 2) Submit proposals and issues to the IT Council for consideration and/or funding.
- 3) Assist in the annual review and update of the Information Technology Strategic Plan.

6. Operational Relationship of the IT Council to its Sponsors:

- A. For purposes of University Senate action, the IT Council will appear in essentially the same role as a standing committee of the University Senate.
 - B. The IT Council chair may present reports and recommendations to the Senate but will not have a vote in Senate proceedings, unless he or she is a member of the Senate.
 - C. The Vice President for Information Technology and CIO is an ex-officio member of the IT Council and has a voice in its deliberations.
7. **Review of the IT Council:** The IT Council and its operations will be reviewed in conjunction with the periodic review of the Senate and the Plan.
8. **Amendments:** Amendments to these Bylaws shall be provided to the IT Council members a minimum of seven calendar days in advance of any regular meeting. Approval shall require a two-thirds vote of the present and voting regular membership of the Council. Upon approval, a revised copy of the Bylaws shall be sent to the Senate Office.

APPENDIX 4 CHARTER OF THE UNIVERSITY ATHLETIC COUNCIL

The University of Maryland at College Park is dedicated to higher learning, research, and public service. An intercollegiate athletic program can significantly contribute to the learning and the public service components of the Campus Mission. The operation of a successful athletic program fosters spirit, identity and a sense of pride within the campus community and provides talented student-athletes with the opportunity to enrich their collegiate experience through participation in a challenging and competitive athletic program. Excellence of the athletic program at College Park stems not only from successful competition, but more importantly, from the general involvement in the Campus milieu of student-athletes who will earn degrees and who in other respects, embody qualities with which the institution can identify. Most importantly, both athletic success and academic integrity are the crucial elements in judging the excellence of the athletic program at the University of Maryland at College Park.

The importance of faculty involvement and influence in the institutional control and operation of an excellent athletic program cannot be overestimated. Faculty advice and participation will enhance the integrity of the athletic program in terms of academic performance, rules compliance, and compatibility of athletic programs with the mission of the campus.

PURPOSE OF THE ATHLETIC COUNCIL

First and foremost, the Athletic Council exists to help the University develop and maintain the best possible intercollegiate athletic program consistent with the academic integrity of the institution and the academic and social development of student athletes. The Athletic Council is the primary body, which advises the President on all matters relating to intercollegiate athletics. It is responsible for formulation and recommendation of policy matters affecting intercollegiate athletics and for monitoring the implementation of such policy by the intercollegiate athletics program. The Council, on behalf of the President, provides the necessary faculty input and participation in intercollegiate athletics as required by the Big Ten Conference, National Collegiate Athletic Association and the University of Maryland at College Park. The Council does not execute policy but serves to influence policy development and administration.

This document delineates the responsibilities, processes, and membership of the Athletic Council at the University of Maryland at College Park. It is expected that the Council will be proactive in its task of preparing policy recommendations and monitoring their implementation by the intercollegiate athletics program. The Council expects to have the full support of the Campus in the responsible performance of its duties.

FUNCTION/DUTIES OF THE ATHLETIC COUNCIL

The major function of the Athletic Council is to assist the President and the Director of Intercollegiate Athletics in the exercise of “institutional responsibility and control of intercollegiate athletics” as required by the constitution of the Big Ten Conference, the National Collegiate Athletic Association and the University of Maryland at College Park. The Council functions in advisory, compliance, liaison, and representative capacities. The Athletic Council shall meet at least four times each year, twice in each semester, and at such other times as needed to carry out the duties of the Council. Specific duties of the Council shall include but not be limited to the following:

1. Promote an understanding of intercollegiate athletics among faculty, students, staff, alumni and other members of the University of Maryland at College Park community.
2. Promote the adoption and implementation of appropriate policies for the admission and continuing eligibility of student athletes at the University of Maryland at College Park.
3. Monitor the preparation of the athletic budget by the Athletic Director during the regular budgetary process and make recommendations to the Athletic Director and the President concerning sources (i.e. student athletic fees) and allocations of funds.
4. Participation in the selection process for the Director of Intercollegiate Athletics and the head coaches in all sports including, if possible, informal meetings of the final candidates with the Executive Committee in the interview process. A faculty member from the Athletic Council should be included on all search committees for head coaches.
5. Establish criteria and make recommendations, with the advice of the Athletic Director, regarding which sports shall be certified as intercollegiate sports.
6. Recommend policies concerning athletic schedules, practice, the number of contests to be played each year in each sport and the NCAA category of schools with which it is desirable to compete.
7. Establish guidelines for and make recommendations regarding the acceptance of invitations to post-season events, special holiday games, or other events outside the regular season schedule.
8. Review and formulate policies concerned with substance abuse that will provide protection to the health of student-athletes and ensure that such policies have a strong educational emphasis.
9. Review and endorse policy on physical facilities necessary for the conduct of a competitive Division I-A program.
10. Review and formulate policies on recruitment and the awarding of athletic grants and scholarships to student-athletes who meet eligibility standards.
11. Review and approve the criteria for departmental awards in recognition of athletic and academic achievement.
12. Review athletic event price schedules, seating priorities and allocation of tickets to various groups.
13. Monitor the advisement, academic support and counseling services available to student-athletes.
14. Review and formulate policy concerning the conduct of home athletic contests, particularly with respect to the protection and safety of participants and spectators.
15. Review and formulate policy regarding the expectations of and behavior of coaches and student-athletes.
16. Review and formulate policy regarding the expectations of and behavior of cheerleaders and their advisors.
17. Assist with the development of official reports to be submitted by the President for filing with the conference or appropriate associations.
18. Review with appropriate authorities the financial audits of the Department of Intercollegiate Athletics.
19. Monitor the activities of the Department of Intercollegiate Athletics to make sure that they are in compliance with Conference (Big Ten) and Association (NCAA) bylaws, regulations and legislation.

In fulfilling its functions/duties, the Athletic Council

- must maintain confidentiality;
- shall have available to it complete information on all items which appear for its consideration and shall have full opportunity for discussion of each item before action is taken;
- shall have available full and current information on the financial, academic and related activities of the intercollegiate athletics program; and
- is authorized to recommend to the President the employment of experts from outside the Campus when their advice is needed.

RESPONSIBILITIES OF THE CHAIR OF THE ATHLETIC COUNCIL

The Athletic Council has a Chair who is selected by the President from the faculty. The duties of the Chair shall include:

1. Serve as a spokesperson for the Council in all contacts with the media.
2. Serve as the Faculty Representative to the Big Ten Conference and the National Collegiate Athletic Association (NCAA).
3. Chair meetings of the Athletic Council and the Executive Committee of the Council.
4. Call regular meetings of the Athletic Council and such special meetings as may be necessary.
5. Prepare the agenda for meetings of the Athletic Council and of the Executive Committee of the Council.
6. Represent the campus, as authorized by the President, at meetings of the NCAA, Big Ten, United States Intercollegiate Lacrosse Association, United States Olympic Committee, Intercollegiate Athletic Association of America, College Football Association and other groups which establish international, national and regional policies for intercollegiate athletics.
7. Advise the President and serve as spokesperson to the faculty on behalf of the President on appropriate matters.
8. Report to the President on all actions taken by the Athletic Council.
9. Work with the Director of Intercollegiate Athletics in coordinating and carrying out the functions of the Athletic Council.
10. Monitor activities of the Department of Intercollegiate Athletics and confer regularly with the President on matters which should come to the President's attention.
11. Ensure that required reports and recommendations from the Athletic Council are provided to the President.
12. Report to the President and the Athletic Director on the concerns of the Athletic Council relative to athletics and to interpret to the faculty and other groups the University's athletic policies and activities.
13. Ensure that all actions of the Chair and the Executive Committee made on behalf of the Council are properly recorded and reported to the full membership of the Council in a timely manner.
14. Coordinate with the President's Office all financial support necessary to carry out the duties of Chair, including the development of an annual budget for this support; and the approval of all requests for expenditures and expense reimbursements made for this purpose. The President's Office is the administrative unit responsible for providing appropriate financial support to the Chair of the Athletic Council/Faculty Athletic Representative, and for approving both the annual budget request for this support as well as all expenditures, and expense reimbursements made for this purpose.
15. Know, recognize, and comply with the laws, policies, rules and regulations governing the University and its

employees, and the rules of the National Collegiate Athletic Association (the "NCAA") and the Big Ten. Inform the Athletic Department Compliance Officer immediately of any suspected violation. Assist, as requested, in the investigation and reporting of those violations.

RESPONSIBILITIES OF THE VICE CHAIR OF THE ATHLETIC COUNCIL

The Athletic Council has a Vice-Chair who is selected by the President from the faculty. The duties of the Vice-Chair shall include:

1. Assist the Chair of the Council with conducting the business and meeting of the Council.
2. Conduct meetings of the Council in the absence of the Chair.
3. Write periodic articles for University publications about the actions of the Council.
4. Serve on the Executive Committee of the Council.
5. Coordinate the activities of and serve as an ex officio member to standing committees of the Council.
6. Know, recognize, and comply with the laws, policies, rules and regulations governing the University and its employees, and the rules of the National Collegiate Athletic Association (the "NCAA") and the Big Ten Inform the Athletic Department Compliance Officer immediately of any suspected violation. Assist, as requested, in the investigation and reporting of those violations.

ATHLETIC COUNCIL MEMBERSHIP

Intercollegiate Athletics plays an important role in fostering pride and spirit in the University community. The Athletic Council membership is designed to be representative of this community and shall consist of faculty, administration, staff, students and alumni. The membership shall include minorities, women and men, and thorough consideration will be given to ensure a balanced representation on the Council. The Athletic Council shall consist of twenty voting and five non-voting members appointed by the President or elected by the Senate as follows:

Voting Members of the Athletic Council

- The Athletic Council has a Chair who is selected by the President from the faculty. The duration of the Chair's membership on the Council is determined by the President. The initial appointment is for a five year term which may be renewed by the President.
- The Athletic Council has a Vice-Chair who is selected by the President from the faculty. The duration of the Vice-Chair's membership on the Council is determined by the President. The initial appointment is for a three year term which may be renewed by the President.
- Seven faculty members of the Athletic Council will be elected by the Senate. These elected faculty members will serve for a three year period and are not eligible to serve a second consecutive three year period. The Senate should make every effort to assure diversity among the elected members.
- The Faculty member who is Chair of the Campus Affairs Committee of the Senate or a designee from the Committee who must be a faculty member is a member of the Athletic Council.
- One Academic Dean appointed by the Provost. The appointment is for a one year term which may be renewed by the Provost.
- Two staff members, one who is appointed by the President for a three year period and one who is elected for a three year period by the Senate. These staff members will serve on a staggered basis and are not eligible to serve a second consecutive three year period.
- The Vice President for Student Affairs.
- One representative from the "M" Club. The appointment is for one year.

- One representative from the Terrapin Club. The appointment is for one year.
- One student representative from the Student Government Association. The appointment is for one year.
- One undergraduate female athlete. The appointment is for two years and the student should maintain eligibility in her sport.
- One undergraduate male athlete. The appointment is for two years and the student should maintain eligibility in his sport.
- One graduate student. The appointment is for two years and the student should maintain good standing in the Graduate School.

Non-Voting Members of the Athletic Council

- The Director of Intercollegiate Athletics.
- A Representative from the President's Office.
- A Representative of the Office of General Counsel.
- The Director of the Student Health Services.
- The Director of the Office of Alumni Programs for the University of Maryland at College Park.
- A current head coach selected by the coaches as their representative. This appointment will be a one-year appointment with a three year limit.

In making all non-elected appointments to the Athletic Council, the President should solicit recommendations from the following advisory groups or persons: Executive Committee of the Athletic Council, President of the Student Government Association, President of the Graduate Student Government, Dean of the Graduate School, and Director of Intercollegiate Athletics. The term of office of all members of the Council shall begin with the first meeting of the new academic year.

Vacancies occurring on the Council due to resignation or other cause will be filled as they occur. If the vacancy is one of the members of the Council elected by the Senate, the Senate will be asked to elect a replacement to fill the vacancy. For all other vacancies, the President will solicit nominations from the appropriate groups and appoint a replacement to fill the remainder of the unexpired term. Persons appointed to fill a partial term on the Council will be eligible for election or appointment to a full term as appropriate for their membership category.

COMMITTEES OF THE ATHLETIC COUNCIL

Committees of the Athletic Council shall include an Executive Committee, Standing Committees of the Council, and Ad-Hoc Committees as needed. The major responsibilities and membership of these Committees of the Athletic Council follow.

1. **Executive Committee.** The membership of the Committee is as follows: The Chair of the Athletic Council who will serve as chair, the Vice-Chair of the Athletic Council, chairs of the five standing committees of the Athletic Council, the representative from the President's office, and a staff or student member of the Athletic Council. If one or more of the Chairs of the standing committees are not faculty, the membership of the Executive Committee will be adjusted to include four faculty in addition to the Chair. Total membership of the Executive Committee will not exceed eight at any time. The responsibilities of the Executive Committee shall include the following:
 - Meet on matters calling for immediate action and at times when meetings of the full Athletic Council are not possible.
 - Identify and assign problems to standing subcommittees and ad-hoc committees for study and receive reports from these committees.

- Serve as the personnel committee of the Council upon request of the President.
 - Review compliance reports submitted by the Department of Intercollegiate Athletics and ensure that the Department is in compliance with all Conference and Association policies.
 - Advise the President on an emergency basis.
 - Recommend faculty and staff for membership on the Athletic Council.
2. **Standing Committees of the Athletic Council.** The Chair of the Athletic Council will select the Chairs of the Standing Committees and will appoint each committee and, with the exception of the Academic Committee, will appoint each committee after soliciting volunteers from the Council membership.
- a. **Academic Committee.** All faculty members of the Council are members of the committee. The general role of the Academic Committee is to ensure that appropriate academic standards are established and maintained for all student-athletes and that all participants recognize the priority of successful academic performance by all student-athletes. In fulfilling this function, the Committee shall make appropriate recommendations to the Athletic Council. In particular, the Committee shall have the following duties:
- Recommend policies and procedures regarding standards and criteria for admission of student-athletes.
 - Recommend academic policies and procedures regarding standards and criteria for continuing eligibility of student-athletes to participate in intercollegiate sports.
 - Consider and decide academic appeals of student-athletes concerned with eligibility.
 - Review every semester the academic program and progress of student-athletes.
 - Recommend policies for and monitor the activities of the academic support services provided to the student-athletes.
 - Recommend policies regarding post-season and tournament participation by athletic teams.
 - Recommend policies regarding scheduling and practice time.
- b. **Budget and Facilities Committee.** The general purpose of this Committee is to monitor but not manage those activities of the Athletic Department pertaining to budget and facilities. In fulfilling this function, the Committee shall make appropriate recommendations to the Athletic Council. More specifically, responsibilities of the Committee shall include the following:
- Monitor the preparation of the athletic budget(s) by the Director of Intercollegiate Athletics.
 - Review and analyze for the Council the final budget(s) submitted by the Director of Intercollegiate Athletics to the President.
 - Establish criteria and make recommendations, with the advice of the Director of Intercollegiate Athletics, regarding which sports shall be certified as intercollegiate sports.
 - Review policies regarding the number and distribution of athletic scholarships to be awarded annually.
 - Review and recommend policies for athletic event price schedules, seating priorities and allocation of tickets to various groups.
 - Review and recommend policies regarding utilization and development of intercollegiate athletic facilities.
 - Monitor the financial accountability of the Department of Intercollegiate Athletics.
- c. **Student Life Committee.** This Committee is concerned with all non-academic aspects of the student-athlete's

involvement with the University. In fulfilling this function, the Committee shall make appropriate recommendations to the Athletic Council. More specifically, the responsibilities of the Committee shall include the following:

- Review and recommend policies concerning the nature and type of health screening and drug testing.
 - Review and recommend policies regarding practice schedules.
 - Review and recommend policies for determining when health and other non-academic factors will be used to restrict a student's involvement in intercollegiate athletics.
 - Review and recommend policies for and monitor activities of non-academic support programs and placement services.
 - Review and recommend policies regarding scholarship awards and retention of these awards.
 - Review and recommend policies for housing assignments.
 - Assist the Athletic Council in assuring the personal and social development of all student-athletes and their full integration into campus life.
- d. **External Affairs Committee.** This Committee is concerned with external activities of the Department of Intercollegiate Athletics. In fulfilling this function, the Committee shall make appropriate recommendations to the Athletic Council. More specifically, the responsibilities of the Committee shall include the following:
- Review and endorse fundraising activities.
 - Review and recommend policies for complementary distribution of tickets to athletic events.
 - Review and recommend guidelines and/or policies for all sports marketing activities (i.e. sports camps, special events, endorsements, etc.)
 - Review and recommend guidelines and/or policies for interactions with alumni and friends of the Athletic Department including the Terrapin Club, the "M" Club, and the Maryland Education Foundation.
 - Review and recommend policies and/or guidelines for all media interactions.
- e. **Professional Sports Counseling Panel (PSCP).** The PSCP is a committee of the Athletic Council authorized under NCAA by-law 12.3.4 to advise and assist student athletes in preparation for professional athletic careers. Consonant with its charge, the University of Maryland, College Park PSCP provides:
- Education and advice to student athletes about NCAA amateurism rules and professional sports careers.
 - Oversight to the Athletic Department's implementation of University and NCAA regulations regarding contacts between student athletes and agents.
 - Advice to the Athletic Council on matters related to its charge.
3. **Ad-Hoc Committees.** The Chair of the Athletic Council, upon advice of the Council, will appoint Ad-Hoc Committees as needed. Membership on these committees will be on a volunteer basis or by appointment by the Chair of the Council after seeking advice from the Executive Committee.

MEETINGS OF THE ATHLETIC COUNCIL

The Chair of the Council serves as the spokesperson for the Council. Meetings of the Council are open only to Council members and invited guests. Individuals who are not members of the Council, but who wish to attend a specific meeting should seek the prior approval of the Chair. Information provided to Council members concerning specific personnel or compliance matters will not be divulged by individual members without permission of the Chair.

APPENDIX 5 PROCEDURES FOR ELECTIONS OF UMCP REPRESENTATIVES TO THE COUNCIL OF UNIVERSITY SYSTEM FACULTY (CUSF)

The Chair of CUSF is not a member of CUSF. Thus, if the Chair is from College Park, a replacement must be named. At the end of his/her term as Chair, if his/her term on CUSF is not finished, he/she resumes his/her position as a CUSF member.

The normal term for CUSF representatives is three (3) years, with two alternates serving three (3) year terms; if both alternates are elected at the same time, priority to be a replacement shall be in order of votes received. If a regular representative is unable to serve out his/her term, an alternate replaces him/her for the remainder of the term, and a new alternate is named. The replacement representative shall be chosen in order of number of votes received. The Office of the University Senate will identify a replacement alternate subject to confirmation by the Senate Executive Committee.

The University Senate will elect representatives to CUSF each spring. The Senate Nominations Committee will solicit candidates and will present a slate to the Chair of the Senate with at least one (1) candidate for each vacant position to be filled. At the Transitional Meeting of the Senate, faculty Senators will vote to elect representatives to CUSF. Each faculty Senator shall have as many votes as there are open positions. If there are more candidates than positions, the person(s) receiving the most votes, in order, are declared representatives. The person receiving the next most votes is declared alternate. The remaining person, in order of vote tally, will be asked to move into the alternate position if the previous paragraph comes in to play. A record of the outcome of the election will be retained by the Executive Secretary and Director of the University Senate. If there are not sufficient candidates, or the pool of candidates is exhausted, representatives are chosen by the Executive Committee.

APPENDIX 6 PROCEDURES FOR ELECTIONS OF UMCP REPRESENTATIVES TO THE COUNCIL OF UNIVERSITY SYSTEM STAFF (CUSS)

The mission of the Council of University System Staff (CUSS) is to provide a voice for Staff employee concerns in reference to basic decisions that affect the welfare of the University System of Maryland (USM) and its employees. CUSS speaks for all non-exempt and exempt staff employees on Regular and Contingent II Status, who are not represented by a union under collective bargaining.

CUSS is comprised of Staff employees representing each USM institution and the USM Office (USMO). Institution membership is proportionate to the number of Staff employees at the individual institutions, with a minimum of two (2) primary members and two (2) alternate members per institution. Representation on CUSS from each constituent institution is apportioned according to the following formula: 1 to 999 eligible employees, 2 representatives; over 1000 eligible employees, 3 representatives. Staff at each constituent institution shall also select an alternate who shall substitute for a regular member of CUSS when needed. Alternates should be selected at the same time and in the same manner as regular members. A delegation may include more than one (1) alternate who is eligible to cast a vote for an absent member provided the member has given prior notification to the Chair of CUSS. The University of Maryland, College Park is entitled to three (3) representatives, and up to three (3) alternates.

As defined in 6.10.f of the Senate *Bylaws*, the Senate Staff Affairs Committee is responsible for administering the CUSS nomination and election process. Definitions of eligible staff shall be determined by the Board of Regents and CUSS. The CUSS elections will be administered in the spring semester every other year, as the terms of the current CUSS representatives are expiring. The Staff Affairs Committee will solicit candidates from the eligible staff population and will present ballots to the same population with at least one (1) candidate for each vacant position to be filled. Eligible staff employees will vote to elect representatives to CUSS. If there are more candidates than positions, the person(s) receiving the most votes, in order, are declared representatives. The person(s) receiving the next most votes are declared alternate(s). A record of the outcome of the election will be retained by the Executive Secretary and Director of the University Senate.

New members shall begin their terms August 1. The normal term for CUSS representatives and alternates is two (2) years. If a regular representative is unable to serve out his/her term, an alternate replaces him/her for the remainder of the term, and a new alternate is named. The replacement representative shall be chosen in order of number of votes received.

APPENDIX 7
PROCEDURES FOR REVIEW OF COLLEGE AND SCHOOL PLANS OF ORGANIZATION

1. In accordance with Article 11 of the Plan, each College, School, Department and other Academic Program, and the Library, shall have a Plan of Organization.
 - a. The Plan of Organization of each College, School, and the Library shall be reviewed by the University Senate according to the procedures detailed in section 2 of this appendix. All revisions to such Plans of Organization must be approved by the University Senate and the President prior to taking effect.
 - b. The Plan of Organization of a Department or other Academic Program shall be reviewed and revised by the Faculty Advisory Committee of the College to which it belongs. In the review and revision of such Plans, the University Senate may act in an advisory capacity if asked to do so by the College.
2. Each College, School, and the Library shall review and revise its Plan of Organization in accordance with Article 11.3 of the Plan and shall submit it to the University Senate for review.
 - a. Revised Plans of Organization shall be reviewed by the Senate Elections, Representation, and Governance (ERG) Committee for compliance with the University's Plan of Organization, University policy, and best practices of shared governance.
 - b. The Senate Faculty Affairs Committee shall review the Appointment, Promotion, and Tenure 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.
 - c. The ERG and Faculty Affairs Committees shall communicate any concerns or requested revisions to the respective College, School, or Library.
 - d. Once all necessary revisions have been made, the ERG and Faculty Affairs Committees shall certify that they find the Plan to be in compliance and the revised Plan of Organization shall be submitted to the College Assembly or equivalent for approval.
 - e. Upon approval of the College Assembly or equivalent, the ERG Committee shall submit the revised Plan and its accompanying report to the Senate Executive Committee for review and placement on the Senate Agenda.
 - f. The revised Plan of Organization shall require final approval by the University Senate and the President.
3. During the initial implementation of a recently approved Plan of Organization, a College, School, or the Library may submit additional minimal or technical amendments to the Senate within one year of final approval by the University President. These revisions will undergo an expedited review process by the Senate ERG Committee, and by the Faculty Affairs Committee if appropriate. The committee(s) shall review only those amendments submitted by the College, School, or the Library, and shall not conduct a full review of the Plan. Upon approval by the ERG Committee (and the Faculty Affairs Committee, if necessary), the amendments shall be submitted to the College Assembly, the Senate Executive Committee, the Senate, and the President according to the procedures outlined above in section 2 d-f.
4. Until a revised Plan of Organization is approved by the University Senate and President, the version of the Plan of Organization of each College, School, and the Library that was most recently approved by the University Senate and President remains in effect, and provides the rules under which the College, School, or the Library must review and approve future revisions to its Plan. The University Plan of Organization supersedes any provisions in the Plan of any College, School, the Library, Department, or Academic Program that are in conflict with the purpose, applicability, or intent of the University Plan.

Dates of Approval, Updates and Amendments to the Senate Bylaws

Approved, Campus Senate, October 9, 1986	Amended, April 4, 2005
Approved, Board of Regents, February 6, 1987	Amended, May 15, 2007
Updated, July 11, 1988	Amended, May 8, 2008
Amended, February 13, 1986	Amended, October 16, 2008
Amended, December 7, 1986	Amended, February 9, 2009
Amended, May 7, 1990	Amended, May 4, 2009
Amended, September 13, 1990	Amended, November 12, 2009
Amended, November 15, 1990	Amended, March 3, 2010
Amended, October 14, 1993	Amended, February 9, 2011
Amended, December 6, 1993	Amended, May 4, 2011
Amended, March 31, 1994	Amended, March 8, 2012
Amended, April 18, 1994	Amended, April 19, 2012
Amended, May 5, 1994	Amended, May 2, 2013
Amended, November 10, 1994	Amended September 18, 2013
Amended, August 28, 1996	Amended, April 15, 2015
Amended, May 15, 1997	Approved after 2015 Plan of Org Review, May 4, 2015
Amended, March 5, 1998	Amended, November 20, 2015
Amended, April 2, 1998	Amended, December 14, 2015
Amended, April 6, 2000	Amended, February 18, 2016
Amended, February 12, 2001	Amended, March 18, 2016
Amended, September 19, 2002	Amended March 24, 2017
Amended, February 3, 2003	Amended November 8, 2017
Amended, October 16, 2003	Amended May 3, 2019
Amended, April 19, 2004	Amended February 7, 2020



Preliminary Review of the Specifications on the Special Committee on University Finance (SCUF)

PRESENTED BY	Alan Peel, Chair
REVIEW DATES	SEC – April 14, 2020 SENATE – April 22, 2020
VOTING METHOD	For information only
RELEVANT POLICY/DOCUMENT	Bylaws of the University Senate
NECESSARY APPROVALS	N/A

ISSUE

In 2018, the Elections, Representation, & Governance (ERG) Committee was charged with considering a proposal to create a body that could advise on University resources and planning. The ERG Committee’s report recommended the creation of a new Special Committee on University Finance (SCUF), which the Senate approved in April 2019. Among its recommendations, the ERG Committee asked that the chair of SCUF provide annual updates to the ERG Committee on SCUF’s progress and operations in spring 2020 and spring 2021 in order to allow the ERG Committee to consider modifications to address any issues in implementation, as well as to inform its future work to consider codifying a permanent body. In January 2020, the Senate Executive Committee (SEC) charged the ERG Committee with reviewing the report that recommended SCUF be created, consulting with the chair of the Special Committee, considering questions related to representation and member replacement procedures, and recommending changes to the Senate Bylaws, as appropriate.

COMMITTEE WORK

Over the course of two meetings in February 2020, the ERG Committee reviewed its report on Enhancing Senate Input on University Planning and Resources (Senate Document #17-18-20) and met with the chair of SCUF. The committee did not identify any concerns that would necessitate changes to the committee’s structure of operations as established in the Senate Bylaws. The committee also reviewed language regarding student term lengths. The committee reviewed the rationale behind the provision in the Bylaws as documented in the committee’s report. The ERG Committee reaffirmed its original intention—that the provision in the Bylaws should permit student members to decide to continue serving on the committee for up to two additional years without having to run for re-election—and recommended that the Senate Office adopt this interpretation in implementing the Bylaws.

ALTERNATIVES

Not applicable.

RISKS

There are no known risks to the University.

FINANCIAL IMPLICATIONS

There are no known financial implications.



Preliminary Review of the Specifications on the Special Committee on University Finance (SCUF)

2019-2020 Committee Members

Alan Peel (Chair)
MacKenzie Allen (Undergraduate Student)
Sarah Babineau (Ex-Officio Director of Human Resources Rep)
Holly Brewer (Faculty)
Nicole Catanzarite (Graduate Student)
Leigh Ann DePope (Faculty)
Alexander Houck (Non-Exempt Staff)
Christine Johnston (Faculty)
Robert Koulish (Faculty)

Elizabeth Lathrop (Faculty)
Sharon La Voy (Ex-Officio Associate VP IRPA Rep)
Ngam Kenneth Ngong (Graduate Student)
Calvin Oates (Exempt Staff)
Bria Parker (Faculty)
Nicholas Torre (Undergraduate Student)

Date of Submission

April 2020

BACKGROUND

In 2018, the Elections, Representation, & Governance (ERG) Committee was charged with considering a proposal to create a body that could advise on University resources and planning. The ERG Committee's report recommended the creation of a new Special Committee on University Finance (SCUF), which the Senate approved in April 2019 (Appendix 1). Among its recommendations, the ERG Committee asked that the chair of SCUF provide annual updates to the ERG Committee on SCUF's progress and operations in spring 2020 and spring 2021 in order to allow the ERG Committee to consider modifications to address any issues in implementation, as well as to inform its future work to consider codifying a permanent body.

In January 2020, the Senate Executive Committee (SEC) charged the ERG Committee with reviewing the report that recommended SCUF be created, consulting with the chair of the Special Committee, considering questions related to representation and member replacement procedures, and recommending changes to the Senate Bylaws, as appropriate (Appendix 3).

COMMITTEE WORK

Over the course of two meetings in February 2020, the ERG Committee reviewed its report on Enhancing Senate Input on University Planning and Resources (Senate Document #17-18-20) and met with the chair of SCUF. The chair reported that the task of becoming knowledgeable about the University's budget has proven a significant undertaking (the chair also provided an overview of SCUF's operations to the Senate at its meeting on March 3, 2020, which may be found in Appendix 2). The Special Committee's progress was impacted by the departure of the University's Associate Vice President for Finance and Chief Financial Officer (CFO), who had been instrumental in planning to help members establish a baseline of knowledge on the budget. The Special Committee is methodically accumulating knowledge and expertise, and is starting to consider the question of what role it might play in informing the broader campus community about budget issues. SCUF members are also considering the most effective ways to channel campus input to the administration. In the future, it may establish and expand a collection of budget-related resources on the Senate webpage.

The chair shared that it has been challenging to gather budget information that moves from the aggregate to the granular. The Special Committee needs to avoid becoming focused on particular spending decisions rather than the overall budget, but granular data can help illuminate broader questions. The University and USM budgets are not public until they have already been submitted to the governor. SCUF is considering whether there would be value in analyzing the previous year's budget and considering it in relation to the University's Strategic Plan. That review could then inform recommendations on priorities to emphasize in the following year's budget planning process.

SCUF has not had any issues with attendance, nor has it identified any additional individuals with unique knowledge who should be added as ex-officio members. Some members of the ERG Committee expressed concern that not every College and School is represented on SCUF. In discussion with the SCUF chair it became clear to the ERG Committee that ensuring representation from every College and School would make SCUF unworkably large. It is also the case that when envisioning SCUF, the ERG Committee did not intend that members would represent particular interests or units, but instead hoped that members would be selected for their willingness to engage in the difficult task of developing a familiarity with the University's complex budgeting process.

The ERG Committee reviewed the membership of SCUF and provisions in the Senate Bylaws for filling vacancies. The Bylaws establish different procedures depending on when in the academic year a vacancy occurs. Replacements for any mid-year vacancies are selected from the original pool of nominees for the committee, while vacancies that occur after the Senate's annual Transition Meeting are selected through a new nomination process. To date, SCUF has not had any vacancies.

The ERG Committee also reviewed language regarding student term lengths. The Bylaws indicate that students serve one-year terms that may be "renewed" up to two times; the terms for faculty and staff members are three years. It is unclear from the text itself whether students may be re-elected up to two times, or whether they may extend their membership beyond their one-year term at their discretion. The ERG Committee reviewed the rationale behind the provision on student term lengths. In keeping with a desire to create a body that could develop expertise over time, the ERG Committee's intention had been to allow student members to serve as long as their faculty and staff colleagues on the committee. To avoid dissuading juniors and seniors from running, however, ERG decided not to require three-year terms, but to leave decisions on how long to serve to the individual student members. As the committee's 2019 report notes: "Given the importance of building knowledge of the budget, the student terms can be extended up to two times if the members are interested in continuing" (Appendix 1). **The ERG Committee reaffirmed its original intention—that the provision in the Bylaws should permit student members to decide to continue serving on the committee for up to two additional years without having to run for re-election—and recommended that the Senate Office adopt this interpretation in implementing the Bylaws.**

The committee did not identify any concerns that were pressing enough to justify changes to the Senate Bylaws.

APPENDICES

Appendix 1—ERG Report on Senate Document #17-18-20

Appendix 2—Overview of SCUF's Operations

Appendix 3—Charge from the Senate Executive Committee



Enhancing Senate Input on University Planning & Resources

PRESENTED BY Andy Horbal, Chair

REVIEW DATES SEC – April 8, 2019 | SENATE – April 24, 2019

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [UMD Plan of Organization for Shared Governance](#), [University Senate Bylaws](#)

NECESSARY APPROVALS Senate, President

ISSUE

In February 2018, several Past Senate Chairs submitted a proposal on the need for Senate engagement in institutional budgetary matters to the Senate Executive Committee (SEC). The proposal noted that the University of Maryland is one of the only Big 10 institutions without a Senate or Senate-equivalent body that addresses some aspect of the institution's budget. The proposal asked the Senate to consider creating a body that could develop the knowledge necessary to help it make informed recommendations on matters with financial ramifications and advise the President on institutional planning. In August 2018, the SEC charged the Elections, Representation, & Governance (ERG) Committee with reviewing the proposal and consulting with the proposers; conducting research on relevant bodies at Big 10 and other peer institutions; consulting with the Executive Secretary and Director of the Senate and a range of campus administrators; and recommending revisions to the Senate Bylaws to establish any new body, as appropriate.

RECOMMENDATIONS

The Elections, Representation, & Governance (ERG) Committee recommends that Article 7 of the Senate Bylaws should be revised to create a Special Committee on University Finance, as defined in the document immediately following this report.

The University Senate should charge the Elections, Representation, & Governance Committee with conducting a comprehensive review of the Special Committee on University Finance in fall 2021 to determine whether it should be codified as a permanent Senate body. As part of its review the ERG Committee should assess the special committee's charge, membership, and operations and recommend revisions to the Senate Bylaws, as appropriate, by March 30, 2022.

The chair of the Special Committee on University Finance should provide annual updates to the ERG Committee on the special committee's progress and overall operations in spring 2020 and spring 2021, which will allow the ERG Committee to make any necessary adjustments and will provide context for the ERG Committee's comprehensive review in 2021-2022.

COMMITTEE WORK

The ERG Committee began considering the charge in September 2018. It met with one of the proposers and distributed a survey to senate leaders at Big 10 and other peer institutions asking specific questions about committees that consider aspects of their institutional budgets. The committee reviewed responses and conducted follow-up interviews with senate leaders at three peer institutions. The committee also consulted with the Assistant President & Chief of Staff; the Assistant Vice President for Finance and Personnel for Academic Affairs; the Associate Vice President for Finance and Chief Financial Officer; and the Associate Provost for Academic Planning & Programs.

After determining that there was value in creating a body like the one called for in the proposal, the committee considered various models that align with existing Senate structures. The most significant challenge that the committee faced throughout its review was the prospect of creating a new body that could develop a deep understanding of the budget without having that understanding itself. After consulting with the Senate Office and Senate Parliamentarian, the ERG Committee determined that forming a special committee would be an ideal way to pilot a new body before it is codified. A 3-year life-cycle for the special committee would allow the body to be informed by the upcoming transition in University leadership and continue to operate while a comprehensive review to develop a formal body is conducted prior to the special committee's dissolution. This model would also allow the ERG Committee to craft specific provisions for the body that could differ from those of standing committees.

The committee developed charge elements for a new Special Committee on University Finance and identified the body's regular and ex-officio membership. It drafted a new article for the Senate Bylaws to incorporate the special committee and shared the approach with various administrative stakeholders and the proposer. The ERG Committee considered feedback it received, made additional adjustments to the proposed revisions to the Senate Bylaws, and developed several administrative recommendations. After due consideration, the ERG committee voted to approve the Senate Bylaws revisions and administrative recommendations at its meeting on March 29, 2019.

ALTERNATIVES

The Senate could choose not to establish the Special Committee on University Finance.

RISKS

There are no associated risks.

FINANCIAL IMPLICATIONS

There are no financial implications.



Enhancing Senate Input on University Planning and Resources

2018-2019 Committee Members

Andrew Horbal (Chair)
Leigh Ann DePope (Faculty)
Jonathan Herrington (Ex-Officio Director of Human Resources Rep)
Wendell Hill (Faculty)
Alexander Houck (Staff)
Christine Johnston (Faculty)
Sharon La Voy (Ex-Officio Associate VP IRPA Rep)
Lisha Lai (Graduate Student)
Elizabeth Lathrop (Faculty)

Olivia Mandell (Undergraduate Student)
Elizabeth McClure (Faculty)
Kathleen Molinaro (Staff)
MacGregor Oberfell (Graduate Student)
Bria Parker (Faculty)
Benjamin Reichard (Undergraduate Student)

Date of Submission

April 2019

BACKGROUND

In February 2018, several Past Senate Chairs submitted a proposal on the need for Senate engagement in institutional budgetary matters to the Senate Executive Committee (SEC). The proposal explained that the University of Maryland is one of the only Big 10 institutions without a Senate or Senate-equivalent body that addresses some aspect of the institution's budget. The proposers also noted that the University of Maryland Plan of Organization for Shared Governance (University Plan of Organization) explicitly identifies budgetary matters as within the purview of the Senate. The proposal asked the Senate to consider creating a body that could develop the knowledge necessary to help it make informed recommendations on matters with financial ramifications and advise the President on institutional planning. In August 2018, the SEC charged the Elections, Representation, & Governance (ERG) Committee with reviewing the proposal and consulting with the proposers; conducting research on relevant bodies at Big 10 and other peer institutions; consulting with the Executive Secretary and Director of the Senate and a range of campus administrators; and recommending revisions to the Senate Bylaws to establish any new body, as appropriate (Appendix 4).

CURRENT PRACTICE

There is currently no Senate body that directly considers budgetary matters. Many Senate standing committees have ex-officio representatives from various administrative units who can provide some level of information on the financial implications of matters being considered by the committees, though such information is rarely specific or precise. Transmittal sheets for legislation presented for the Senate's consideration characterize the financial implications of any recommendations, though in similarly general terms.

COMMITTEE WORK

The ERG Committee began considering the charge in September 2018, when it reviewed the proposal and began planning its work. The committee distributed a survey to senate leaders at Big 10 and other peer institutions (peer institutions) asking specific questions about bodies that consider aspects of their institutional budgets; responses were reviewed along with other research on peer institution practices. The committee met with one of the proposers and learned that they envision a

body that would not participate in the actual budgeting processes of the University, but would rather serve as an advisory body that explains/interprets the budget and reports to the Senate. The body would also develop deep historical context for the University budget in order to understand how it has changed over time, and would operate on a macro level, focusing on the broader principles behind long-term allocations rather than specific details.

The committee's chair and coordinators conducted follow-up interviews with senate leaders at three peer institutions that the committee felt might provide useful models: Ohio State University, Indiana University (Bloomington), and the University of Minnesota (Twin Cities). They also met with the Assistant President & Chief of Staff; the Assistant Vice President for Finance and Personnel for Academic Affairs; the Associate Vice President for Finance and Chief Financial Officer; and the Associate Provost for Academic Planning & Programs. The committee received reports on the institutional interviews and administrator meetings, and determined that a majority of members were in favor of proposing some form of new body.

The committee discussed at length the most appropriate model for any new body and considered several approaches that align with existing Senate structures, including University Councils and standing committees. University Councils are sponsored by and report to the Senate and particular members of the administration or to a dean. While councils establish a clear pathway for advising administrators, their engagement with the Senate is more limited, and they can only be created by a taskforce. Senate standing committees represent another possible approach, though the Bylaws establish general characteristics of every standing committee, not all of which would be appropriate for the body ERG was considering. Term lengths, for example, are too limited. Perhaps most importantly, the mechanism for selecting members would not allow the committee to meet over the summer when important budget-related activities take place, given slates of candidates for committees are not approved by the Senate until the first meeting of the fall semester. The most significant challenge that the committee faced throughout its review was the prospect of creating a new body that could develop a deep understanding of the budget without having that understanding itself. While the committee could consider models at other institutions, it was difficult to envision how any of those models would function and be most effective within the University's structures and budget model.

With the upcoming transition in the University's leadership, the committee recognized the critical importance of establishing a body that could engage with both the outgoing and incoming administrations. The University Plan of Organization allows for the creation of special committees "of limited scope and term of duration." After consulting with the Senate Office and Senate Parliamentarian, the ERG Committee determined that the special committee model would be an ideal way to essentially pilot the new body before it is codified. The committee agreed that a 3-year term of duration would allow the special committee to be informed by the transition in leadership and allow it to continue to operate while a comprehensive review to develop a permanent body is conducted prior to the special committee's dissolution. This model would also allow the ERG Committee to craft specific provisions for the body that could differ from those of standing committees. The committee agreed to develop those provisions for the special committee, including a charge, membership, and set of procedures that would provide the most value to the Senate, the University, and the administration.

The committee drafted potential charge elements and considered feedback from the administrative stakeholders it consulted earlier. It also began discussing the special committee's membership. A subcommittee was formed to develop potential membership models. Following a review and

feedback from the full committee, revisions to the Senate Bylaws to incorporate the new special committee were drafted and shared with various administrative stakeholders and the proposer.

The committee considered feedback from the administrative stakeholders, the Senate Office, and the Senate leadership. It also made additional changes to the proposed revisions to the Senate Bylaws, and developed several administrative recommendations that will allow the ERG Committee to recommend adjustments to the special committee's charge, membership, and operations, as necessary. The ERG Committee will also be charged with a comprehensive review of the special committee to determine whether or not to establish it as a permanent Senate body prior to its dissolution. After due consideration, the ERG committee voted to approve the Senate Bylaws revisions and administrative recommendations at its meeting on March 29, 2019.

COMMITTEE FINDINGS

Peer Institution Research

As noted in the proposal, all but two of the University's Big 10 peers have bodies that are engaged with some aspect of the institutional budget (Appendix 1). In order to gather richer information than what could be gleaned from websites, the committee sent a survey to its peer institutions; eleven of them responded, and eight expressed a willingness to speak further (Appendix 2). Interviews with three of those institutions provided additional information on how these bodies function and what their officers feel make them in/effective. The committee also reviewed the specific charge elements under which each body operates.

In its research, the committee identified a range of characteristics that vary across relevant bodies at peer institutions. Some committees, such as Indiana University's Budgetary Affairs Committee, regularly advise the Provost on funding requests from academic units. Others simply receive updates on the budget and fulfill an implicit oversight function, such as the University of Minnesota's Finance and Planning Committee, which its chair describes as "a watchdog...the dog that doesn't bark." Some are quite small, such as Northwestern University's six member Budget and Planning Committee; Rutgers University's Budget and Finance Committee, in contrast, contains thirty-eight members. Most bodies include representation for faculty, staff, and students, though most are also based in faculty Senates. Most also include ex-officio representation from various administrative units. Perhaps most importantly, the budget models used by peer institutions are not consistent. Some use a responsibility center management (RCM) model, in which funding follows credit hours and colleges are responsible for much of their own overhead. Others adopt something closer to the historical budget model used by the University of Maryland, in which units' budgets are generally based on modest adjustments to the previous year's budget. One common theme that emerged from the interviews the committee conducted, however, was the importance of establishing trust between the body and the administration and administrators with which it works. Maintaining an open and collaborative dialogue between involved parties was consistently cited as a key element of an effective body.

In light of these variations, and informed by conversations with other Senate leaders, the committee determined that there was no ideal model offered by a peer institution. However, it is clear that nearly every peer finds value in having a body dedicated to fiscal issues, despite differences in approach. Any new body established for the University of Maryland must align with the University's financial practices and existing shared governance structures.

UMD Budget

The University has two separate and distinct annual budgets: the operating budget and the capital budget. The operating budget includes both unrestricted (tuition and fees, state appropriation,

auxiliary enterprises, and government/private gifts) and restricted (federal/state/local grants and contracts) funds. However, it is important to note that tuition is also “controlled” by the University System of Maryland (USM), the governor, and the state legislature. The capital budget has 5/10 year planning cycles, including annual asking-year requests. The Capital Improvement Program (CIP), which is state funded, focuses on the construction of new academic facilities to accommodate enrollment growth and enhance instructional programs and the modernization of existing facilities to meet current code, incorporate telecommunications and information technology, and improve safety for the USM. In addition, the System Funded Construction Program (SFCP) supports institutional auxiliary projects (e.g., necessary dormitory renovations) but is contingent on the availability of resources, debt capacity, and recurring funds to cover increased operating costs and annual debt service.

The University’s total budget (FY2020) is approximately \$2.3B with \$1.8B from unrestricted revenue and \$500M from restricted revenue that can only be used for designated purposes, primarily research-related. State appropriations make up less than one-third of unrestricted revenue and include funds to support the teaching, research, and public service missions of the University. An additional one-third of the University’s revenues come from tuition/fees; the auxiliary enterprise, government/private gifts, and other sources compose the remainder of the operating budget. The majority of expenditures are focused on salaries, wages, and fringes, but also include fuel and utilities, equipment and supplies, fixed charges/debt/contracts, land/structures, facilities renewal and maintenance, and travel/communication.

The University’s annual budgeting process is iterative and starts each August for the following fiscal year’s budget. Planning involves coordination with the USM, which is responsible for submitting a budget request for the entire system to the state. In December, the governor releases a budget proposal that must be kept confidential until it is publicly announced in January. The legislature can generally change but not increase the governor’s budget. The legislative session runs ninety days, from January to April. The University President lobbies for the institution’s priorities throughout the session, and campus-level plans are adjusted based on the legislature’s deliberations. The final state budget is released in April, and establishes tuition rates and other funding provided by the state. The University has relatively little discretion over how money in the budget is spent; revenue streams are devoted to specific purposes and even enhancement funding, in years when it is available, is tied to particular projects that address key priorities and issues. The President receives advice on the budget from a range of existing officers and bodies, which are described in [Standard VI](#) of the [University of Maryland 2016 Middle States Study](#). Once the state budget process is complete, the campus begins a more detailed and rigorous working-budget process that runs from April through June. The Division of Administration and Finance administers this process through the University’s budget office, and it includes the setting of detailed operating budgets, including salaries and position budgets, across the University. Institutional priorities for the upcoming fiscal year are typically addressed during this phase of the budget cycle and are reflected in the University’s divisional and central budgets.

The Division of Academic Affairs administers approximately 70% of the funds provided by tuition and the state, which supports the faculty and staff that are responsible for carrying out the institution’s mission. The Provost’s Office does most of its budgeting work in the summer and fall. The Provost is advised by the Academic Planning Advisory Committee (APAC), which is comprised of senior faculty appointed by the Provost. The SEC puts forward a list of nominees for the Provost’s consideration. APAC was originally created by the Senate to advise the Provost on academic issues with significant resource implications, including the creation/elimination of

academic units or programs, strategic planning, major revisions of the undergraduate curriculum, resource reallocation, and the distribution of enhancement and research initiative funds.

Finally, the budget itself is not readily accessible or broadly understood. A PDF file of the University's detailed budget can be accessed through computer stations in the library, but the file format makes it challenging to extrapolate useful information. There appears to be broad confusion about the budget on the part of faculty, staff, and students. Therefore, educating the campus community on the budget itself and on the budgeting process is of critical importance.

SPECIAL COMMITTEE ON UNIVERSITY FINANCE

A new Special Committee on University Finance will provide an opportunity for a Senate body to advise the President, the Senior Vice President and Provost, and other University administrators on budgetary matters as they pertain to institutional priorities. It will also provide guidance to the Senate and can serve as a much-needed resource to help members of the campus community better understand the University's budget.

Charge

The special committee is an advisory body with three primary purposes: to serve as a resource to help educate the campus on the University's budget; to serve as a resource to help advise the Senate and its standing committees on any recommendations under consideration; and to advise the University administration on short- and long-term planning and priorities. The special committee will regularly report to the SEC, and will report at least twice a year to the full Senate. While the ERG Committee did not define these latter reports, members envision that the first will occur early in the fall semester and focus on providing Senators an overview of the University's budget and information on priorities for the upcoming year. The second could take place at the Senate's annual Transition Meeting, where the special committee could provide a similar primer on the budget and report on the final budget approved by the state. The special committee's ability to fulfill its charge will depend on establishing a robust understanding of the University's budget and associated processes, which inform the ERG Committee's decisions regarding membership and operations.

Membership

The ERG Committee discussed at length the special committee's membership, and reviewed precedents from other Senate and Senate-related bodies (Appendix 3). It generally agreed that ex-officio members with relevant expertise would be critical to the work of the body, and carefully selected those members based on feedback from the administrative stakeholders. Those members include:

- **Past Chair of the Senate:** The Past Chair will have served on the SEC for two years (as Chair Elect and as Chair), which will allow them to provide insights on both the operations of the SEC and of the full Senate. As a member of the SEC, the Past Chair's presence will also facilitate regular communication with the SEC and Senate leadership.
- **Associate Vice President for Finance and Chief Financial Officer:** The AVPF is the University's foremost authority on the budget and brings an unparalleled knowledge of the University's finances. The AVPF's insights will be critical in the special committee's early years and will inform its reports to the Senate.
- **Associate Vice President for Finance and Personnel, Academic Affairs:** The AVFPF is the chief financial officer of the Division of Academic Affairs, which is responsible for more than two-thirds of the institution's budget.

- **The President (or a representative):** Including a representative of the President broadens the special committee's perspective and establishes a channel to the President to better communicate the special committee's process and thinking on issues under consideration.
- **The Vice President for Student Affairs (or a representative):** The Division of Student Affairs includes several self-support units, and a representative would provide the special committee important insights into that budget model and its interaction with the University's overall operating budget.
- **A representative from among the current and former unit-level budget officers or former department chairs, appointed by the Provost:** Budget officers have experience with managing daily budget operations that would provide a valuable perspective to the special committee.

As is the case on many other Senate committees, ex-officio members are given both voice and vote.

The regular members of the special committee were chosen with several principles in mind. First, the body should remain within the ideal membership range identified by the Senate Office (Appendix 3). Second, the major Senate constituencies should all be represented. Finally, tenured/tenure-track faculty should comprise approximately the same percentage of the regular membership as they do in the Senate (50%). The committee considered whether some or all of the members should be Senators, but decided that membership should be open to all, given one of the body's primary purposes is to help educate the broader campus on the budget. The committee settled on term lengths that match those of Senators: three years for faculty and staff, and one year for students. Given the importance of building knowledge of the budget, the student terms can be extended up to two times if the members are interested in continuing.

Selection

The ERG Committee explored a range of possible methods for selecting regular members. Members initially preferred the same approach as is used for the Senate's standing committees, which involves a volunteer process conducted each April. Given the special committee would not be incorporated into the Senate Bylaws until after the start of the volunteer period, that option was not viable. The committee decided to allow Senators to nominate members of the campus. The SEC would then select from among the nominees by constituency (i.e. the undergraduate student SEC members would select the undergraduate special committee members, the exempt staff members the exempt staff member, etc.). This parallels a process used in other instances, as when the SEC recently provided nominations for the upcoming presidential search committee. Vacancies will be filled by a similar process using nominees from the most recent nomination period. If there are no interested nominees, a new nomination period will be held.

Operations

Given the frequency of meetings will likely vary throughout the year based on the University's budgeting cycle, the special committee may establish its own meeting schedule, with a minimum of one meeting per month during the academic year. Based on feedback from administrators, who emphasized the confidential nature of budget information during particular periods, the ERG Committee decided that meetings of the special committee should be closed, though its agendas will be public as with other Senate committees. The special committee may invite guests as necessary to inform its work. The Bylaws also include a provision dissolving the special committee

at the end of its third year of operation, which will occur whether or not the ERG Committee's comprehensive review recommends that the body be made permanent.

RECOMMENDATIONS

The Elections, Representation, & Governance (ERG) Committee recommends that Article 7 of the Senate Bylaws should be revised to create a Special Committee on University Finance, as defined in the document immediately following this report.

The University Senate should charge the Elections, Representation, & Governance Committee with conducting a comprehensive review of the Special Committee on University Finance in fall 2021 to determine whether it should be codified as a permanent Senate body. As part of its review the ERG Committee should assess the special committee's charge, membership, and operations and recommend revisions to the Senate Bylaws, as appropriate, by March 30, 2022.

The chair of the Special Committee on University Finance should provide annual updates to the ERG Committee on the special committee's progress and overall operations in spring 2020 and spring 2021, which will allow the ERG Committee to make any necessary adjustments and will provide context for the ERG Committee's comprehensive review in 2021-2022.

APPENDICES

- Appendix 1 — Research on Relevant Committees at Big 10 and Peer Institutions
- Appendix 2 — Survey of Senate Leaders at Big 10 and Peer Institutions
- Appendix 3 — Existing Senate-Related Membership Models
- Appendix 4 — Charge from the Senate Executive Committee

ARTICLE 7
SPECIAL COMMITTEE ON UNIVERSITY FINANCE

7.1 Membership and Selection:

- 7.1.a Composition:** The special committee shall consist of a presiding officer appointed by the Senate Chair from among the tenured faculty; five (5) tenured or tenure-track faculty members; one (1) professional track faculty member; one (1) exempt staff member; one (1) non-exempt staff member; two (2) undergraduate students; one (1) graduate student; the immediate Past Chair of the Senate; the Associate Vice President for Finance and Chief Financial Officer; the Associate Vice President for Finance and Personnel, Academic Affairs; and the following persons or a representative of each: the President, and the Vice President for Student Affairs. The Senior Vice President and Provost shall also appoint a representative chosen from among current and former unit-level budget officers or former department chairs. All members of the special committee shall be voting members.
- 7.1.b Selection of Members:** The regular membership of the special committee shall be selected by the elected members of the Senate Executive Committee. Following the May 7, 2019, Transition Meeting, current Senators may nominate any member of the campus community. Nominees shall provide a statement indicating their interest in and qualifications for the special committee. Members of the Senate Executive Committee may not be nominated. Elected members of the Senate Executive Committee will vote by constituencies for members of the special committee. In the event of a tie, the Senate Chair will cast the deciding vote.
- 7.1.c Membership—Vacancies:** After each Transition Meeting of the Senate, current Senators may nominate members of the campus community for any vacant seats. In the event of a vacancy during the academic year, members of the Senate Executive Committee from the respective constituency will select a replacement from the most recent list of nominees. If there are no interested nominees, a new nomination period will be opened and members of the Senate may submit nominations following the procedures in 7.1.b.
- 7.1.d Membership—Terms:** Terms shall be three (3) years for faculty and staff, and one (1) year for students. Student members who wish to continue may be renewed up to two times. Terms shall begin on July 1, 2019.

7.2 Charge: The special committee shall exercise the following functions:

- 7.2.a** Develop a deep understanding of the University's budget and budgeting processes and use that knowledge to educate the campus community on these practices.
- 7.2.b** Consult with and advise the President, the Senior Vice President and Provost, and other University administrators on short- and long-term institutional priorities, particularly as they relate to the University's mission and Strategic Plan.
- 7.2.c** Advise Senate-related bodies—including committees, councils, and task forces—on the fiscal implications of any proposed recommendations under consideration.
- 7.2.d** Report to the Senate two times each year on the budgetary and fiscal condition of the University and the administration's response to any special committee recommendations.
- 7.2.e** Regularly report on its activities and the budgetary and fiscal condition of the University to the Senate Executive Committee.

7.3 Operations:

- 7.3.a Agenda Determination:** The special committee shall have principal responsibility for identifying matters of present and potential concern to the campus community within its area of

responsibility. The presiding officer shall place such matters on the agenda of the committee. Agendas shall be made publicly available prior to each meeting.

7.3.b Meetings: The special committee shall meet as frequently as is needed to accomplish its charge, but at least monthly throughout the academic year. Additional meetings may be required over the summer months to accommodate the University's budgeting processes. Given the sensitive nature of the special committee's work, meetings will be closed to all but members and invited guests.

7.3.c Minutes: Action minutes of the special committee's proceedings shall be kept in accordance with Robert's Rules of Order for Small Committees.

7.3.d Procedure: The version of *Robert's Rules of Order* that shall govern the special committee shall be *Robert's Rules of Order for Small Committees, Newly Revised*. The special committee shall determine how technology, such as phone and video conferencing and other electronic methods of participation, can be used for its purposes. The special committee may choose to conduct votes via email, and shall agree on any other mechanisms for conducting business outside of meetings, when necessary.

7.3.e Quorum: Quorum shall be a majority of the members of the special committee.

7.3.f Guests: The special committee may invite guests to participate in its meetings if it is deemed necessary.

7.4 Dissolution:

7.4.a The special committee shall be dissolved following the adjournment of the last regular Senate meeting of the 2021-2022 academic year, at which time the provisions in this article will become inoperative.

Appendix 1: Research on Relevant Committees at Big 10 and Peer Institutions

Institution	Committee Name	Charge/ Purview	Term Length	Membership	Reporting Structure	Advisory Role
University of Illinois at Urbana-Champaign http://www.senate.illinois.edu/cmte_biz.asp	Senate Budget Committee	Study general state and nation budget trends, study the campus budget, study the criteria followed in regards to allocations, and study the impact of budgetary decisions on educational policy and quality.	Faculty: 2 years Students: 1 year	5 faculty, 1 academic professional, 2 student, and the Provost or the Provost's designee (ex officio).	Reports and makes recommendations to the Senate	Advise members of the campus administration on the formulation of policies affecting the budget and on the allocation of funds requested by and appropriated to the University and the Urbana-Champaign campus.
Indiana University http://www.indiana.edu/~ufc/constitution.html#articleIV	University Faculty Council	Consider the relative allocations of the University's resources with respect to new programs and significant changes in existing programs. Consider the setting of priorities with regard to capital outlays. Consider the setting of general faculty salary policies.	Unclear- information not on website	16 faculty members- this is a committee of the Faculty Council which does not include any other constituencies	Prepares an annual report to the Bloomington Faculty Council.	Monitors the development of the annual campus budget through consultations with the dean of budgetary affairs; members participate in budget meetings of academic and some non-academic campus units; develops budget policies;
University of Iowa https://uiowa.edu/facultysenate/charge	Faculty Senate/Staff Council Budget Committee	Advise on budgetary priority setting and other budgetary matters which affect the University's General Education Fund; including salary policy and other budgetary decisions affecting faculty and staff; Advise on state appropriations requests made to the Board of Regents; as may relate to University salary and other budget priorities; Advise on the internal governance procedures of the University which have major budgetary implications and impact on faculty and staff; Advise on the translation of University planning processes and unit reviews into specific budgetary allocations; Promote programmatic and resource allocation decisions that are guided by strategic plans and that will advance the University; and Consult with the UISG (Undergraduate Student Government) president and vice president on matters within the charge of this committee.	Members shall be appointed for a term not to exceed three years. Reappointment is permitted; however, no person may serve for more than six consecutive years on the committee. (4) The Committee shall have co-chairs, each of whom may be appointed for a two-year term by the President of the University after consultation with the Faculty Senate President and Staff Council President.	7 members of the Faculty Senate 7 members of the Staff Council Provost and Vice President for Finance and University Services serve as liaisons to the committee	Joint Committee of the Faculty Senate and the Staff Council	Advisory capacity to the President; President appoints the co-chairs (1 faculty and 1 staff) after consultations with the Faculty Senate President and the Staff Council President
University of Michigan http://facultysenate.umich.edu/senate-assembly/committees/financial-affairs-advisory-committee-faa/	Financial Affairs Advisory Committee (FAAC)	As the voice of faculty, the committee shall advise and consult with the Executive Vice President and Chief Financial Officer on policy and procedure issues related to the broad range of University activities. The committee's advice shall be sought and given in a timely manner so that the advice could affect the decision-making outcome.	3 years	Up to 12 faculty members, representing a cross-section of Schools/Colleges and Regional Campuses members, with attention to race, ethnicity, gender, and rank; 1 Graduate student selected by the Central Student Government. 1 SACUA (Executive Committee) liaison.	Reports through the executive committee (SACUA) to the Senate Assembly and then to the Faculty Senate as appropriate	Consults with the Executive Vice President and Chief Financial Officer on matters of finance.
University of Minnesota- Twin Cities http://usenate.umn.edu/committees/finance-and-planning-committee-scfp	Finance and Planning Committee (SCFP)	a. To consult with and advise the president and senior University officers on planning, and in particular on financial and operational planning. b. To consult with and advise the president and senior academic and financial officers on the development of the biennial request, of supplemental budget requests, and the annual budget and to review the implementation of the annual budget. c. To consult with and advise the president and senior University officers on the development of the University's capital budget and capital plans, the biennial capital request, supplemental capital requests, and the implementation of capital projects. d. To participate in the development and review of all physical facilities planning. e. To consult with and advise the president and senior University officers on the financial and operational aspects of all major proposals and policy initiatives. f. To consult with and advise the president and senior University officers on other questions of resource allocation, including space allocation. g. To consult with and advise the president and senior University officers on the periodic review of University operations. h. To recommend to the Faculty Consultative Committee, Senate Consultative Committee, or to other Senate committees such actions or policies as it deems appropriate. i. To take up other matters as shall be referred to the committee by the Faculty Consultative Committee, the Senate Consultative committee, or other Senate Committees.	Faculty and Staff: 3 years Students: 2 years	10 faculty, 2 academic professionals, 4 students, 2 civil service members, and ex officio representation as specified by vote of the University Senate.	Makes recommendations to the Senate Consultative Committee (Executive Committee) as appropriate; dual reporting authority to the University Senate and the Faculty Senate	Consultative body to the president and senior University officers on all major issues of planning, budget, resource allocation policy, and University operations.

Institution	Committee Name	Charge/ Purview	Term Length	Membership	Reporting Structure	Advisory Role
Northwestern University http://www.northwestern.edu/faculty-senate/committees/Budget%20and%20Planning.html	Budget and Planning Committee	Interact with University budget and planning processes to discern whether they are aligned with academic values and Faculty interests. Report to the Senate and to relevant University officers any concerns with respect to advancing the academic mission of the university or the quality and sustainability of the Faculty. Provide suggestions on behalf of the Senate to relevant University officers and planning committees regarding the direction and general welfare of the University and the role of the budget in meeting institutional objectives. Develop and coordinate information and expertise regarding best practices with respect to specific issues and general budgetary and planning processes in order to fulfill the Committee's and the Senate's goals and responsibilities.	Unclear- information not on website	5 faculty members and 1 chair (based on membership list on website)	Reports to Senate and relevant University officers Annual Report to the Senate	Provides suggestions on behalf of the Senate
Ohio State University https://senate.osu.edu/fiscal-committee-rules/	Fiscal Committee	(1) Review, on a continuing basis, the fiscal policies and resources of the university; (2) Advise the president on the alternatives and strategies for the long-term and short-term allocation of university resources consistent with maintaining the missions of the university; (3) Analyze resources and budgets from an overall university-wide perspective; (4) Analyze resources and budgets in detail for centrally supported vice presidential units; (5) Advise the president, in the event of an imminent financial crisis, whether a determination of financial exigency is warranted; and (6) Report annually to the faculty council and the senate on the budgetary and fiscal condition of the university.	Faculty: unclear- not stated Staff: 3 years Students: 2 years	9 tenure track faculty members, 4 students, 3 staff members, 6 administrators (2 non-voting) 1 faculty member and 1 staff member are appointed by the President	Reports annually to the faculty council and the Senate	Advisory to the President
Pennsylvania State University http://senate.psu.edu/senators/standing-committees/university-planning/	University Planning Committee	The Committee on University Planning solely and in consultation with other committees, shall report on and/or propose action on matters of University planning that affect development and alumni relations, physical plant resources, and the academic and financial policies of the University. In accordance with the Constitutional advisory and consultative roles of the Senate, specific areas of responsibilities include but are not limited to: the allocation of resources among units and functions as they relate to educational policy; academic planning, development planning, and campus and physical planning.	Faculty: 2 years Administrative and Students: 1 year	At least 12 elected faculty senators, 1 undergraduate student senator, 1 graduate student senator, Executive Vice President/Provost of the University or representative, Senior Vice President for Finance and Business/Treasurer (non-voting), Senior Vice President for Development and Alumni Relations (non-voting)	Mandated reports: a. Annual Construction Report b. Annual Space Allocation and Utilization Report c. Annual University Budget and Planning Report d. Biennial Development and Alumni Relations Report The Committee on University Planning shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.	Advisory to the Office of the President, including the Senior Vice President for Finance and Business/Treasurer, Senior Vice President for Development and Alumni Relations, and the Executive Vice President/Provost,
Purdue University http://www.purdue.edu/senate/committees/universityResources/facultyCommittees.html	Budget Interpretation, Evaluation, and Review Committee	Budget Interpretation, Evaluation and Review Committee The Committee shall be charged with continuing to collect and analyze data about Purdue's revenues and appropriations and to convey information about Purdue's budgetary policies to the Senate. Furthermore, with coordination and consultation with the University Resources Policy Committee, this Committee will work with the fiscal officers of the administration to examine and evaluate budgetary policies.	Unclear- information not on website	4 faculty members and 4 liaisons from various campus offices (similar to ex-officio representation it seems)	Reports to the University Resources Policy Committee. URPC is a committee of the Senate. The Budget committee is listed as a faculty committee. It's not clear what any of this means.	Consults with fiscal officers of the university
University of Wisconsin- Madison https://secfac.wisc.edu/governance/faculty-legislation/6-25-budget-committee/	Budget Committee	Advises and makes recommendations to the chancellor, the provost, and the vice chancellor for finance and administration on institutional budget issues, long-range financial strategies, state biennial budget proposals, and allocations to schools, colleges, and divisions. Advises the shared governance executive committees on issues of budgetary impact and the public position to be taken on budgetary issues. Meets regularly with vice chancellor for finance and administration. Serves as a resource for schools/colleges, departments, and others on matters related to the budget. Consults with and advises other committees, such as school/college academic planning councils and campus planning committees, relating to institutional-level budgetary matters. The committee may also recommend the creation of ad hoc committees on budget-related matters. Reports to the Faculty Senate, Academic Staff Assembly, University Staff Congress, ASM Student Council, and their respective executive committees upon request.	Faculty and staff: 4 years Students: 2 years	4 faculty members, 2 academic staff members, 2 university staff members, 2 students; Ex officio non-voting members: campus budget director; chancellor or designee; provost or designee; and vice chancellor for finance and administration or designee.	Reports to various shared governance bodies (see last sentence in charge)	Advises and makes recommendations to the chancellor, the provost, and the vice chancellor for finance and administration

Institution	Committee Name	Charge/ Purview	Term Length	Membership	Reporting Structure	Advisory Role
Rutgers University http://senate.rutgers.edu/Committees.shtml	Budget and Finance Committee	<p>To select and study policy issues associated with the University's budget, including priorities and allocation of funds, and to develop recommendations to the Senate.</p> <p>To evaluate the probable financial impact of proposed new programs being considered by the Senate.</p> <p>To receive, study, and make recommendations to the Senate, and through it to the Board of Governors and Board of Trustees, with respect to requests from members of the University community or others with a legitimate interest regarding Rutgers University investments.</p> <p>To consider, study, and make recommendations to the Senate, and through it to the Board of Governors and Board of Trustees, with respect to any investment policies of the University that may involve ethical and moral principles as established by the Boards of Governors and Trustees.</p> <p>To consider broad issues related to physical plant and infrastructure, space, transportation, and safety on and among the three campuses.</p> <p>To present to the University Senate an annual report on the Rutgers University budget.</p>	Unclear- information not on website	17 faculty members, 4 staff members, 6 students, 6 administrators, 2 representatives from the alumni association	Presents an annual report to the University Senate	Receive, study, and make recommendations to the Senate; through the Senate, recommendations can be made to the Board of the Governors and Board of Trustees
University of California- Los Angeles https://senate.ucla.edu/committee/cpb	Council on Planning and Budget	CPB's charge is to "make recommendations based on established Senate policy to the Chancellor and Senate agencies concerning the allocation of educational resources, academic priorities, and the planning and budgetary process" as well as formulating a Senate view on "the campus budget and each major campus space-use and building project." CPB discusses with the Executive Vice Chancellor and Vice Chancellor for Finance the current strategic and budget issues. CPB maintains an active relationship with the Statewide University Council on Planning and Budget (UCPB) through its UCPB representative.	Up to 3 years	16 faculty, 2 undergraduates, 2 graduates, Vice Chancellor for Finance and Budget (ex-officio)	Reports to the Senate Liaises with the Statewide University Council on Planning and Budget	Recommendation to Chancellor and Senate agencies

Appendix 2: Survey of Senate Leaders at Big 10 and Peer Institutions

What is the functional role of the committee and how does the committee fulfill that role?

Purdue

The Committee shall be charged with continuing to collect and analyze data about Purdue's revenues and appropriations and to convey information about Purdue's budgetary policies to the Senate. Furthermore with coordination and consultation with the University Resources Policy Committee this Committee will work with the fiscal officers of the administration to examine and evaluate budgetary policies.

Wisconsin

We have a campus planning committee that advises administration on long-range development plans, building priorities, site selection, and aesthetic criteria, regarding facilities for research, instruction, recreation, parking and transportation, and other university functions. We also have a shared governance budget committee that advises administration on institutional budget issues, long-range financial strategies, state biennial budget proposals, and allocations to schools, colleges, and divisions. Both achieve their mission by meeting regularly (several times per semester) with relevant administration officials (up to and including the chancellor), issuing reports and recommendations, and generally serving as a resource both for administration and for shared governance bodies.

Illinois

The UIUC Senate Budget Committee is elected, and was designed to serve as advisor to the provost/chancellor on budget issues.

Indiana

The Budgetary Affairs Committee is the only committee of the Bloomington Faculty Council that is empowered to speak to the administration on behalf of the council without necessarily first seeking the council's advice. This, in order to quickly respond to administrative proposals. I had to add that this power is used sparingly, and not in the past 6 years. The routine business of the BAC, under IU's RCM system, involves sitting in the provost's budget meetings with her deans, vice provosts, and auxiliary fund directors, to review their budget requests, comment on any new initiatives, and focus, especially on incremental new spending. Total increments will vary from \$4-11 million a year. The provost generally accepts 85-95 percent of the committee's recommendations, and provides her rationale for differing on the other 5-15 percent.

Ohio State

The Senate Fiscal Committee at Ohio State is a large and active committee that considers all aspects of the university budget. More can be found about this committee at <https://senate.osu.edu/committees/fiscal>

UCLA

ADVISORY; INTERACTS WITH CFO AND HEAD OF ACADEMIC PLANNING AND BUDGET

Nebraska

It provide a review and comment on budget cuts

Penn State

The Committee on University Planning solely and in consultation with other committees, shall report on and/or propose action on matters of University planning that affect development and alumni relations, physical plant resources, and the academic and financial policies of the University. In accordance with the Constitutional advisory and consultative roles of the Senate, specific areas of responsibilities include but are not limited to: the allocation of resources among units and functions as they relate to educational policy; academic planning, strategic planning, development planning, and campus and physical planning including safety and security of persons, buildings, and other facilities.

The committee shall be the primary Senate body advisory to the Office of the President, including the Senior Vice President for Finance and Business/Treasurer, Senior Vice President for Development and Alumni Relations, and the Executive Vice President/Provost, for all planning functions; and shall review

those functions of the University that contribute to the planning processes. The committee shall participate in the development and review of the master plans for each of the University's campuses and be consulted regularly in regards to proposed changes to those plans. In addition, this committee shall assist in creating an understanding of the University's planning functions among all units within the University. The committee shall have access to all information necessary to perform their charge.

Minnesota

The Finance and Planning Committee serves as the consultative body to the president and senior University officers on all major issues of planning, budget, resource allocation policy, and University operations.

What is the level of engagement between the administration and the committee? Do you feel the committee's input is valued by the administration?

Purdue

We have 5 administrators on the committee as liaisons. I believe that they value the input of the faculty on the committee and Senate.

Wisconsin

High engagement. The planning committee is chaired by the provost and the budget committee includes our chief budget officer and our vice provost for finance and administration. Both committees have substantial input and it is definitely valued by the administration. This is perhaps somewhat less true of the budget committee because it has only existed for 2 years, but administration and faculty and staff are working together to make it as integral to the budget process as the planning committee is to those issues.

Illinois

At this point: low to nonexistent. In the mid-1990s, our administration began appointing its own committees rather than calling on Senate committees.

Indiana

Absolutely, yes. It is part and parcel of our system of shared governance at IU.

Ohio State

The chief financial officer of the university is a member of the committee and regularly attends meetings. The vice president of operations is also a member and attends every meeting. The four executive deans are members and take an active part in committee. The chief administrative officer in the office of academic affairs is also a member. So, there is a high level of engagement of administrators in the work of the committee. The office of business and finance puts a high level of value in the committee, and really doesn't make any major decisions without some level of input from the committee.

UCLA

MEETINGS ARE BIWEEKLY, OFTEN INVOLVE VISITS FROM SENIOR ADMINISTRATORS HANDLING BUDGET; TRADITIONALLY, THE CFO HAS BEEN RESPONSIVE AND ENGAGED. OUR SENATE OF COURSE HAS NO GOVERNANCE OVER FINANCIAL MATTERS.

Nebraska

When needed. Yes

Penn State

Of the 22 members on the committee, including the chair and vice chair (both appointed University Faculty Senators), 3 major administrators (including the University's Provost) sit on the committee, as does 1 student senator and 4 "resource" members (which are also primarily administrative in nature).

The committee's design is not only to generate feedback in an attempt to influence administration and administrative decisions; the committee is also designed to report back to the Senate on construction projects, space allocation, and budgetary matters. Therefore, the success of the committee is not considered solely as a matter of the administrative responsiveness to our input. That said, the structure at Penn State is designed to put members of the committee at the proverbial table wherein administrative decisions of some import are considered: For example, our University Planning Committee has "LIAISON WITH OTHER SENATE, ADMINISTRATIVE, SPECIAL OR JOINT COMMITTEES" including (1.) UPC Chair is a member of the Strategic Planning Implementation Oversight Committee; (2) Chair is also representative on Classroom Advisory Committee; (3.) UPC Representative on the Parking Appeal Committee (which must be a faculty member at University Park); and (4.) UPC Representative on the University Energy Conservation Policy Committee. Our feedback in those meetings is possible and available; however, assessing fully and unambiguously the influence of the committee, its chair, and its representatives is difficult to summarize in any straightforward fashion.

Suffice to say, the committee's input is not deemed more or less valuable than the input of any of the other standing committees of the University Faculty Senate at Penn State.

Minnesota

High level, with the Sr. VP for Finance & Operations, the VP for U Services, the assistant VP for Finances, the director of Finances, sitting on the committee as ex officio, no vote. The committee's input is very much valued.

What type of information/data does the committee receive from the administration in order to inform its work and how often does it receive updated information?

Purdue

salary averages per department; equity; and I'm not sure what else. The committee must request the information they desire. I don't believe that they have any automatic reports. That said, this committee was very active when originally created about 10 years ago. We kept re-electing the chair, however, and at some point he seemed to burn out and quit holding meetings. We have just found a new chair, a few new members, and hope to reinvigorate this committee.

Wisconsin

Both committees receive continual updates on whatever is relevant to them.

Illinois

We receive updates from the office of the Provost on a regular basis on budget matters.

Indiana

Almost anything it asks for. It is a "blue sky" type of relationship. Very open.

Ohio State

The committee really works hand and hand with the administration, such that the administration provides the committee and its subcommittees whatever data is needed for the committee to be informed and to provide advice.

UCLA

WE STRIVE FOR FINANCIAL TRANSPARENCY. BUT DATA ON SOME PROJECTS AND OFFICES IS OFTEN HARD TO EXTRACT. OVER THE PAST FEW YEARS, THE APB HEAD AND THE CFP HAVE BEEN MORE FORTHCOMING ABOUT OUR FINANCIAL PRESENT AND OUR FINANCIAL FUTURE.

Nebraska

A budget plan, no other information

Penn State

In order to deliver their three annually mandated reports on construction, space allocation, and budgetary matters, the committee works with administration with regularity. In addition to mandated reports, the committee has additional charges they receive each year, which, in most if not all cases, require significant discussion with administration. Having the Provost on the committee, questions can be answered directly in committee or, at minimum, can be discovered in time and then shared with the committee at a later date. Also in attendance at each of the 6 meetings per year is our Senior Vice President Finance and Business as well as our Senior Vice President Development and Alumni Relations. The "loop," as it were, between faculty senators and administration is hardwired into the structure of the committee insuring in ongoing communication line between the two groups and they both seek mutually beneficial decisions for the University as a whole and strive to live up to the common goal of shared governance.

Minnesota

It receives annual budget info, projected/anticipated issues, collegiate budget info, or whatever else the committee deems necessary. The committee meets monthly for 2 hours and the committee leadership meets regularly with the Sr. VP.

Does the committee fulfill a role that is not met by other Senate or university-level bodies?

Purdue

Yes.

Wisconsin

Yes.

Illinois

No.

Indiana

Yes. We have a well-defined division of labor here.

Ohio State

The senate fiscal committee plays a central role in the senate. It works with other committees to provide fiscal information about issues that impact the work of the other committees.

UCLA

THIS IS THE MAIN SENATE COUNCIL THAT FOCUSES ON FINANCE AND BUDGET.

Nebraska

Yes.

Penn State

At Penn State, we share the roles that must be met in order to conduct prudent business. The committee is more a complement than a gap-filler.

Minnesota

It serves as the key body to address all U wide budget issues.

Does the committee serve in an advisory role for other Senate or university-level committees? If so, does it involve formal charges or less formal consultation? Do you feel the committee's input improves the operation of those bodies and in what ways?

Purdue

Yes. They report to our University Resource Policy Committee (a Standing Committee of our Senate).

Wisconsin

Two seats on the planning committee are held by people who also serve on the academic planning council. There are also myriad informal ways that the two committees interact with other shared governance committees. Both committees report regularly to the Senate and other governance bodies.

Illinois

It does not serve for other senate committees.

Indiana

No. The campus committee is paralleled by a university-level committee that deals directly with the VP & CFO, and focuses mainly on university financial policies, such as debt management, building and capital improvements, etc. The main and regional campus BAC chairs sit on the university-level committee. I also chair that committee, in addition to the campus BAC.

Ohio State

Yes, the fiscal committee serves an advisory role for other senate committees. In fact, the chair of the fiscal committee is also a member of the research committee by rule. The consultation with other committees is not formally described in rules. The coordination of the work of different committees is accomplished by the senate steering committee and the faculty cabinet, which is comprised of the chairs of all 19 committees and councils.

UCLA

WE HAVE MANY STANDING SENATE COUNCILS AND COMMITTEES. ALL OF THEM INVOLVE PERIODIC INTERACTIONS WITH SENIOR MANAGEMENT. SEVERAL INVOLVE MAKING RECOMMENDATIONS TO THE ACADEMIC PERSONNEL OFFICE. TWO HAVE THE POWER TO APPROVE ACADEMIC COURSES--THE UNDERGRADUATE COUNCIL AND THE GRADUATE COUNCIL.

Nebraska

No.

Penn State

Indeed, as indicated previously, not only is the roster integrated between senators and administrators, the committee members that are senators also sit on committees beyond the purview of the senate (for example, in committee work that considers all that constitutes university parking). The extent to which those senators are influential is not easy to estimate, but Penn State is committed to shared governance, so, at minimum, their voices would not be censored or silenced under most any circumstance.

Minnesota

The chair of the Finance & Planning Committee sits as ex officio, voting member on the Faculty Consultative and Senate Consultative Committees.

What is the nature and extent of the training given to new members of this committee?**Purdue**

None, to my knowledge. But our Nominating Committee requests volunteers so they are self-selected and often come from business, finance, economics, etc. and are quite knowledgeable already. The Nominating Committee looks for expertise, diversity (of all types - gender, racial as well as disciplinary), and interest when making selections.

Wisconsin

Varies.

Illinois

Need to take training on Open Meetings act, required by the State.

Indiana

None. We coach them as we go. It is purely OJT!

Ohio State

There is a lot of continuity on the committee, but for those new members, there will be a one meeting orientation session at the start of the academic year.

UCLA

WE HAVE A TRANSITION MEETING THAT INFORMS THE INCOMING CHAIR OF THE RELATIONSHIP HE/SHE/THEY HAS WITH THE SENATE OFFICE.

Nebraska

None.

Penn State

New senators go through a general orientation program; however, to the best of my knowledge, no special training is provided to individuals cycling onto the University Planning Committee (which is not an anomaly -- training usually happens in vivo during senate committee business rather than through a formal process before committee business begins).

Minnesota

In the summer prior to the start of fall semester, the out going chair, staff and incoming chair meet to transition leadership; new leadership, staff, meet with ex officio and then at beginning of fall semester, the Senate Office along with the FCC Chair conducts an Committee Chairs' Orientation and then, at the first meeting of the committee, the Senate staff conducts a committee orientation.

Is the membership structure (in terms of specific membership composition and term lengths) effective for fulfilling the committee's function? Why or why not?**Purdue**

Yes, other than our continued re-election (arm twisting) of the original chair. We will stay on a 3-year term limit, with the opportunity for renewal, in the future.

Wisconsin

Yes. There are representatives of all shared governance groups (including students) on both committees - and the appropriate ex officio administration members are also integrally involved.

Illinois

yes, there are 5 faculty, one staff, one graduate and one under-graduate student.

Indiana

Yes. The members are selected by the campus council's nominating committee.

Ohio State

The senate fiscal committee revised its membership recently to add more students. It is a large committee that is well designed to fulfil its duties. There are 9 faculty, 6 students, 3 staff, and 4 deans. There are also 4 fiscal officers in non-voting positions. The terms are 3 years for faculty and staff, 2 years for students, and not termed for administrative members. The committee accomplishes a lot of work (see AY 17-18 annual report) partly because of its structure of having 4 active subcommittees.

UCLA

YES. OUR COMMITTEE ON COMMITTEES TRIES TO ENSURE GENDER EQUITY, REPRESENTATIONS OF COLLEAGUES FROM URMS, AND REPRESENTATION FROM MANY

DIFFERENT AREAS OF THE CAMPUS, WHICH HOUSES A LARGE COLLEGE, MULTIPLE PROFESSIONAL SCHOOLS, AND A LARGE CENTER FOR HEALTH SCIENCES.

Nebraska

Not sure.

Penn State

The term lengths on the committee are contingent on the senator's general term length, meaning, if a senator has recently won an election for a three-year term, their ability to serve the senate in any capacity is limited to those three years. That said, there is a limit on the number of years a faculty member can serve on the same committee, which is generally seen in a positive light. In terms of the composition of the committee, the combination of administrators, resource members, student senators, and, of course, University Faculty Senators does not appear to be out of balance at this time. The communication lines hardwired into the committee make reporting back to the Senate fairly straightforward, which creates opportunities for dialog between the administration (more generally) and the senate (also more generally) on topics of relevance to planning, space, and budget. This has been an opportunity for dialog surrounding these issues that otherwise are simply less likely to come up spontaneously during, for example, the President's remarks address the Senate on the state of the University. The answer, therefore, to the question is yes, for the moment, but we are always conducting self-assessment to think and rethink about our internal structure and access to administrative decision makers.

Minnesota

Yes, because on a three - five year cycle each committee is reviewed in terms of its charge and membership. If a committee deems it necessary to add membership, it can make a proposal to Committee on Committees and then that goes to the appropriate consultative committee and finally to the appropriate senate for action.

Is there anything else you would like to tell us?

Penn State

Reasonable expectations from a planning committee are essential, especially in the early years of a committee. Because university senates have primary jurisdiction over academics and curriculum, and to protect academic freedom, our "final" (so to say) influence on budgetary decisions can be limited even if our input is vital. It would be a mistake with regard to interpretation to see a planning committee as "not influential" because they do not obviously or forcefully shape administrative budgetary plans related to construction.



Senate-Related Membership Models

The University Senate has several different types of bodies outlined in the University's Plan of [University's Plan of Organization](#) and [Senate Bylaws](#). These include the Senate Executive Committee, the Committee on Committees, the Nominations Committee, Standing and Special Committees, and University Councils (see Article 8 of the Plan).

Senate Executive Committee (SEC)

The regular membership of the SEC is **elected by continuing and incoming Senators** at the annual Transition Meeting of the Senate. The regular membership includes 15 Senators:

- Chair of the Senate
- Chair-Elect of the Senate
- 7 faculty Senators
- 2 staff Senators (one exempt, one non-exempt)
- 2 undergraduate student Senators
- 2 graduate student Senators

In addition, it includes 4 non-voting ex-officio members:

- President or representative
- Senior Vice President and Provost or representative
- Executive Secretary & Director of the Senate
- Parliamentarian

Committee on Committees

The Committee on Committees is responsible for the identification and recruitment of individuals for service on Senate and University committees and councils. The membership of the committee is **elected by continuing and incoming Senators** at the annual Transition Meeting of the Senate. It includes 11 Senators:

- Chair-Elect of the Senate
- 6 faculty Senators
- 2 staff Senators (one exempt, one non-exempt)
- 1 undergraduate student Senator
- 1 graduate student Senator

Nominations Committee

The Nominations Committee identifies candidates for Chair-Elect, members of other elected committees of the Senate, and members of other bodies to which the Senate sends representatives. The membership of the committee is **elected by continuing and incoming Senators** at the annual Transition Meeting of the Senate. In addition to the Chair-Elect, it includes 8 outgoing Senators:

- Chair-Elect of the Senate
- 4 faculty Senators

- 2 staff Senators (one exempt, one non-exempt)
- 1 undergraduate student Senator
- 1 graduate student Senator

Standing & Special Committees

The Senate's 10 standing committees have memberships ranging from 11 (Student Conduct) to 23 (Educational Affairs, Staff Affairs, and Student Affairs). The average size is just under 20 members. During the last review of the University's Plan of Organization, the ERG Committee determined that the ideal committee size was between 18 and 21 members (see Appendix 1). Each spring, members of the campus community can volunteer to be considered for these committees. The Committee on Committees meets in the spring and early summer to develop slates of members, which are **voted on by the Senate** at its first meeting in the fall. Each standing committee has ex-officio representatives relevant to the committee's charge. In nearly all cases, ex-officio committee members are voting (the Staff Affairs, Faculty Affairs, and Student Conduct Committees have at least one non-voting ex-officio member). See Appendix 2 for membership details.

University Councils

Provisions for University Councils are established in Article 7 of the Senate Bylaws. They are jointly sponsored by and report to the Senate and particular members of the administration or to a dean. There are currently three: the University IT Council, the University Library Council, and the University Research Council. The membership of each Council includes between 9 and 13 regular members, who are **jointly appointed by the designated administrator and the Senate**. Each Council also has ex-officio representatives, who should be non-voting. The Athletic Council is established separately in the University Plan and Bylaws, and has different provisions than the other Councils. See Appendix 3 for membership details.

Appendix 1: Committee Size Memo



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MARYLAND
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MEMORANDUM

TO: Plan of Organization Review Committee

FROM: The Senate Office

SUBJECT: Consideration of Senate Committee Size

The Senate Office has concerns about the overall size of some of the Senate committees. The Elections, Representation, and Governance (ERG) Committee may be charged with considering Senate committee membership changes on an ad hoc basis as representation issues arise. While the ERG Committee does an excellent job of addressing specific issues, we believe that the Plan of Organization Review Committee should conduct a holistic review of all Senate committee memberships. Specifically, the total membership of large committees should be reconsidered because our experience shows that they historically have scheduling and participation issues. If you look at the overall committee sizes, there are a few committees that have between 23 and 31 members, which has proven to be difficult to manage for the following reasons:

1. Large committees are hard to schedule. It is easier to get a consistent and larger majority with a somewhat smaller committee size.
2. Committee members on large committees are more apt to not show up to meetings because they may feel like there are enough members to make up for their absence.
3. Committee members on large committees do not have as many opportunities to speak in committee meetings and as a result may feel less engaged in the committee's work.
4. Large committees have a difficult time coming to consensus on issues because there are so many voices in the discussion.

A spreadsheet of the attendance/participation in all of our committees over the last two years is included for your reference. We believe that the ideal committee size is somewhere in the range of 18-21 members. There are four committees that are larger than that with 23, 27, 29, and 31 members. We think that lowering the overall size of these committees could be beneficial. There are opportunities for the Equity, Diversity, and Inclusion (EDI) Committee, the Staff Affairs Committee, the Student Affairs Committee, and the Educational Affairs Committee to be downsized. We believe that slightly downsizing these committees will not drastically affect representation but will allow the committees to be more effective. We propose the following changes that we hope can be discussed when reviewing the committee memberships in the Bylaws:

EDI: Currently this committee has 23 members. We propose removing 2 undergrads and potentially 1 staff and 1 faculty member bringing the total to 19. The undergrads are

historically at the lower attendance rates and this change would align this committee with student representation on other committees like Campus Affairs and ERG, which have 2 graduate students and 2 undergraduates.

Staff Affairs: Currently this committee has 31 members. We already removed 2 staff seats because of the new Senate categories, switched the alternate members of CUSS to be non-voting ex-officios, and removed the University Relations Ex-Officio, so that makes the new total 25. We propose also removing 2 faculty from the committee to align with representation on Faculty Affairs, which only has 1 staff member; we also propose removing 1 student from the committee, leaving 1 student seat (students and faculty typically tend to have less interest in this committee in terms of volunteer rates). That brings the total down to 22, which is closer to our ideal window. This would allow the main constituent groups on the Faculty Affairs and Staff Affairs Committees to be better aligned.

Student Affairs: Currently this committee has 29 members. We already agreed to remove the University Relations Ex-Officio so our new total is 28. We propose that we reduce the undergrads from 10 to 8 for a total of 12 student members, which is still two more than Faculty Affairs and Staff Affairs have in their main constituency representation. We also propose reducing the faculty from 3 to 2, removing the ex-officio rep for the Provost (because they already have a Grad School rep that could help with graduate life issues, and since academic issues are not typically handled in this committee and would go to APAS, PCC, or Ed Affairs, which all have a Provost's rep already), and removing the Administration and Finance ex-officio rep because they are already represented on the Campus Affairs Committee. That brings our total to 23, which is closer to our ideal window without drastically cutting the committee size or reducing representation.

In addition, we propose that PORC consider revisions involving the General Education Committee and the Educational Affairs Committee. The General Education Committee was developed in place of the CORE Committee when the new General Education Program was developed. While the committee serves an important role by providing oversight, the committee has not had much else to do since the implementation of the program, and it cancels the large majority of its meetings. The Educational Affairs and Academic Procedures and Standards Committees are charged to consider other academic issues so there is not much for the Gen Ed Committee to do. One option is to fold the Gen Ed oversight responsibility into the Educational Affairs Committee's charge. If PORC decides to merge Ed Affairs and Gen Ed, our proposal for membership would bring that committee to 28 total members, which is much larger than we would like. Our only suggestion is to remove the Dean for Undergraduate Studies from the membership because the committee would have a different relationship with the Dean once it incorporates the Gen Ed responsibilities and he/she is already represented by three other reps (Honors/Scholars/Gen Ed). Because this merger is a relatively new concept, it is more reasonable to start with a larger committee and reevaluate the membership during the next PORC review.

2013-2014	Staff Affairs	Student Affairs	Ed Affairs	EDI	APAS	Campus Affairs	Gen Ed	FAC	PCC	ERG	Student Conduct
Committee Size (Voting Members)	31	29	25	23	21	21	21	18	18	16	10
Quorum	12	12	11	11	10	9	11	8	9	8	6
Total Members:	3 Faculty 12 Staff 0 Graduate 2 Undergrad 13 Ex-Officios	3 Faculty 2 Staff 5 Graduate 10 Undergrad 7 Ex-Officios 1 SGA Ex-Officio 1 GSG Ex-Officio	12 Faculty 2 Staff 1 Graduate 2 Undergrad 7 Ex-Officios (2 non-voting) 1 SGA Ex-Officio 1 GSG Ex-Officio	6 Faculty 6 Staff 2 Graduate 4 Undergrad 4 Ex-Officios	10 Faculty 0 Staff 2 Graduate 3 Undergrad 4 Ex-Officios	6 Faculty 2 Staff 2 Graduate 2 Undergrad 6 Ex-Officios 1 SGA Ex-Officio 1 GSG Ex-Officio	12 Faculty 0 Staff 1 Graduate 3 Undergrad 4 Ex-Officios	10 Faculty 1 Staff 2 Graduate 1 Undergrad 3 Ex-Officios	10 Faculty 0 Staff 1 Graduate 2 Undergrad 4 Ex-Officios	7 Faculty 2 Staff 2 Graduate 2 Undergrad 2 Ex-Officios	4 Faculty 0 Staff 1 Graduate 4 Undergrad 1 Ex-Officio (non-voting)
2013-2014											
Number of meetings:	7	5	8	9	0	9	2	10	8	9	8
Faculty											
Total Attendance	16	7	49	14	n/a	24	12	63	49	29	26
Total Opportunities	18	15	96	54	n/a	54	24	100	70	63	36
Percentage in Attendance	89%	47%	51%	26%		44%	50%	63%	70%	46%	72%
Staff											
Total Attendance	44	5	11	39	n/a	11	n/a	7	n/a	14	n/a
Total Opportunities	72	15	16	54	n/a	18	n/a	10	n/a	18	n/a
Percentage in Attendance	61%	33%	69%	72%		61%		70%		78%	
Graduate Students											
Total Attendance	n/a	5	4	5	n/a	5	1	17	4	8	4
Total Opportunities	n/a	20	8	28	n/a	18	2	20	8	18	8
Percentage in Attendance		25%	50%	18%		28%	50%	85%	50%	44%	50%
Undergraduate Students											
Total Attendance	2	16	6	8	n/a	5	2	4	9	11	13
Total Opportunities	14	50	16	36	n/a	18	6	10	16	18	32
Percentage in Attendance	14%	32%	38%	22%		28%	33%	40%	56%	61%	41%
Ex-Officios											
Total Attendance	39	14	41	29	n/a	28	8	19	23	11	8
Total Opportunities	78	35	56	36	n/a	54	8	30	28	18	9
Percentage in Attendance	50%	40%	73%	81%		52%	100%	63%	82%	61%	89%
SGA Ex-Officios											
Total Attendance	n/a	5	2	n/a	n/a	7	n/a	n/a	n/a	n/a	n/a
Total Opportunities	n/a	5	8	n/a	n/a	9	n/a	n/a	n/a	n/a	n/a
Percentage in Attendance		100%	25%			78%					
GSG Ex-Officios											
Total Attendance	n/a	3	6	n/a	n/a	9	n/a	n/a	n/a	n/a	n/a
Total Opportunities	n/a	5	8	n/a	n/a	9	n/a	n/a	n/a	n/a	n/a
Percentage in Attendance		60%	75%			100%					

2012-2013	Staff Affairs	Student Affairs	Ed Affairs	EDI	APAS	Campus Affairs	Gen Ed	FAC	PCC	ERG	Student Conduct
Committee Size (Voting Members)	31	29	27	23	21	21	21	18	18	16	11
Quorum	12	12	11	11	10	9	11	8	9	8	6
Total Members:	3 Faculty 12 Staff 0 Graduate 2 Undergrad 13 Ex-Officios	3 Faculty 2 Staff 5 Graduate 10 Undergrad 7 Ex-Officios 1 SGA Ex-Officio 1 GSG Ex-Officio	12 Faculty 2 Staff 1 Graduate 2 Undergrad 7 Ex-Officios (2 non-voting) 1 SGA Ex-Officio 1 GSG Ex-Officio	6 Faculty 6 Staff 2 Graduate 4 Undergrad 4 Ex-Officios	10 Faculty 0 Staff 2 Graduate 3 Undergrad 4 Ex-Officios	6 Faculty 2 Staff 2 Graduate 2 Undergrad 6 Ex-Officios 1 SGA Ex-Officio 1 GSG Ex-Officio	12 Faculty 0 Staff 1 Graduate 3 Undergrad 4 Ex-Officios	10 Faculty 1 Staff 2 Graduate 1 Undergrad 3 Ex-Officios	10 Faculty 0 Staff 1 Graduate 2 Undergrad 4 Ex-Officios	7 Faculty 2 Staff 2 Graduate 2 Undergrad 2 Ex-Officios	4 Faculty 0 Staff 1 Graduate 4 Undergrad 1 Ex-Officio (non-voting)
2012-2013											
Number of meetings:	8	6	8	8	6	10	4	10	7	11	9

Faculty											
Total Attendance	5	10	53	16	35	27	29	55	56	55	23
Total Opportunities	14	18	96	48	60	60	48	100	70	77	36
Percentage in Attendance	36%	56%	55%	33%	58%	45%	60%	55%	80%	71%	64%

Staff											
Total Attendance	51	5	14	32	n/a	15	n/a	10	n/a	15	9
Total Opportunities	96	12	16	48	n/a	20	n/a	10	n/a	22	9
Percentage in Attendance	53%	42%	88%	67%		75%		100%		68%	100%

Graduate Students											
Total Attendance	n/a	15	0	8	7	9	1	4	4	15	9
Total Opportunities	n/a	24	8	16	12	20	4	20	7	22	9
Percentage in Attendance		63%	0%	50%	58%	45%	25%	20%	57%	68%	100%

Undergraduate Students											
Total Attendance	4	31	5	6	10	11	6	2	5	4	22
Total Opportunities	16	60	16	32	18	20	12	10	14	22	36
Percentage in Attendance	25%	52%	31%	19%	56%	55%	50%	20%	36%	18%	61%

Ex-Officios											
Total Attendance	54	27	32	24	19	31	12	23	20	13	9
Total Opportunities	104	42	52	32	24	60	16	30	28	22	9
Percentage in Attendance	52%	64%	62%	75%	79%	52%	75%	77%	71%	59%	100%

SGA Ex-Officios											
Total Attendance	n/a	4	5	n/a	n/a	4	n/a	n/a	n/a	n/a	n/a
Total Opportunities	n/a	6	8	n/a	n/a	10	n/a	n/a	n/a	n/a	n/a
Percentage in Attendance		67%	63%			40%					

GSG Ex-Officios											
Total Attendance	n/a	4	4	n/a	n/a	5	n/a	n/a	n/a	n/a	n/a
Total Opportunities	n/a	6	8	n/a	n/a	10	n/a	n/a	n/a	n/a	n/a
Percentage in Attendance		67%	50%			50%					

Appendix 2: Standing Committee Memberships

	Size	Members (plus chair)	Ex-Officios
Academic Procedures & Standards	21	10 faculty 1 staff 1 grad 3 undergrads	Provost, Director of Undergraduate Admissions, Registrar, Dean for Undergraduate Studies, Dean of the Grad School (or representatives of each)
Campus Affairs	21	6 faculty 2 staff 2 grad 2 undergrad	SGA President, GSG President, Provost, VP Admin & Finance, VP Student Affairs, VP University Relations, Chief Diversity Officer, Chair of Coaches Council (or reps)
Educational Affairs	23	10 faculty (at least 2 each of T/TT, PTK) 2 staff 1 grad 2 undergrad	SGA President, GSG President, Provost, Dean for Undergraduate Studies, Dean of the Grad School, VP for IT (or reps); Associate Dean for General Education
ERG	15	6 faculty 2 staff (exempt, non-exempt) 2 grad 2 undergrad	Director of UHR, Assoc. VP for IRPA (or reps)
Equity, Diversity, & Inclusion	20	5 faculty 3 exempt 3 non-exempt 2 grad 2 undergrads	Provost, VP for Admin & Finance, VP for Student Affairs, Director of OCRSM (or reps); Chief Diversity Officer
Faculty Affairs	20	10 faculty (stipulations on rank/type) 1 staff 2 grad 1 undergrad	President, Provost, Director of UHR (or reps); elected Faculty Representative from CUSF, Faculty Ombuds Officer (NV)
Programs, Courses, & Curricula	19	10 faculty 1 staff 1 grad 2 undergrad	Provost, Dean for Undergrad Studies, Dean of Grad School, Dean of Libraries (or reps)
Staff Affairs	23	1 faculty 8 staff (stipulations by college/division) 2 CII 1 student	Provost, Director of UHR, VP for Admin & Finance, VP for Student Affairs (or reps); 3 CUSS Reps (voting); 3 CUSS alternates (NV)
Student Affairs	23	2 faculty 2 staff 4 grads (1 Senator) 8 undergrads (4 Senators)	SGA President, GSG President (or reps); 2 from Office of VP for Student Affairs, 1 from Grad School, 1 from Res Life
Student Conduct	11	4 faculty 1 staff 5 students (mix)	Director of Office of Student Conduct (or rep, NV)

Appendix 3: University Council Memberships

	Size	Members (plus chair)	Ex-Officios
University IT Council	17	10 faculty 1 grad 1 undergrad	Provost, IT Advisory Committee rep, VP for IT (all non-voting)
University Library Council	Up to 17	2 faculty (T/TT, PTK) 1 staff 1 grad 1 undergrad Chairs of Working Groups (varies)	Representatives from the Provost, Dean of Libraries, Division of IT; Senate Chair-Elect (all non-voting)
University Research Council	23	8 faculty 1 staff 3 students (min 1 of each)	Representatives of VP for Research, Dean of Grad School, Dean for Undergraduate Studies, Director of ORA, Chairs of 4 Subcommittees (voting); representatives of President, Provost (NV)
Athletic Council	26	Vice-Chair (faculty) 7 faculty (elected by Senate) 1 faculty member from Campus Affairs Committee 1 academic dean 2 staff 1 rep from M Club 1 rep from Terrapin Club 1 SGA rep 2 undergrad athletes (by sex) 1 grad student	VP for Student Affairs (voting); Director of Intercollegiate Athletics, rep of President, rep of Office of General Counsel, Director of Student Health Services, Director of Alumni Programs, a head coach (NV)



**Enhancing Senate Input on University Planning and Resources
(Senate Document #17-18-20)
ERG Committee | Chair: Andrew Horbal**

The Senate Executive Committee (SEC) and Senate Chair Walsh request that the Elections, Representation, & Governance (ERG) Committee review the attached proposal entitled *Enhancing Senate Input on University Planning and Resources*.

Specifically, the committee is asked to:

1. Consult with the proposer(s).
2. Review data included in the proposal on the role and composition of similar bodies at Big 10 and other peer institutions.
3. Work with the Senate Office to compile feedback from members of the Senate leadership of other Big 10 institutions on the effectiveness of similar bodies at their institutions.
4. Consult with the Associate Vice President for Finance & Chief Financial Officer.
5. Consult with the Associate Vice President for Finance and Personnel.
6. Consult with a representative of the Office of the Provost.
7. Consult with a representative of the Office of the President.
8. Consult with the Senate Director on how the proposal might impact the Senate's ability to make informed recommendations.
9. Consider how such a body could provide budgetary perspective to support the work of existing Senate standing committees during their consideration of policies and issues with resource implications.
10. Consider whether such a body should have specific provisions on composition, membership selection, chair appointment, administrative representation, and term limits that differ from those for other Senate standing committees in order to align with the needs of the University Senate, Senate committees, and the University administration.
11. If appropriate, recommend revisions to the Senate Bylaws. If the committee recommends revisions to create such a body, the committee should develop appropriate specifications on composition, ex-officio membership, term limits, chair appointment procedures, and charge elements and identify an appropriate name for the body.

We ask that you submit a report to the Senate Office no later than **February 8, 2019**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Enhancing Senate Input on University Planning and Resources

NAME	Jordan Goodman, Ralph Bennett, Marvin Breslow, Willie Brown, Kent Cartwright, Christopher Davis, Mark Leone, Gerald Miller, Arthur Popper, Martha Nell Smith, Don Webster, Drew Baden	DATE	February 12, 2018
EMAIL	goodman@umdgrb.umd.edu	PHONE	301-405-6033
UNIT	CMNS, ARCH, ARHU, BSOS, ENGR, VPAF	CONSTITUENCY	Faculty, Staff, & Past Senate Chairs

DESCRIPTION OF ISSUE

The Senate is the primary shared governance body at the University and includes elected representatives of the faculty, staff, and students. The Senate’s primary role is to advise, consult with, and make recommendations to the University’s administrators. This is defined in the University of Maryland Plan of Organization for Shared Governance, which states: *Subject to the authority of the Board of Regents, the Chancellor, and the President, the Senate shall consider any matter of concern including, but not limited to, educational, **budgetary**, and personnel matters; campus-community matters; long-range plans; facilities; and faculty, staff, and student affairs.*

The Senate shall advise the President, the Chancellor, or the Board of Regents, as it deems appropriate. In addition, Article 1 of the Plan defines the Senate and its Functions. In 1.3.p., one of those functions includes: **Consult and advise on long-range plans as they relate to institutional budget, physical plant development, and other aspects of campus life including ways in which these aspects may be improved, and provide means to keep such plans under continual review.**

The Senate’s effectiveness as an advisory body hinges on its ability to make informed recommendations. In order to facilitate this, an open and transparent budgeting process is necessary. While the majority of the Senate’s work focuses on policy, the campus budget is where policy is put into action. The Senate and its committees should have a clear understanding of the fiscal issues facing the campus in order to fully identify the implications of potential recommendations under consideration.

A top priority in the University’s budgeting process should be enhancing academic excellence on campus. A well-informed Senate can provide valuable input from the various perspectives of the campus community toward this end, and can provide the advice needed to help the administration make the best possible budgetary and policy decisions.

A clear understanding of the budget can also help members of the Senate to understand the fiscal issues facing the campus, provide the campus community the means to ask relevant and informed questions, and aid in developing future campus leaders. This level of clarity would allow the Senate to serve as a valuable conduit for disseminating information and educating the campus community on the complexities of resource realities and could also help reduce false assumptions about how campus resources are being utilized.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

We propose the formation of a new Senate Budgetary Affairs Committee whose broad charge would be to review and advise on the University's budget. The proposed committee would provide transparency in the budgeting process, and ensure the administration has perspectives from the campus community as it considers priorities and implements policies.

Proposed Membership: The members of the committee should include students, faculty, staff, and ex-officio representatives of the administration. Members of the committee should be selected by the Committee on Committees primarily from a slate of nominees provided by the Senate Executive Committee, and should include but not be limited to members of the campus community with budgetary experience. Ex-officio representatives on the committee should include members of the administration that are sufficiently knowledgeable on the campus budget such as the Associate Vice President for Finance and Personnel, the Chief Financial Officer, and/or any other representative of the Provost.

Proposed Committee Charge:

- (1) Review, on a continuing basis, the fiscal policies and resources of the university;
- (2) Act as a vehicle to provide analysis and advice to the administration on strategies for the long-term and short-term allocation of university resources consistent with maintaining the missions of the university;
- (3) Report annually to the Senate on the budgetary and fiscal condition of the university and upon the request of the Senate Executive Committee; and
- (4) Act as a resource to other Senate committees on the fiscal implications of proposed legislation.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

The creation of a new standing committee of the Senate would require a change to the Senate Bylaws.

ADDITIONAL INFORMATION

Many other major research universities, including the vast majority of our Big Ten peers have developed effective models for providing budgetary advice to their administrations through comparable committees. (see attachment)

Peer Institutions- Senate Budget Committees

Institution	Committee Name	Charge/ Purview	Term Length	Membership	Reporting Structure	Advisory Role
University of Illinois at Urbana-Champaign http://www.senate.illinois.edu/cmte_biz.asp	Senate Budget Committee	Study general state and nation budget trends, study the campus budget, study the criteria followed in regards to allocations, and study the impact of budgetary decisions on educational policy and quality	Faculty: 2 years Students: 1 year	5 faculty, 1 academic professional, 2 student, and the Provost or the Provost's designee (ex officio).	Reports and makes recommendations to the Senate	Advise members of the campus administration on the formulation of policies affecting the budget and on the allocation of funds requested by and appropriated to the University and the Urbana-Champaign campus.
Indiana University http://www.indiana.edu/~ufc/constitution.html#articleIV	University Faculty Council	Consider the relative allocations of the University's resources with respect to new programs and significant changes in existing programs. Consider the setting of priorities with regard to capital outlays. Consider the setting of general faculty salary policies.	Unclear- information not on website	16 faculty members- this is a committee of the Faculty Council which does not include any other constituencies	Prepares an annual report to the Bloomington Faculty Council.	Monitors the development of the annual campus budget through consultations with the dean of budgetary affairs; members participate in budget meetings of academic and some non-academic campus units; develops budget policies;
University of Iowa https://uiowa.edu/facultysenate/charge	Faculty Senate/Staff Council Budget Committee	Advise on budgetary priority setting and other budgetary matters which affect the University's General Education Fund; including salary policy and other budgetary decisions affecting faculty and staff; Advise on state appropriations requests made to the Board of Regents; as may relate to University salary and other budget priorities; Advise on the internal governance procedures of the University which have major budgetary implications and impact on faculty and staff; Advise on the translation of University planning processes and unit reviews into specific budgetary allocations; Promote programmatic and resource allocation decisions that are guided by strategic plans and that will advance the University; and Consult with the UISG (Undergraduate Student Government) president and vice president on matters within the charge of this committee.	Members shall be appointed for a term not to exceed three years. Reappointment is permitted; however, no person may serve for more than six consecutive years on the committee. (4) The Committee shall have co-chairs, each of whom may be appointed for a two-year term by the President of the University after consultation with the Faculty Senate President and Staff Council President.	7 members of the Faculty Senate 7 members of the Staff Council Provost and Vice President for Finance and University Services serve as liaisons to the committee	Joint Committee of the Faculty Senate and the Staff Council	Advisory capacity to the President; President appoints the co-chairs (1 faculty and 1 staff) after consultations with the Faculty Senate President and the Staff Council President
University of Michigan http://facultysenate.umich.edu/senate-assembly/committees/financial-affairs-advisory-committee-faa/	Financial Affairs Advisory Committee (FAAC)	As the voice of faculty, the committee shall advise and consult with the Executive Vice President and Chief Financial Officer on policy and procedure issues related to the broad range of University activities. The committee's advice shall be sought and given in a timely manner so that the advice could affect the decision-making outcome.	3 years	Up to 12 faculty members, representing a cross-section of Schools/Colleges and Regional Campuses members, with attention to race, ethnicity, gender, and rank; 1 Graduate student selected by the Central Student Government. 1 SACUA (Executive Committee) liaison.	Reports through the executive committee (SACUA) to the Senate Assembly and then to the Faculty Senate as appropriate	Consults with the Executive Vice President and Chief Financial Officer on matters of finance.
University of Minnesota- Twin Cities http://usenate.umn.edu/committees/finance-and-planning-committee-scfp	Finance and Planning Committee (SCFP)	a. To consult with and advise the president and senior University officers on planning, and in particular on financial and operational planning. b. To consult with and advise the president and senior academic and financial officers on the development of the biennial request, of supplemental budget requests, and the annual budget and to review the implementation of the annual budget. c. To consult with and advise the president and senior University officers on the development of the University's capital budget and capital plans, the biennial capital request, supplemental capital requests, and the implementation of capital projects. d. To participate in the development and review of all physical facilities planning. e. To consult with and advise the president and senior University officers on the financial and operational aspects of all major proposals and policy initiatives. f. To consult with and advise the president and senior University officers on other questions of resource allocation, including space allocation. g. To consult with and advise the president and senior University officers on the periodic review of University operations. h. To recommend to the Faculty Consultative Committee, Senate Consultative Committee, or to other Senate committees such actions or policies as it deems appropriate. i. To take up other matters as shall be referred to the committee by the Faculty Consultative Committee, the Senate Consultative committee, or other Senate Committees.	Faculty and Staff: 3 years Students: 2 years	10 faculty, 2 academic professionals, 4 students, 2 civil service members, and ex officio representation as specified by vote of the University Senate.	Makes recommendations to the Senate Consultative Committee (Executive Committee) as appropriate; dual reporting authority to the University Senate and the Faculty Senate	Consultative body to the president and senior University officers on all major issues of planning, budget, resource allocation policy, and University operations.

Peer Institutions- Senate Budget Committees

Institution	Committee Name	Charge/ Purview	Term Length	Membership	Reporting Structure	Advisory Role
Northwestern University http://www.northwestern.edu/faculty-senate/committees/Budget%20and%20Planning.html	Budget and Planning Committee	Interact with University budget and planning processes to discern whether they are aligned with academic values and Faculty interests. Report to the Senate and to relevant University officers any concerns with respect to advancing the academic mission of the university or the quality and sustainability of the Faculty. Provide suggestions on behalf of the Senate to relevant University officers and planning committees regarding the direction and general welfare of the University and the role of the budget in meeting institutional objectives. Develop and coordinate information and expertise regarding best practices with respect to specific issues and general budgetary and planning processes in order to fulfill the Committee's and the Senate's goals and responsibilities.	Unclear- information not on website	5 faculty members and 1 chair (based on membership list on website)	Reports to Senate and relevant University officers Annual Report to the Senate	Provides suggestions on behalf of the Senate
Ohio State University https://senate.osu.edu/fiscal-committee-rules/	Fiscal Committee	(1) Review, on a continuing basis, the fiscal policies and resources of the university; (2) Advise the president on the alternatives and strategies for the long-term and short-term allocation of university resources consistent with maintaining the missions of the university; (3) Analyze resources and budgets from an overall university-wide perspective; (4) Analyze resources and budgets in detail for centrally supported vice presidential units; (5) Advise the president, in the event of an imminent financial crisis, whether a determination of financial exigency is warranted; and (6) Report annually to the faculty council and the senate on the budgetary and fiscal condition of the university.	Faculty: unclear- not stated Staff: 3 years Students: 2 years	9 tenure track faculty members, 4 students, 3 staff members, 6 administrators (2 non-voting) 1 faculty member and 1 staff member are appointed by the President	Reports annually to the faculty council and the Senate	Advisory to the President
Pennsylvania State University http://senate.psu.edu/senators/standing-committees/university-planning/	University Planning Committee	The Committee on University Planning solely and in consultation with other committees, shall report on and/or propose action on matters of University planning that affect development and alumni relations, physical plant resources, and the academic and financial policies of the University. In accordance with the Constitutional advisory and consultative roles of the Senate, specific areas of responsibilities include but are not limited to: the allocation of resources among units and functions as they relate to educational policy, academic planning, development planning, and campus and physical planning	Faculty: 2 years Administrative and Students: 1 year	At least 12 elected faculty senators, 1 undergraduate student senator, 1 graduate student senator, Executive Vice President/Provost of the University or representative, Senior Vice President for Finance and Business/Treasurer (non-voting), Senior Vice President for Development and Alumni Relations (non-voting)	Mandated reports: a. Annual Construction Report b. Annual Space Allocation and Utilization Report c. Annual University Budget and Planning Report d. Biennial Development and Alumni Relations Report The Committee on University Planning shall have the authority to approve its mandated informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.	Advisory to the Office of the President, including the Senior Vice President for Finance and Business/Treasurer, Senior Vice President for Development and Alumni Relations, and the Executive Vice President/Provost,
Purdue University http://www.purdue.edu/senate/committees/universityResources/facultyCommittees.html	Budget Interpretation, Evaluation, and Review Committee	Budget Interpretation, Evaluation and Review Committee The Committee shall be charged with continuing to collect and analyze data about Purdue's revenues and appropriations and to convey information about Purdue's budgetary policies to the Senate. Furthermore, with coordination and consultation with the University Resources Policy Committee, this Committee will work with the fiscal officers of the administration to examine and evaluate budgetary policies.	Unclear- information not on website	4 faculty members and 4 liaisons from various campus offices (similar to ex-officio representation it seems)	Reports to the University Resources Policy Committee. URPC is a committee of the Senate. The Budget committee is listed as a faculty committee. It's not clear what any of this means.	Consults with fiscal officers of the university

Peer Institutions- Senate Budget Committees

Institution	Committee Name	Charge/ Purview	Term Length	Membership	Reporting Structure	Advisory Role
University of Wisconsin- Madison https://secfac.wisc.edu/governance/faculty-legislation/6-25-budget-committee/	Budget Committee	<p>Advises and makes recommendations to the chancellor, the provost, and the vice chancellor for finance and administration on institutional budget issues, long-range financial strategies, state biennial budget proposals, and allocations to schools, colleges, and divisions.</p> <p>Advises the shared governance executive committees on issues of budgetary impact and the public position to be taken on budgetary issues. Meets regularly with vice chancellor for finance and administration.</p> <p>Serves as a resource for schools/colleges, departments, and others on matters related to the budget.</p> <p>Consults with and advises other committees, such as school/college academic planning councils and campus planning committees, relating to institutional-level budgetary matters. The committee may also recommend the creation of ad hoc committees on budget-related matters.</p> <p>Reports to the Faculty Senate, Academic Staff Assembly, University Staff Congress, ASM Student Council, and their respective executive committees upon request.</p>	<p>Faculty and staff: 4 years</p> <p>Students: 2 years</p>	<p>4 faculty members, 2 academic staff members, 2 university staff members, 2 students; Ex officio non-voting members: campus budget director; chancellor or designee; provost or designee; and vice chancellor for finance and administration or designee.</p>	<p>Reports to various shared governance bodies (see last sentence in charge)</p>	<p>Advises and makes recommendations to the chancellor, the provost, and the vice chancellor for finance and administration</p>
Rutgers University http://senate.rutgers.edu/Committees.shtml	Budget and Finance Committee	<p>To select and study policy issues associated with the University's budget, including priorities and allocation of funds, and to develop recommendations to the Senate.</p> <p>To evaluate the probable financial impact of proposed new programs being considered by the Senate.</p> <p>To receive, study, and make recommendations to the Senate, and through it to the Board of Governors and Board of Trustees, with respect to requests from members of the University community or others with a legitimate interest regarding Rutgers University investments.</p> <p>To consider, study, and make recommendations to the Senate, and through it to the Board of Governors and Board of Trustees, with respect to any investment policies of the University that may involve ethical and moral principles as established by the Boards of Governors and Trustees.</p> <p>To consider broad issues related to physical plant and infrastructure, space, transportation, and safety on and among the three campuses.</p> <p>To present to the University Senate an annual report on the Rutgers University budget.</p>	<p>Unclear- information not on website</p>	<p>17 faculty members, 4 staff members, 6 students, 6 administrators, 2 representatives from the alumni association</p>	<p>Presents an annual report to the University Senate</p>	<p>Receive, study, and make recommendations to the Senate; through the Senate, recommendations can be made to the Board of the Governors and Board of Trustees</p>
University of California- Los Angeles https://senate.ucla.edu/committee/cpb	Council on Planning and Budget	<p>CPB's charge is to "make recommendations based on established Senate policy to the Chancellor and Senate agencies concerning the allocation of educational resources, academic priorities, and the planning and budgetary process" as well as formulating a Senate view on "the campus budget and each major campus space-use and building project." CPB discusses with the Executive Vice Chancellor and Vice Chancellor for Finance the current strategic and budget issues. CPB maintains an active relationship with the Statewide University Council on Planning and Budget (UCPB) through its UCPB representative.</p>	<p>Up to 3 years</p>	<p>16 faculty, 2 undergraduates, 2 graduates, Vice Chancellor for Finance and Budget (ex-officio)</p>	<p>Reports to the Senate Liaises with the Statewide University Council on Planning and Budget</p>	<p>Recommendation to Chancellor and Senate agencies</p>

Appendix 2: Overview of SCUF's Operations

Senate Committee on University Finance Spring 2020 Update

Formation

The Special Committee on University Finance (SCUF) established by the Senate ([Senate Document #17-18-20](#)) and was approved by President Loh in April 2019. The Special Committee will operate until May 2022, at which time the Senate will decide whether it should be codified as a permanent body.

Charge to the Special Committee

The Special Committee on University Finance (SCUF) is charged with advising the administration on institutional priorities and with educating the Senate and the campus community on the University's budget and the budget process. Members of the committee are responsible for developing a deep understanding of the University's budget and budgeting processes. SCUF gives the Senate a role in advising the administration on short- and long-term planning, and in ensuring that academic excellence and the University's educational and research missions are key considerations when budgetary priorities are determined. SCUF also serves as a resource to the campus community to help improve understanding of the budget, and advises the Senate and Senate-related bodies on the fiscal implications of recommendations under consideration. SCUF will be integral to the Senate's ability to make informed decisions and recommendations, and will be central in demystifying the complexities of our current resource tensions.

Membership and Election Process

The committee's membership includes:

- A chair, who is a tenured faculty member;
- five tenured or tenure-track faculty members;
- one professional track faculty member;
- one exempt staff member;
- one non-exempt staff member;
- two undergraduate students;
- one graduate student;
- the immediate Past Chair of the Senate;
- the Associate Vice President for Finance and Chief Financial Officer;
- the Associate Vice President for Finance and Personnel, Academic Affairs;
- a representative of the President;
- a representative of the Vice President for Student Affairs; and
- a representative chosen from among current and former unit-level budget officers or former department chairs, selected by the Senior Vice President and Provost.

In spring 2019, the University Senate opened a nomination period for faculty, staff, and student seats on SCUF. Senators representing each constituency submitted nominations and were encouraged to ask for nominations from their colleagues. The elected members of the Senate Executive Committee for each constituency voted to elect representatives to SCUF. The full membership of SCUF was announced in June 2019.

Fall 2019 Committee Activities

SCUF began meeting in September 2019, and decided to focus its efforts in Fall 2019 on developing a deep understanding of University finances. Working in collaboration with its ex-officio representatives from the University administration, SCUF developed a series of educational briefings for committee members. The briefings included the following topics:

- The Macro View of University Finances
- The Basics of the Governor's Budget

- Financial Improvement Initiatives
- Student Enrollments and Tuition
- Allocation of Resources across Colleges and Divisions
- Auxiliaries and Student Support Services
- Capital Budget and Facilities Renewal
- Greater College Park Investment
- Allocation of Resources to Faculty and Staff
- Overview of the Budget Request Process

Progress on Charge Elements: Educational Charge

SCUF is charged to “Develop a deep understanding of the University’s budget and budgeting processes and use that knowledge to educate the campus community on these practices.” In service of this charge element, SCUF spent the fall semester learning about the various facets of the budget. This will allow the committee to educate the campus community and advise the administration from a more informed perspective.

Progress on Charge Elements: Advisory Charge

SCUF is charged to “Consult with and advise the President, the Senior Vice President and Provost, and other University administrators on short- and long-term institutional priorities, particularly as they relate to the University’s mission and Strategic Plan.” SCUF is reviewing the priorities in the University’s Strategic Plan and developing a list of data needed to appropriately assess budget priorities. Data that show trends over time along various dimensions will help the committee better understand how the Strategic Plan is reflected in budget decisions. The committee expects to work collaboratively with the University administration to gather the appropriate data that it needs to make the budget more transparent and so the committee can be effective in its role in providing perspectives and advice on alignment of the budget with the Strategic Plan. This open exchange of information and collaboration is a critical element to ensuring the success of the committee.

As the committee works to collect the data needed to ensure the quality and accuracy of its recommendations, SCUF is also considering how to develop processes and timelines that will ensure its recommendations have an impact on the University’s budgeting process. SCUF is reviewing the budget timeline to determine whether there are specific points in the budget process where recommendations would have the most significant impact.

Plans for Future Development

SCUF plans to develop informational materials about the University's budget and share them publicly on the Senate website. This information will be updated annually so that it remains current, and it will be shared with Senators. As part of this effort, the committee plans to develop a Frequently Asked Questions list, featuring some common questions and myths about the budget process. The committee will work with the University administration to find answers to those questions and will share information about those topics in a user-friendly way.

SCUF will also begin assessing trends over time based on the data it receives from the administration. This will allow the committee to gain a deeper understanding of how the Strategic Plan has been implemented through the budget and provide opportunities for the committee to identify how best to leverage budget opportunities to further the goals identified in the Strategic Plan.

SCUF began its first year with the intention of learning and developing plans. It intended to take the time needed to develop a deep understanding of University finances among members of the

committee, and to thoughtfully develop plans on how to fulfill its charges. While the committee is at the beginning of its work, it has been laying the foundation for impactful work over the next two years. Because of the upcoming transition in leadership, the committee plans to gain additional insight from the incoming President on ways in which the committee can best advise his administration.



Preliminary Review of the Specifications on the Special Committee on University Finance (SCUF) (Senate Document #19-20-40) Elections, Representation & Governance (ERG) Committee | Chair: Alan Peel

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Elections, Representation, & Governance (ERG) Committee review the provisions for the Special Committee on University Finance (SCUF) within the Bylaws of the University Senate.

Specifically, the ERG Committee should:

1. Review Article 7 - Special Committee on University Finance within the [Bylaws of the University Senate](#).
2. Review Senate legislation Enhancing Senate Input on University Planning and Resources ([Senate Document #17-18-20](#)).
3. Consult with the Chair of the Special Committee on University Finance.
4. Consider whether the selection process for the membership of SCUF provides adequate opportunities for representation by faculty from a diversity of colleges at the University.
5. Consider whether the process for replacing committee members and filling vacancies is clear.
6. Consult with the Senate Parliamentarian on any proposed revisions to the Bylaws.
7. If appropriate, recommend whether the specifications for SCUF in Article 7 should be amended in the Bylaws of the University Senate based on the committee's consideration of the above items.

We ask that you submit a report to the Senate Office no later than **March 30, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office at reka@umd.edu or 301.405.5804.



Revisions to the University of Maryland Libraries (LIBR) Plan of Organization

PRESENTED BY Alan Peel, Chair

REVIEW DATES SEC – April 10, 2020 | SENATE – April 22, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [UMD Plan of Organization for Shared Governance](#), [University Senate Bylaws](#)

NECESSARY APPROVALS Senate, President

ISSUE

The University of Maryland Plan of Organization for Shared Governance mandates that all Colleges, Schools, and the Libraries be governed by a Plan of Organization. These Plans must conform to provisions and principles set forth in the University's Plan, the Bylaws of the University Senate, and the Policy on Shared Governance in the University System of Maryland, as well as with best practices in shared governance. Revisions to the Plan of Organization of each College, School, and the Libraries must be reviewed and approved by the University Senate. The Senate Elections, Representation, & Governance (ERG) Committee is the standing committee responsible for conducting these reviews.

In February 2019, changes to the University of Maryland Libraries Plan of Organization were approved by the Senate and the President. According to the Senate Bylaws, additional modifications to a Plan that has been revised within the past year will undergo an expedited review focused solely on the proposed revisions. In February 2020, the LIBR submitted a revision of its Plan that includes an updated mission statement and incorporates a new Staff Mentoring Committee.

RECOMMENDATIONS

The ERG Committee recommends that the Senate approve the revised University of Maryland Libraries Plan of Organization.

COMMITTEE WORK

The ERG Committee considered the revised Plan, and consulted with committee members from the Libraries. The ERG Committee identified two minor typographical issues in the proposed revisions, which were addressed by the Libraries.

After due consideration, the ERG Committee voted to approve the revised Plan by an email vote concluding March 14, 2020. The LIBR Assembly approved the revised version of the Plan in a vote concluding on April 8, 2020.

ALTERNATIVES

The Senate could reject the revised Plan of Organization and the existing Plan would remain in effect.

RISKS

There are no associated risks in adopting this recommendation.

FINANCIAL IMPLICATIONS

There are no known financial implications in adopting this recommendation.



Revisions to the University of Maryland Libraries (LIBR) Plan of Organization

2019-2020 Committee Members

Alan Peel (Chair)
MacKenzie Allen (Undergraduate Student)
Sarah Babineau (Ex-Officio Director of Human Resources Rep)
Holly Brewer (Faculty)
Nicole Catanzarite (Graduate Student)
Leigh Ann DePope (Faculty)
Alexander Houck (Non-Exempt Staff)
Christine Johnston (Faculty)
Robert Koulisch (Faculty)

Elizabeth Lathrop (Faculty)
Sharon La Voy (Ex-Officio Associate VP IRPA Rep)
Ngam Kenneth Ngong (Graduate Student)
Calvin Oates (Exempt Staff)
Bria Parker (Faculty)
Nicholas Torre (Undergraduate Student)

Date of Submission

April 2020

BACKGROUND

The University of Maryland Plan of Organization for Shared Governance mandates that all Colleges, Schools, and the Libraries be governed by a Plan of Organization. These Plans must conform to provisions and principles set forth in the University's Plan, the Bylaws of the University Senate, and the Policy on Shared Governance in the University System of Maryland, as well as with best practices in shared governance. Revisions to the Plan of Organization of each College, School, and the Libraries must be reviewed and approved by the University Senate. The Senate Elections, Representation, & Governance (ERG) Committee is the standing committee responsible for conducting these reviews.

In February 2019, changes to the University of Maryland Libraries (LIBR) Plan of Organization were approved by the Senate and the President ([Senate Document #18-19-08](#)). According to the [Senate Bylaws](#) (Appendix 7.3), additional modifications to a Plan that has been revised within the past year will undergo an expedited review focused solely on the proposed revisions. In February 2020, the LIBR submitted a revision of its Plan that includes an updated mission statement and incorporates a new Staff Mentoring Committee.

COMMITTEE WORK

The ERG Committee considered the revised LIBR Plan, and had no concerns with the updated mission statement. The committee determined that the proposed Staff Mentoring Committee's structure is consistent with general provisions for LIBR standing committees. ERG Committee members from the LIBR shared that the Staff Mentoring Committee was intended to ensure that staff have similar mentoring opportunities as faculty. The ERG Committee identified two minor typographical issues in the proposed revisions, which were addressed by the LIBR.

After due consideration, the ERG Committee voted to approve the revised Plan by an email vote concluding March 14, 2020. The LIBR Assembly approved the revised version of the Plan in a vote concluding on April 8, 2020.

RECOMMENDATIONS

The Elections, Representation, & Governance Committee recommends that the Senate approve the revised Plan of Organization for the University of Maryland Libraries.

APPENDICES

Appendix 1 — 2019 University of Maryland Libraries Plan of Organization

Proposed Revisions from the Elections, Representation, & Governance Committee
New Text in Blue/Bold (**example**), Removed Text in Red/Strikeout (~~example~~),



UNIVERSITY
LIBRARIES

The University of Maryland Libraries

Plan of Organization

Approved by vote of the Library Assembly April 8, 2020

Approved by vote of the University Senate _____

Approved by University President _____ on _____

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PREAMBLE

The Plan of Organization of the University of Maryland Libraries, hereafter referred to as the Plan, serves several purposes:

1. It establishes the framework for the conduct of the Libraries' affairs as an academic unit of the University of Maryland.
2. It specifies details of the University of Maryland Libraries' organization.
3. It ensures that all activities of the Libraries are consonant with the policies, procedures, and regulations for the governance of the University of Maryland.
4. It embodies the University of Maryland Libraries' commitment to free and open participation in shared governance among the library faculty, exempt staff, non-exempt staff, graduate assistants, and administrators at every level, thereby promoting good will and mutual regard.
5. It further strives to ensure academic and professional growth among all employees for the purpose of achieving the Libraries' mission to the University of Maryland.

Achieving these purposes depends upon the University of Maryland Libraries having a diverse body of employees. The University of Maryland Libraries is committed to creating an equitable, inclusive, and supportive environment that nurtures growth and productivity.

ARTICLE I: NAME, MISSION, AND DEFINITIONS

SECTION 1. NAME

The name of the unit shall be the University of Maryland Libraries, hereafter referred to as the Libraries. The Libraries is a non-departmentalized unit and is governed by the University in the same manner as a College or School.

SECTION 2. MISSION

~~The name of the unit shall be the University of Maryland Libraries, hereafter referred to as the Libraries. The Libraries is a non-departmentalized unit and is governed by the University in the same manner as a College or School.~~ **The University of Maryland Libraries embody the academic life, legacy, and values of the state's flagship, land-grant institution. Our work enables student success; supports teaching, research, and creativity; and enriches the intellectual and cultural life of the community. For scholars across the globe, we steward and provide access to diverse collections and preserve the knowledge and history of the University. In the Libraries' physical and virtual learning spaces, we offer**

inclusive services and innovative technologies for learning, study, and collaboration. Our teaching programs enhance information literacy skills and lifelong learning, and our extensive outreach activities strengthen the University's public service mission.

SECTION 3. DEFINITIONS

The following terms used in the Plan have the meanings set forth below.

- A. "Employees" includes all personnel holding appointments in the Libraries, including permanent status and permanent status-track faculty, professional track faculty, exempt staff, and non-exempt staff. It does not, for the purposes of this Plan, include graduate assistants, hourly student workers, or volunteers.
- B. "Faculty" includes the following constituencies unless otherwise indicated:
 - 1. Permanent Status and Permanent Status-Track Faculty: All permanent status and permanent-status track faculty, as defined in the University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty. Such faculty hold the rank of Librarian I, Librarian II, Librarian III, or Librarian IV.
 - 2. Professional Track Faculty: All faculty in ranks which are not eligible for permanent status, as defined in the University of Maryland Libraries Policy on Appointment, Reappointment, and Promotion of Professional Track Faculty. Such faculty hold the rank of Faculty Specialist, Senior Faculty Specialist, or Principal Faculty Specialist.
- C. "Staff" includes the following constituencies unless otherwise indicated:
 - 1. "Exempt Staff" hold appointments classified by the University as Exempt.
 - 2. "Non-Exempt Staff" hold appointments classified by the University as Non-Exempt.
- D. "Graduate Assistant" refers to a registered graduate student enrolled in a degree program at the University and holding an appointment in the Libraries classified by the University as a Graduate Assistant. This constituency does not, for the purposes of this Plan, include hourly graduate student workers.
- E. "Consecutive Terms" shall refer to full terms of office occurring in succession, with no gap between them. Partial terms, for example those served by appointment to vacant positions, shall not count toward "consecutive" terms.
- F. "Staggered Terms" shall refer to an arrangement whereby only a certain number of committee members or Representatives are elected in a given year. If an unanticipated vacancy disrupts staggering for a committee or group of elected Representatives, the term length for that position may be shortened in the next election in order to restore staggering.

- G. *Ex Officio* shall be used to refer to a person serving on a committee or other body by virtue of the position or title the person holds. Unless otherwise indicated, *ex officio* members shall be non-voting members of the committees on which they serve. *Ex officio* members may not serve as chairs or vice chairs of those committees.
- H. “Quorum” is the number of voting members required to be present for the body to conduct official business. Quorum is defined for each body below.

ARTICLE II. PURPOSE AND SUPERSEDING AUTHORITY

This Plan is formulated pursuant to the *Plan of Organization for Shared Governance at the University of Maryland, College Park*, and the University of Maryland Board of Regents *Policy on Shared Governance in the University System of Maryland*. At the University of Maryland, executive authority flows from the Senior Vice President for Academic Affairs and Provost through the Dean of Libraries, whereas shared governance authority originates in the University’s Plan of Organization and flows through the Senate to the Colleges and Libraries. This Plan is intended to provide for the internal shared governance of the Libraries; to define further the rights and responsibilities of the Dean of Libraries, the faculty, exempt staff, non-exempt staff, and graduate assistants; and to guide in the appointment and conduct of Libraries committees.

ARTICLE III: LIBRARY ADMINISTRATION

SECTION 1. THE DEAN OF LIBRARIES

A. Appointment.

The Dean of Libraries shall be appointed by the Senior Vice President for Academic Affairs and Provost, hereafter referred to as the Provost, and approved by the President of the University.

B. Duties and Responsibilities.

The Dean of Libraries, hereafter referred to as the Dean, shall:

1. Be the chief administrative officer of the Libraries;
2. Ordinarily hold a tenured appointment as Professor or its equivalent in an academic department or the rank of Librarian IV with Permanent Status in the Libraries;
3. Fulfill the service and scholarship criteria of a faculty appointment;
4. Report to the Provost;

5. Consult with the University Library Council, as established by the *Bylaws of the University Senate*, on policies, services, and programs; report to the Library Assembly on outcomes of the University Library Council's meetings;
6. Execute University policies insofar as they affect the Libraries;
7. Formulate and present policies and priorities to the Library Assembly for its consideration;
8. Report regularly to the Library Assembly and its committees on actions taken as a result of the Assembly's recommendations;
9. Prepare, submit, and present an annual report to the Library Assembly; prepare and submit an annual report to the Provost;
10. Prepare and manage the budget of the Libraries in consultation with the Library Management Group (LMG), the Library Assembly Advisory Council, and others as appropriate; prepare and present to the Library Assembly annually a budget for the Libraries for the upcoming year and a report on expenditures of the prior year;
11. Recommend the appointment, reappointment, non-reappointment, permanent status, affiliate and emeritus status, promotion, and research leave of faculty members with the advice of the faculty, the Appointment, Promotion, and Permanent Status Committee, the Professional Track Faculty Oversight Committee, or search committees;
12. Appoint members and chairs of Comprehensive Review Committees, as needed;
13. Receive and review merit and salary review recommendations from the Faculty Merit and Annual Review Committee (FMARC) and the Professional Track Faculty Oversight Committee (PTKOC); distribute merit pay funds to faculty in accordance with the *University of Maryland Policy on Faculty Merit Pay Distribution*;
14. Report annually to the Library Assembly on merit and salary issues;
15. Periodically review the management, training, and advancement of exempt and non-exempt staff in consultation with the Staff Affairs Committee, exempt and non-exempt Representatives, and others as appropriate; address matters as findings dictate; and report to the Library Assembly on these activities;
16. Organize and conduct annual reviews for employees who report directly to the Dean; evaluate the Assistant and Associate Deans at least once every five years,

in accordance with the University of Maryland Policy on the Review of Department Chairs and Directors of Academic Units (I-6.00(C));

17. Create and dissolve administrative committees and other groups or partnerships as needed to achieve the mission of the Libraries in consultation with LMG and others as appropriate;
18. Represent the Libraries, in person or by proxy, for official business of the Libraries, to the University community, consortial partners including the University System of Maryland and Affiliated Institutions and the Big Ten Academic Alliance, professional and scholarly organizations, and the public at large; report on such business regularly to the Library Assembly;
19. Prepare and implement the Libraries' Strategic Plan in consultation with LMG, the Library Assembly, and others as appropriate; report on strategic planning regularly to the Assembly.

C. Evaluation.

The Dean shall be evaluated at least once every five years in accordance with the University of Maryland Policy on the Review of Deans of Academic Units (1-6.00(B)).

SECTION 2: THE ASSISTANT AND ASSOCIATE DEANS

The Assistant and Associate Deans are the chief administrative officers of the Libraries' divisions. Divisions are the major administrative units of the Libraries, as reflected in the organizational chart.

A. Appointment.

The Assistant and Associate Deans are appointed by the Dean and with the approval of the Provost.

B. Duties and Responsibilities.

The Assistant and Associate Deans report to the Dean and shall be responsible for all tasks delegated to them by the Dean.

C. Evaluation.

The Assistant and Associate Deans shall be evaluated at least once every five years in accordance with the University of Maryland Policy on the Review of Department Chairs and Directors of Academic Units (1-6.00(C)).

SECTION 3. THE LIBRARY MANAGEMENT GROUP

The Library Management Group (LMG) consists of the Dean, the Assistant and Associate Deans, the Chair of the Library Assembly, the Diversity Officer, and others the Dean may appoint. LMG constitutes the senior administrative group of the Libraries and is responsible for advising and assisting the Dean on establishing the overall direction of the Libraries, which includes issues of budget, policy, faculty and staff hiring priorities, strategic planning, facilities planning, and operations. As appropriate, LMG shall invite individuals or committees to report on specific matters under consideration. LMG will also meet at least twice per year with the Library Assembly Advisory Council.

ARTICLE IV. THE LIBRARY ASSEMBLY

The Library Assembly, hereafter referred to as the Assembly, shall include all faculty, as well as Representatives of exempt staff, non-exempt staff, and graduate assistants employed by the Libraries. The Assembly shall:

1. Discuss and advise on proposed policies, procedures, services, and programs, and discuss and advise on any matter of concern to the Libraries brought before the Assembly by any member or group of members;
2. Participate in the continued development of the organization;
3. Discuss and advise on updates and revisions of the Strategic Plan;
4. Share information with and promote the skills and abilities of all library employees and graduate assistants;
5. Advise on the creation of opportunities for the professional growth and development of all Libraries employees and graduate assistants.

SECTION 1. MEMBERSHIP

The membership of the Assembly shall consist of:

- A. All faculty who have an appointment of at least 50 percent in the Libraries, and emeritus faculty. They shall each have one vote and shall be eligible for membership on Assembly committees except for committees for which membership is specifically limited by this Plan.
- B. Elected Representatives of the exempt staff, non-exempt staff, and graduate assistants. To qualify for election, an individual must have a permanent, contractual, or graduate assistant appointment of at least 50 percent in the Libraries. Representation shall equal 30 percent of the population of each constituency. The Representatives of the exempt and non-exempt staff shall be elected for staggered three-year terms, with approximately one-third of each group elected annually, up to a maximum of two consecutive terms. The

Representatives of the graduate assistants shall serve one-year terms, up to a maximum of two consecutive terms. Each Representative shall have one vote and be eligible for membership on Assembly committees, except for those committees for which membership is specifically limited by this Plan. In the event that a Representative cannot complete the term of office, the Chair of the Assembly, in consultation with the remaining elected Representatives from the relevant constituency and the Library Assembly Advisory Council, will appoint a replacement to fill the vacancy until the next regular election for that constituency. Replacement Representatives shall be from the same constituency as the Representative being replaced.

- C. All officers of the Assembly shall be voting members. They shall each have one vote, except as noted in Article IV, Section 2.
- D. The Dean shall be a non-voting *ex officio* member of the Assembly.
- E. The responsibilities of each officer, committee member, and Representative shall be considered part of the employee or graduate assistant's official duties.

SECTION 2. OFFICERS

The officers of the Assembly shall consist of a Chair, Vice Chair, Immediate Past Chair, Secretary, and Parliamentarian. All officers shall serve on the Library Assembly Advisory Council. (See Article IV, Section 3 for details.) The Dean, Assistant Deans, and Associate Deans are not eligible for election to Assembly offices set forth in this section.

A. Vice Chair.

A Vice Chair shall be elected annually by and from the Assembly for a three-year term; the first year shall be as Vice Chair, the second year as Chair, and the third year as Immediate Past Chair. Graduate Assistants and the Immediate Past Chair are not eligible for this position. The duties of the Vice Chair shall be to assist the Chair, and to preside over meetings of the Assembly and Library Assembly Advisory Council in the Chair's absence.

In the event that the Vice Chair is unable to complete the first year of the term of office, a new Vice Chair shall be elected by and from the Assembly.

B. Chair.

The Vice Chair shall assume the duties of Chair during the second year of the three-year term. The Chair shall be the presiding officer of the Assembly and Library Assembly Advisory Council, and the Assembly's representative on LMG. The Chair shall be a non-voting member of the Assembly, except in cases of a ballot vote or when the Chair's vote would affect the outcome. In consultation with the Library Assembly Advisory Council,

the Chair may appoint persons to take on specific technical roles for the Assembly, e.g. webmaster or electronic list manager. The Chair may appoint persons to fill vacancies of Representatives and on committees, as needed.

In the event that the Chair is unable to complete the second year of the term of office, the Vice Chair will become Chair and a new Vice Chair shall be elected by and from the Assembly.

C. Immediate Past Chair.

The Chair shall assume the duties of Immediate Past Chair during the third year of the three-year term. The Immediate Past Chair shall serve in an advisory capacity to the current Chair.

If the Immediate Past Chair is unable to complete the third year of the term of office, the Chair, in consultation with the Library Assembly Advisory Council, shall appoint a previous Chair to serve as Immediate Past Chair.

D. Secretary.

The Secretary shall be elected annually by and from the Assembly for a one-year term and may serve a maximum of two consecutive terms. If the Secretary is unable to complete the term of office, the Chair, in consultation with the Library Assembly Advisory Council, shall appoint a replacement. Duties of the Secretary shall include recording and preserving minutes of Assembly and Advisory Council meetings and ensuring that Assembly documents are properly archived.

E. Parliamentarian.

The Chair, in consultation with the Vice Chair and Secretary, shall appoint annually the Parliamentarian from the Assembly to advise the Chair on questions of procedure. The Parliamentarian shall be a non-voting member of the Assembly except in the case of a ballot vote. The Parliamentarian shall serve a one-year term, up to a maximum of two consecutive terms. If the Parliamentarian is unable to complete the term of office, the Chair, in consultation with the Library Assembly Advisory Council, shall appoint a replacement.

SECTION 3. THE LIBRARY ASSEMBLY ADVISORY COUNCIL

A. Charge.

The Library Assembly Advisory Council, hereafter referred to as the Advisory Council, acts as an executive committee of the Assembly and functions as the Libraries' Faculty

Advisory Council as described in the *Plan of Organization for Shared Governance at the University of Maryland, College Park*. It consults regularly with the Dean and LMG on matters of interest and concern to the Libraries, including budget, policy, faculty and staff hiring priorities, strategic planning, facilities planning, and operations. The Advisory Council assists the Chair with the preparation of Assembly meeting agendas and reviews requests for special committees. The Advisory Council reports regularly to the Assembly on all of its activities.

B. Membership.

The Advisory Council consists of the Chair, the Vice Chair, the Immediate Past Chair, the Secretary, the Parliamentarian, chairs of the standing committees, a Senator elected by the current University Senators, the Professional Track Faculty Senator, one faculty member elected by and from the faculty, one exempt staff member elected by and from the exempt staff Representatives, one non-exempt staff member elected by and from the non-exempt staff Representatives, and one graduate assistant member elected by and from the graduate assistants. The Chair shall be the presiding officer of the Advisory Council.

C. Meetings.

The Advisory Council shall meet as needed with a minimum of one meeting per semester. The Chair may invite appointed technical advisors (e.g., the webmaster) or guests to participate in Advisory Council meetings as appropriate.

D. Minutes.

Minutes of each meeting shall be recorded by the Secretary and published.

E. Quorum.

A quorum shall be equal to more than half of the Advisory Council's voting members.

SECTION 4. MEETINGS

A. Meetings of the Assembly.

Meetings of the Assembly are open to all Libraries employees and graduate assistants. Any Libraries employee or graduate assistant may speak at Assembly meetings, regardless of voting status. All employees and graduate assistants are entitled to release time for participation in Assembly meetings.

1. The Chair or the Vice Chair shall preside at meetings of the Assembly.

2. Types of Meetings.

- a. Regular Meetings. The regular meetings of the Assembly shall be held as needed with a minimum of one per semester.
- b. Special Meetings. The Chair or the Advisory Council may call special meetings of the Assembly as needed, or upon the request of ten members of the Assembly.

3. Agenda and Notice of Meeting.

- a. Regular Meetings. The Chair shall issue a notice of meeting and call for agenda items to all Libraries employees and graduate assistants prior to preparing an agenda in consultation with the Advisory Council. The agenda shall be shared at least seven days in advance of the meeting.
- b. Special Meetings. All Libraries employees and graduate assistants shall be sent notice of a special meeting, along with an agenda, normally seven days in advance of the meeting.

4. Minutes.

The Secretary shall record and preserve minutes of all meetings. The Chair will distribute them to all Libraries employees and graduate assistants with the agenda for the next Assembly meeting.

5. Quorum.

A quorum shall consist of 35 percent of the voting members of the Assembly. Members of the Assembly attending the meeting online shall count toward quorum. Prior to the beginning of each semester, the Nominations, Elections, and Voting Procedures Committee shall identify the total voting membership. If no business can be transacted due to a lack of quorum, the Chair may wait a reasonable amount of time to allow a quorum to be assembled. Failing that, the Chair will adjourn the meeting.

6. The latest edition of *Robert's Rules of Order, Newly Revised* shall govern meetings of the Assembly when not in conflict with this Plan.

7. Voting.

- a. Voting on motions is normally accomplished by voice vote. A simple majority carries the motion.

- b. A show of hands shall be used to verify an inconclusive voice vote; to vote on motions requiring two-thirds for adoption; or upon request of a member of the Assembly. A secret ballot may also be used instead of voice or hand votes upon request of a member of the Assembly.
- c. In the case of a vote conducted by show of hands or secret ballot, electronic voting shall be conducted for Assembly members attending the meeting online. Electronic votes shall be tallied together with the votes of those physically present to determine if the motion passes.

B. Meetings of the Faculty and the Staff.

As an element of shared governance, the Libraries faculty, exempt staff, non-exempt staff, and graduate assistants may meet separately from the Library Assembly to discuss matters of interest and concern. These meetings shall be open to all interested parties. Such meetings may result in proposals for consideration by the Library Assembly.

1. Responsibility.

Such meetings may be called by a member of the Advisory Council or by a Representative. Such meetings shall be presided over by the Advisory Council member(s) or Representative(s) who called the meeting.

2. Agenda and Notice of Meeting.

The presiding Advisory Council member, Representative, or designee shall issue a notice of meeting and agenda, typically at least seven days in advance of the meeting.

3. Minutes.

The presiding Advisory Council member, Representative, or designee shall record minutes of the meeting and forward them to the Secretary for preservation.

SECTION 5. COMMITTEES

The Assembly may establish standing and special committees as necessary to conduct its activities and fulfill its purpose.

- A. Standing committees support the work of the Assembly on a continuing basis. The Assembly shall review each standing committee at least every ten years. Standing committees may create and revise policies within the scope of their charge and may create and revise procedures to implement these policies. These policies and procedures shall be posted on the Assembly's website. Any policy established or revised by a

standing committee must be approved by the Assembly. Standing committees shall meet as needed with a minimum of one meeting per semester.

1. Creation and dissolution of standing committees.

The Assembly shall create or dissolve standing committees with the guidance of the Committee on Committees in accordance with the amendment process as specified in Article VI. The charge, membership, terms of office, and the manner of selecting the chair of each standing committee shall be specified in Article IV, Section 6.

2. Membership on standing committees.

All employees and graduate assistants who have an appointment of at least 50 percent in the Libraries are eligible to serve on standing committees, except as determined by Article IV, Section 6. The Assembly shall elect members to its standing committees. Any employee or graduate assistant may nominate candidates to serve on standing committees. The Assembly Chair, in consultation with the Advisory Council, may make temporary appointments to fill vacancies on standing committees to serve until the next annual election. Replacement members shall be from the same constituency as the member being replaced.

B. Special committees undertake work falling outside the role and scope of standing committees. A special committee shall not be established when the specific problem or issue may reasonably be assigned to a standing committee. However, a standing committee may request that a special committee be formed to do clearly defined work on a problem or issue falling within its role and scope when the standing committee cannot accomplish the task in a timely fashion.

1. Creation and dissolution of special committees.

- a. Any standing committee or member of the Assembly may propose the creation of a special committee.
- b. The Advisory Council shall review the request for the special committee.
- c. The Committee on Committees shall draft the charge, membership requirements, term of operation, and method for selecting the chair of the committee. The draft charge and accompanying documentation shall be presented to the Assembly for discussion and approval.
- d. A majority vote of the Assembly shall be required to create the special committee and approve the charge and accompanying documentation.
- e. The Committee on Committees shall monitor the progress of the special committee.
- f. The special committee's final report shall be presented to the Assembly.

2. Membership on special committees.

All employees and graduate assistants who have an appointment of at least 50 percent in the Libraries are eligible to serve on special committees. Members shall be

appointed by the Advisory Council upon recommendation from the Committee on Committees. The Assembly Chair, in consultation with the Advisory Council, may make temporary appointments to fill vacancies on special committees. Replacement members shall be from the same constituency as the member being replaced.

C. Quorum shall be equal to more than half of a committee's voting members.

SECTION 6. STANDING COMMITTEES

The Assembly shall maintain the following standing committees:

A. Appointment, Promotion, and Permanent Status Committee.

1. Charge.

The Appointment, Promotion, and Permanent Status Committee (APPSC) manages the procedures governed by the *University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty*.

2. Membership.

The committee shall consist of six faculty members above the rank of Librarian II, two of whom must be at the Librarian IV rank, elected by and from the permanent status and permanent status-track faculty. All committee members must have achieved permanent status. The Dean of Libraries and Assistant and Associate Deans are ineligible for service on the committee.

3. Term of Office.

Members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work. The chair and/or vice chair must hold the rank of Librarian IV. The APPSC chair shall preside at meetings that deal with appointment, promotion, and permanent status decisions. If the APPSC chair or vice chair cannot or is not eligible to attend a meeting dealing with these decisions, the APPSC member in attendance with the most years of service to the Libraries shall call the meeting to order and preside over the selection of a chair *pro tem* for the meeting.

B. Committee on Committees.

1. Charge.

The Committee on Committees (COC) shall write or provide guidance in the writing

of the charge, the membership requirements, the term of operation, and the method for selecting the chair for each of the Assembly's committees. The Committee on Committees shall oversee the establishment and monitor the progress of special committees of the Assembly. The Committee on Committees shall provide a slate of candidates from within the Libraries, from which administrators may appoint representatives to participate in the search, nomination, and review of the Dean, Assistant Deans, and Associate Deans. The Committee on Committees is responsible for the ten-year reviews of standing committees. The Committee on Committees shall communicate its work and transmit all reports of special committees to the Advisory Council.

2. Membership.

The committee shall consist of three members, one elected by and from the exempt and non-exempt staff, and two elected at large by and from the Assembly.

3. Term of Office.

Members shall serve three-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

C. Faculty Mentoring Committee.

1. Charge.

The Faculty Mentoring Committee (FMC) creates guidelines and procedures for and monitors and reports on the effectiveness of the faculty mentoring process for all faculty. This committee shall ensure appropriate mentoring for faculty pursuing promotion and permanent status as well as for professional track faculty.

2. Membership.

The committee shall consist of four members. Three members shall be elected by and from the faculty. The Director of the Libraries' Human Resources or designee serves as a non-voting *ex officio* member of the committee.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The

committee may also elect a vice chair, as appropriate for its work.

D. Faculty Merit and Annual Review Committee.

1. Charge.

The Faculty Merit and Annual Review Committee (FMARC) conducts an annual assessment of all eligible permanent status and permanent status-track faculty members to provide peer review of merit applications for the purpose of advising the Dean on merit pay awards, and of annual review for the purpose of facilitating continued professional development of the faculty. It is responsible for monitoring, evaluating, and reporting on the effectiveness of the merit and annual review processes for permanent status and permanent status-track faculty.

2. Membership.

The committee shall consist of six members, five of which are elected by and from the permanent status and the permanent status-track faculty. The composition shall contain a distribution of faculty from the permanent status and the permanent status-track ranks, with at least one member representing each constituency. The Director of the Libraries' Human Resources or designee serves as a non-voting *ex officio* member of the committee. The members of FMARC, with the exception of the Director of Libraries' Human Resources, serve as the Merit Pay Committee for the permanent status and permanent-status track faculty. The Dean, Assistant Deans, and Associate Deans are ineligible for service on this committee.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

E. Library Research Fund Committee.

1. Charge.

The Library Research Fund Committee (LRFC) shall award funds from the Library Research Fund to conduct research, investigate innovative practices, and pursue other scholarly and creative activities. The committee shall solicit and evaluate proposals, oversee the expenditures of funds, and promote and publicize the research fund process. The committee shall encourage faculty and exempt staff in their research through relevant activities, such as workshops, and act as a resource for other committees.

2. Membership.

The committee shall consist of five members, three elected by and from the faculty, at least one of whom shall represent professional track faculty; one elected by and from the exempt staff; and one elected by and from the graduate assistants.

3. Term of Office.

Members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

F. Nominations, Elections, and Voting Procedures Committee.

1. Charge.

The Nominations, Elections, and Voting Procedures Committee (NEVPC) shall be responsible for the overall supervision and conduct of nominations and elections of the Assembly officers, standing committee members, Assembly Representatives, and representatives to the Advisory Council; for coordinating elections of University Senators in accordance with the *Plan of Organization for Shared Governance at the University of Maryland, College Park*; for conducting the balloting to amend this Plan; and for coordinating the election of the special committee to review this Plan.

2. Membership.

The committee shall consist of five members, one elected by and from the exempt and non-exempt staff, and four elected at large by and from the Assembly. In accordance with the University's requirements for electing Senators, at least one of the at large positions must represent the permanent status/permanent status-track faculty and at least one must represent the Librarian I/professional track faculty.

3. Term of Office.

Members shall serve three-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

G. Professional Track Faculty Oversight Committee.

1. Charge.

The Professional Track Faculty Oversight Committee (PTKOC) monitors the professional track faculty annual review process, recommends rank at appointment for new professional track faculty, reviews professional track faculty merit applications for the purpose of advising the Dean on merit pay awards, serves as the promotion committee for professional track faculty applications, and reviews all professional track faculty documentation on an annual basis.

2. Membership.

The committee shall consist of four members, three of which are elected by and from the faculty. At least one member must have permanent status, and at least one member must be a professional track faculty member. The Director of the Libraries' Human Resources or a designee shall serve as a non-voting *ex officio* member.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

H. Staff Affairs Committee.

1. Charge.

The Staff Affairs Committee (SAC) shall review Libraries policies as they affect exempt staff, non-exempt staff, graduate assistants, and hourly student workers; research issues affecting these groups; recommend new policies or practices; promote training and other opportunities to constituencies; serve as an additional point of contact for employees and graduate assistants who are not members of the Assembly; and actively promote understanding of and opportunities for involvement, particularly from exempt and non-exempt staff, in shared governance at every administrative level.

2. Membership.

The committee shall consist of six members. Two members shall be elected by and from the exempt staff; two members shall be elected by and from the non-exempt staff; one member shall be elected by and from the faculty; and one member shall be

elected by and from the graduate assistants. The chair of the Staff Affairs Committee, in consultation with other committee members and the elected staff Representatives, shall appoint annually a member to coordinate the work of the committee and the elected Representatives.

3. Term of Office.

Faculty, exempt staff, and non-exempt staff shall serve two-year staggered terms, with at least one member within each membership group elected annually. The graduate assistant shall serve a one-year term. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

I. Staff Mentoring Committee

1. Charge.

The Staff Mentoring Committee (SMC) guides and manages the University of Maryland Libraries staff mentoring program. The SMC will create and implement guidelines and procedures to foster partnerships between developing staff member mentees and experienced staff or faculty mentors. The purpose of this partnership is to meet the needs of the mentee in a professional setting. The SMC ensures that the staff mentoring program is inclusive of all Libraries staff members.

2. Membership.

The committee shall consist of four members, one elected by and from the exempt staff; one elected by and from the non-exempt staff; and one elected at large by and from the Assembly. The Director of the Libraries' Human Resources or designee serves as a non-voting *ex officio* member of the committee.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

SECTION 7: ELECTIONS

A. Responsibility.

NEVPC is responsible for coordinating the nominations and elections of all shared governance positions outlined in this Plan. It shall establish and make public the procedures and timelines associated with the elections it conducts. These procedures shall provide adequate notification for all members of the Libraries and ensure a fair and transparent process. The committee, in consultation with the Libraries' Business and Human Resources Offices, shall determine the eligible population within each constituency prior to each election. While NEVPC oversees the nominations process, it is the responsibility of the Advisory Council, standing committees, and the Assembly to nominate employees and graduate assistants for open positions. The composition of committees should represent as broad a spectrum of interests as possible, consistent with the functions of committees and the availability of candidates to serve.

B. Timeline.

Shared governance elections are usually held four times annually:

1. Graduate assistant Representatives to the Assembly and graduate assistant members of the Advisory Council are elected in the fall.
2. Assembly officers, standing committee members, and exempt and non-exempt Representatives to the Assembly are elected in the spring.
3. Faculty, exempt, and non-exempt representatives to the Advisory Council are elected in the summer.
4. University Senators are elected by the deadline provided by the University Senate.

The opening and closing of nomination periods should be scheduled to coincide with Assembly meetings whenever possible. Election timelines shall be published and shared with all Libraries employees and graduate assistants via email.

C. Procedures.

1. Nominations.

NEVPC shall open nominations at least two weeks before the nomination deadline. Nominations are gathered using an electronic form and (when possible) on the floor of the Assembly before the nomination period closes. Any employee or graduate assistant may submit a nomination, and self-nominations are encouraged. A preliminary slate of eligible nominees should be distributed seven days before nominations close. Nominees must accept the nomination to appear on the slate or ballot.

2. Ballot Distribution and Voting.

All elections are conducted electronically, with ballots distributed to eligible voters via email. Ballots for electing standing committee members shall be constructed to ensure appropriate representation and distribution according to Article IV, Section 6 of this Plan. Each constituency shall receive its own ballot for relevant elections; Assembly members shall receive a separate ballot for positions elected by and from the Assembly. Each individual may vote only once per ballot, and ballots shall be anonymous. Voting shall remain open for at least two weeks; any ballots submitted after the deadline shall not be counted.

3. Ballot Counting.

A quorum of NEVPC members must be present in order to count ballots. Votes shall be counted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Depending on the number of candidates and positions available, preferential voting may be used.

ARTICLE V: APPOINTMENT, PROMOTION, PERMANENT STATUS, AND PERIODIC EVALUATION OF LIBRARY FACULTY

Appointment, Promotion, and Permanent Status in the Libraries is governed by the *University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty, II-1.00(B)*. The Libraries' Appointment, Promotion, and Permanent Status Committee (APPSC), described in Article IV, Section 6.A, manages the procedures governed by this policy. Additional information on the process and procedures are described in the *Guidelines for Appointment, Promotion, and Permanent Status of Library Faculty*, approved by the Assembly.

Periodic review of the Libraries faculty is governed by the *University of Maryland, College Park Policy on Periodic Evaluation of Faculty Performance, II-1.20(A)*. The Libraries' Faculty Merit and Annual Review Committee (FMARC), described in Article IV, Section 6.D in this Plan, manages the procedures governed by this policy. Additional information on the process and procedures are described in the *Library Faculty Annual Performance and Merit Review Policy* and *University of Maryland Libraries Faculty Annual Performance and Merit Review Guidelines*.

SECTION 1. APPOINTMENT, PROMOTION, AND PERMANENT STATUS

A. Initial Advisory Subcommittee Review.

1. Criteria.

- a. Promotion criteria, as established by the *University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00(B))*, are available to the candidate at the time of appointment.
2. Rules for the Advisory Subcommittee.
 - a. An Advisory Subcommittee (ASC) guides the process for each application for promotion and/or permanent status, including assembling the dossier, soliciting internal and external evaluations, and reporting to the eligible faculty on its findings and recommendations.
 - b. Three or more members of the APPSC serve as the ASC for promotions from Librarian I to II, and for new appointments at the rank of Librarian III with permanent status
 - c. The Librarian IV members of APPSC coordinate the creation of the ASC for new appointments at the rank of Librarian IV.
 - d. The APPSC shall assign an ASC for each application for permanent status and/or promotion to Librarian III or Librarian IV.
 - e. Normally, each ASC will have three members, consisting of librarians at or above the rank for which the candidate is applying. ASC membership should include one librarian who is familiar with the work of the candidate, one librarian in a related field, and one librarian from anywhere in the Libraries. All ASC members from the Libraries must have permanent status.
 - f. The APPSC may appoint additional outside members (for example, academic faculty in a relevant department) to an ASC for applications for Librarian III or Librarian IV when appropriate. Such members must hold a rank at or above the rank for which the candidate is applying; for non-Libraries faculty, the comparable ranks are Associate Professor for Librarian III and Professor for Librarian IV. Such members shall be full voting members of the ASC, and thus have a vote in the ASC's recommendation.
 - g. If there are fewer than three eligible faculty members, the Dean shall appoint eligible faculty members from related departments to ensure that the ASC contains three persons. Such members must hold a rank at or above the rank for which the candidate is applying; for non-Libraries faculty, the comparable ranks are Associate Professor for Librarian III and Professor for Librarian IV. Such members shall be full voting members of the ASC, and thus have a vote in the ASC's recommendation.
 - h. The ASC shall meet to elect a chair. The ASC chair must be a librarian at or above the rank for which the candidate is applying.
 - i. If an ASC contains members from outside of the Libraries, those members may attend the meeting of eligible faculty and may have a voice, but not a vote, in that meeting.

B. Libraries Review.

1. Voting Rights.

- a. In decisions on permanent status and/or promotion to Librarian III and Librarian IV, library faculty eligible to vote are those librarians with permanent status at or above the rank for which the candidate has applied.
 - b. The Dean may attend and have a voice at the meeting of eligible faculty but does not vote.
 - c. The direct supervisor who writes an internal evaluation may attend and have a voice at the meeting of eligible faculty, but does not vote.
 - d. The APPSC will call a meeting of the eligible library faculty. A quorum consisting of seventy-five percent of the eligible faculty must be in attendance. A two-thirds majority of those voting is required for a positive recommendation for permanent status and/or promotion.
 - e. Votes by proxy are not permitted.
 - f. Votes shall be conducted via secret ballot.
2. The Role of the Chair/Vice Chair.
- a. The election and duties of the chair of the APPSC are described under Article IV, Section 6.A.4. The APPSC chair or vice chair shall ensure that transactions of the meeting of the eligible faculty are recorded. The APPSC chair, vice chair, or designee will prepare a written report stating the faculty's vote and recommendation on whether or not to grant permanent status and/or promotion, and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussion. The APPSC chair or vice chair shall serve as the Libraries spokesperson at higher levels of review, if needed.
 - b. The Dean will review the documentation and recommendation of the faculty and make an independent assessment. The Dean shall forward a recommendation to the Provost.
 - c. Requests for information from higher-level review units shall be transmitted to both the chair of the APPSC and the Dean.
3. Notification.
- a. Within two weeks of the date of forwarding the decision to the Provost, the Dean will inform the candidate whether the recommendations made by the eligible faculty and the Dean were positive or negative (including specific information on the number of faculty who voted for promotion and/or permanent status and the number who voted against) and prepare a letter that will summarize in general terms the nature of the considerations on which those decisions were based.

C. Other Procedural Issues.

1. Confidentiality.

- a. Members of an Advisory Subcommittee and participants in the eligible faculty meeting must maintain absolute confidentiality in their consideration of cases, including the content of dossiers. Outside of the committee meetings, members of the subcommittee shall not discuss specific cases with anyone who is not a member of the subcommittee. The membership of the subcommittee shall be made public at the time of the subcommittee's appointment. Every member of the campus community must respect the integrity of the appointment, permanent status, and promotion process and must refrain from attempting to discuss cases with subcommittee members or to lobby them in any way.

SECTION 2. PERIODIC EVALUATION

A. Performance Review.

Faculty shall undergo annual performance review in accordance with University policy and guidelines established by the Faculty Merit and Annual Review Committee and approved by the Assembly. Faculty members with permanent status and professional track faculty shall undergo annual review with the direct supervisor and an optional Performance Review Committee (PRC). Faculty members without permanent status shall undergo annual review with the direct supervisor and a mandatory PRC.

Separate reviews mandated for consideration for promotion and/or permanent status, for reappointment review, or for review of faculty administrators may substitute for this faculty review. In those cases, those review policies shall take precedence.

B. Merit Review.

Faculty also undergo annual merit review in accordance with University policy, the *Library Faculty Annual Performance and Merit Review Policy*, the *Professional Track Faculty Oversight Committee (PTKOC) Merit Pay Policy*, and the *University of Maryland Libraries Faculty Annual Performance and Merit Review Guidelines*, approved by the Assembly.

C. Comprehensive Review.

Two consecutive periodic reviews that indicate that a faculty member is materially deficient in meeting expectations shall occasion an immediate comprehensive review. For library faculty members without permanent status, including professional track faculty, the reappointment review process substitutes for the comprehensive review. For Libraries faculty members with permanent status, the Dean will appoint three librarians with permanent status and rank equal to or higher than the faculty member under review to the Comprehensive Review Committee. Consistent with the general principles of peer

review, the faculty member's mentor, PRC members, direct supervisor, director, or Assistant or Associate Dean cannot serve on the Comprehensive Review Committee. The Dean will appoint one of the members of the Comprehensive Review Committee as chair.

ARTICLE VI: AMENDMENTS AND REVIEW

SECTION 1. PROPOSAL OF AMENDMENTS

Amendments to this Plan may be proposed by committees of the Assembly or through written petition signed by three or more members of the Assembly.

SECTION 2. RATIFYING AMENDMENTS

- A. Proposed amendments shall be presented in writing to the Chair of the Assembly, who shall transmit them to members of the Assembly at least seven days in advance of any regular or special meeting.
- B. Within fourteen days after the regular or special Assembly meeting, the Nominations, Elections, and Voting Procedures Committee will distribute a ballot on the proposed amendment/s.
- C. The ballots must be received by the Nominations, Elections, and Voting Procedures Committee by the deadline indicated on the ballot.
- D. Adoption shall require the support of two-thirds of those voting. If approved, the amendments shall be in effect once approved by the University Senate Elections, Representation, and Governance (ERG) Committee, the University Senate, and the University President.

SECTION 3. REVIEW OF THE PLAN OF ORGANIZATION

- A. Review of this Plan of Organization shall be undertaken every tenth year by a special committee formed and elected in accordance with Article 11.3 of the *Plan of Organization for Shared Governance at the University of Maryland, College Park*.
- B. The special committee shall include representation of each constituency (permanent status/permanent status-track faculty, professional track faculty, exempt staff, non-exempt staff, and graduate assistants) of the Assembly and shall be constructed to reflect the proportional relationship of those constituencies within the Assembly.
- C. The special committee shall elect its own chair.
- D. Members of the special committee shall serve until their report has been presented to the Assembly. That report should be presented no later than six months after the date of the

first meeting of the special committee.

- E. The requirements for adopting proposed revisions resulting from the special committee review shall be the same as those for adopting amendments to this Plan as described in Article VI, Section 2.

Committee on the Plan of Governance:

Sue Baughman, Betty Day, Angela Domanico, David Glenn, Beth Guay, Douglas McElrath, Gary Phillips, Carol Spector, Cynthia Todd, Philip Vandermeer (Chair), Desider Viktor, Jane Williams, Bruce Wilson

Ratified by the University of Maryland Library Faculty on April 16, 2001.

Task Force for Revision of the Library Faculty Assembly Plan of Governance:

Peter Armstrong, Lulu Barnachea, Marian Burrigh, Elizabeth Borja, David Glenn, Charles Howell, Bobbie Mallett, Douglas McElrath (Chair), Bruce Wilson.

Report to the Assembly on April 16, 2003 and May 12, 2003.

Approved by vote of the Assembly May 30, 2003

Amended by vote of the Assembly November 17, 2003.

Amended by vote of the Assembly November 30, 2004.

Task Force for Revision of the Plan of Governance:

Patricia Kosco Cossard, Irma Dillon, Jill Fosse, Paula Greenwell, Charles Howell (Chair), Alan Mattlage, Ashley Rogers, Laura Wrubel.

Report to the Assembly on February 27, 2007.

Approved by vote of the Assembly on March 26, 2007.

Amended by vote of the Assembly on November 14, 2007

Plan of Organization Review Special Committee:

Bryan Draper, Jill Fosse, Beth Guay (Chair, 2013), Rebecca Kemp (*ex officio* Parliamentarian), Vincent Novara, Lara Otis, Caitlin Wells, Jane Williams (Chair, 2012), Michael Zeliff

Report to the Library Assembly on April 25, 2013

Approved by vote of the Library Assembly, May 6, 2013

Plan of Organization Review Special Committee:

Laura Cleary, Brittany de Gail, Jen Eidson, Beth Guay, Tim Hackman (Chair), Anne Hendrick, Charlotte Johnson, Yitzy Paul, James Spring, Hilary Thompson

Report to the Library Assembly on November 28, 2018

Approved by vote of the Library Assembly on [date]



UNIVERSITY
LIBRARIES

The University of Maryland Libraries

Plan of Organization

Approved by vote of the Library Assembly December 10, 2018

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PREAMBLE

The Plan of Organization of the University of Maryland Libraries, hereafter referred to as the Plan, serves several purposes:

1. It establishes the framework for the conduct of the Libraries' affairs as an academic unit of the University of Maryland.
2. It specifies details of the University of Maryland Libraries' organization.
3. It ensures that all activities of the Libraries are consonant with the policies, procedures, and regulations for the governance of the University of Maryland.
4. It embodies the University of Maryland Libraries' commitment to free and open participation in shared governance among the library faculty, exempt staff, non-exempt staff, graduate assistants, and administrators at every level, thereby promoting good will and mutual regard.
5. It further strives to ensure academic and professional growth among all employees for the purpose of achieving the Libraries' mission to the University of Maryland.

Achieving these purposes depends upon the University of Maryland Libraries having a diverse body of employees. The University of Maryland Libraries is committed to creating an equitable, inclusive, and supportive environment that nurtures growth and productivity.

ARTICLE I: NAME, MISSION, AND DEFINITIONS

SECTION 1. NAME

The name of the unit shall be the University of Maryland Libraries, hereafter referred to as the Libraries. The Libraries is a non-departmentalized unit and is governed by the University in the same manner as a College or School.

SECTION 2. MISSION

The Libraries enables the intellectual inquiry and learning required to meet the education, research, and community outreach mission of the University.

SECTION 3. DEFINITIONS

The following terms used in the Plan have the meanings set forth below.

- A. "Employees" includes all personnel holding appointments in the Libraries, including

permanent status and permanent status-track faculty, professional track faculty, exempt staff, and non-exempt staff. It does not, for the purposes of this Plan, include graduate assistants, hourly student workers, or volunteers.

- B. “Faculty” includes the following constituencies unless otherwise indicated:
1. Permanent Status and Permanent Status-Track Faculty: All permanent status and permanent-status track faculty, as defined in the University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty. Such faculty hold the rank of Librarian I, Librarian II, Librarian III, or Librarian IV.
 2. Professional Track Faculty: All faculty in ranks which are not eligible for permanent status, as defined in the University of Maryland Libraries Policy on Appointment, Reappointment, and Promotion of Professional Track Faculty. Such faculty hold the rank of Faculty Specialist, Senior Faculty Specialist, or Principal Faculty Specialist.
- C. “Staff” includes the following constituencies unless otherwise indicated:
1. “Exempt Staff” hold appointments classified by the University as Exempt.
 2. “Non-Exempt Staff” hold appointments classified by the University as Non-Exempt.
- D. “Graduate Assistant” refers to a registered graduate student enrolled in a degree program at the University and holding an appointment in the Libraries classified by the University as a Graduate Assistant. This constituency does not, for the purposes of this Plan, include hourly graduate student workers.
- E. “Consecutive Terms” shall refer to full terms of office occurring in succession, with no gap between them. Partial terms, for example those served by appointment to vacant positions, shall not count toward “consecutive” terms.
- F. “Staggered Terms” shall refer to an arrangement whereby only a certain number of committee members or Representatives are elected in a given year. If an unanticipated vacancy disrupts staggering for a committee or group of elected Representatives, the term length for that position may be shortened in the next election in order to restore staggering.
- G. *Ex Officio* shall be used to refer to a person serving on a committee or other body by virtue of the position or title the person holds. Unless otherwise indicated, *ex officio* members shall be non-voting members of the committees on which they serve. *Ex officio* members may not serve as chairs or vice chairs of those committees.
- H. “Quorum” is the number of voting members required to be present for the body to conduct official business. Quorum is defined for each body below.

ARTICLE II. PURPOSE AND SUPERSEDING AUTHORITY

This Plan is formulated pursuant to the *Plan of Organization for Shared Governance at the University of Maryland, College Park*, and the University of Maryland Board of Regents *Policy on Shared Governance in the University System of Maryland*. At the University of Maryland, executive authority flows from the Senior Vice President for Academic Affairs and Provost through the Dean of Libraries, whereas shared governance authority originates in the University's Plan of Organization and flows through the Senate to the Colleges and Libraries. This Plan is intended to provide for the internal shared governance of the Libraries; to define further the rights and responsibilities of the Dean of Libraries, the faculty, exempt staff, non-exempt staff, and graduate assistants; and to guide in the appointment and conduct of Libraries committees.

ARTICLE III: LIBRARY ADMINISTRATION

SECTION 1. THE DEAN OF LIBRARIES

A. Appointment.

The Dean of Libraries shall be appointed by the Senior Vice President for Academic Affairs and Provost, hereafter referred to as the Provost, and approved by the President of the University.

B. Duties and Responsibilities.

The Dean of Libraries, hereafter referred to as the Dean, shall:

1. Be the chief administrative officer of the Libraries;
2. Ordinarily hold a tenured appointment as Professor or its equivalent in an academic department or the rank of Librarian IV with Permanent Status in the Libraries;
3. Fulfill the service and scholarship criteria of a faculty appointment;
4. Report to the Provost;
5. Consult with the University Library Council, as established by the *Bylaws of the University Senate*, on policies, services, and programs; report to the Library Assembly on outcomes of the University Library Council's meetings;
6. Execute University policies insofar as they affect the Libraries;
7. Formulate and present policies and priorities to the Library Assembly for its consideration;

8. Report regularly to the Library Assembly and its committees on actions taken as a result of the Assembly's recommendations;
9. Prepare, submit, and present an annual report to the Library Assembly; prepare and submit an annual report to the Provost;
10. Prepare and manage the budget of the Libraries in consultation with the Library Management Group (LMG), the Library Assembly Advisory Council, and others as appropriate; prepare and present to the Library Assembly annually a budget for the Libraries for the upcoming year and a report on expenditures of the prior year;
11. Recommend the appointment, reappointment, non-reappointment, permanent status, affiliate and emeritus status, promotion, and research leave of faculty members with the advice of the faculty, the Appointment, Promotion, and Permanent Status Committee, the Professional Track Faculty Oversight Committee, or search committees;
12. Appoint members and chairs of Comprehensive Review Committees, as needed;
13. Receive and review merit and salary review recommendations from the Faculty Merit and Annual Review Committee (FMARC) and the Professional Track Faculty Oversight Committee (PTKOC); distribute merit pay funds to faculty in accordance with the *University of Maryland Policy on Faculty Merit Pay Distribution*;
14. Report annually to the Library Assembly on merit and salary issues;
15. Periodically review the management, training, and advancement of exempt and non-exempt staff in consultation with the Staff Affairs Committee, exempt and non-exempt Representatives, and others as appropriate; address matters as findings dictate; and report to the Library Assembly on these activities;
16. Organize and conduct annual reviews for employees who report directly to the Dean; evaluate the Assistant and Associate Deans at least once every five years, in accordance with the University of Maryland Policy on the Review of Department Chairs and Directors of Academic Units (I-6.00(C));
17. Create and dissolve administrative committees and other groups or partnerships as needed to achieve the mission of the Libraries in consultation with LMG and others as appropriate;
18. Represent the Libraries, in person or by proxy, for official business of the Libraries, to the University community, consortial partners including the

University System of Maryland and Affiliated Institutions and the Big Ten Academic Alliance, professional and scholarly organizations, and the public at large; report on such business regularly to the Library Assembly;

19. Prepare and implement the Libraries' Strategic Plan in consultation with LMG, the Library Assembly, and others as appropriate; report on strategic planning regularly to the Assembly.

C. Evaluation.

The Dean shall be evaluated at least once every five years in accordance with the University of Maryland Policy on the Review of Deans of Academic Units (1-6.00(B)).

SECTION 2: THE ASSISTANT AND ASSOCIATE DEANS

The Assistant and Associate Deans are the chief administrative officers of the Libraries' divisions. Divisions are the major administrative units of the Libraries, as reflected in the organizational chart.

A. Appointment.

The Assistant and Associate Deans are appointed by the Dean and with the approval of the Provost.

B. Duties and Responsibilities.

The Assistant and Associate Deans report to the Dean and shall be responsible for all tasks delegated to them by the Dean.

C. Evaluation.

The Assistant and Associate Deans shall be evaluated at least once every five years in accordance with the University of Maryland Policy on the Review of Department Chairs and Directors of Academic Units (1-6.00(C)).

SECTION 3. THE LIBRARY MANAGEMENT GROUP

The Library Management Group (LMG) consists of the Dean, the Assistant and Associate Deans, the Chair of the Library Assembly, the Diversity Officer, and others the Dean may appoint. LMG constitutes the senior administrative group of the Libraries and is responsible for advising and assisting the Dean on establishing the overall direction of the Libraries, which includes issues of budget, policy, faculty and staff hiring priorities, strategic planning, facilities planning, and operations. As appropriate, LMG shall invite individuals or committees to report on specific matters under consideration. LMG will also meet at least twice per year with the Library Assembly Advisory Council.

ARTICLE IV. THE LIBRARY ASSEMBLY

The Library Assembly, hereafter referred to as the Assembly, shall include all faculty, as well as Representatives of exempt staff, non-exempt staff, and graduate assistants employed by the Libraries. The Assembly shall:

1. Discuss and advise on proposed policies, procedures, services, and programs, and discuss and advise on any matter of concern to the Libraries brought before the Assembly by any member or group of members;
2. Participate in the continued development of the organization;
3. Discuss and advise on updates and revisions of the Strategic Plan;
4. Share information with and promote the skills and abilities of all library employees and graduate assistants;
5. Advise on the creation of opportunities for the professional growth and development of all Libraries employees and graduate assistants.

SECTION 1. MEMBERSHIP

The membership of the Assembly shall consist of:

- A. All faculty who have an appointment of at least 50 percent in the Libraries, and emeritus faculty. They shall each have one vote and shall be eligible for membership on Assembly committees except for committees for which membership is specifically limited by this Plan.
- B. Elected Representatives of the exempt staff, non-exempt staff, and graduate assistants. To qualify for election, an individual must have a permanent, contractual, or graduate assistant appointment of at least 50 percent in the Libraries. Representation shall equal 30 percent of the population of each constituency. The Representatives of the exempt and non-exempt staff shall be elected for staggered three-year terms, with approximately one-third of each group elected annually, up to a maximum of two consecutive terms. The Representatives of the graduate assistants shall serve one-year terms, up to a maximum of two consecutive terms. Each Representative shall have one vote and be eligible for membership on Assembly committees, except for those committees for which membership is specifically limited by this Plan. In the event that a Representative cannot complete the term of office, the Chair of the Assembly, in consultation with the remaining elected Representatives from the relevant constituency and the Library Assembly Advisory Council, will appoint a replacement to fill the vacancy until the next regular election for that constituency. Replacement Representatives shall be from the same constituency as the Representative being replaced.

- C. All officers of the Assembly shall be voting members. They shall each have one vote, except as noted in Article IV, Section 2.
- D. The Dean shall be a non-voting *ex officio* member of the Assembly.
- E. The responsibilities of each officer, committee member, and Representative shall be considered part of the employee or graduate assistant's official duties.

SECTION 2. OFFICERS

The officers of the Assembly shall consist of a Chair, Vice Chair, Immediate Past Chair, Secretary, and Parliamentarian. All officers shall serve on the Library Assembly Advisory Council. (See Article IV, Section 3 for details.) The Dean, Assistant Deans, and Associate Deans are not eligible for election to Assembly offices set forth in this section.

A. Vice Chair.

A Vice Chair shall be elected annually by and from the Assembly for a three-year term; the first year shall be as Vice Chair, the second year as Chair, and the third year as Immediate Past Chair. Graduate Assistants and the Immediate Past Chair are not eligible for this position. The duties of the Vice Chair shall be to assist the Chair, and to preside over meetings of the Assembly and Library Assembly Advisory Council in the Chair's absence.

In the event that the Vice Chair is unable to complete the first year of the term of office, a new Vice Chair shall be elected by and from the Assembly.

B. Chair.

The Vice Chair shall assume the duties of Chair during the second year of the three-year term. The Chair shall be the presiding officer of the Assembly and Library Assembly Advisory Council, and the Assembly's representative on LMG. The Chair shall be a non-voting member of the Assembly, except in cases of a ballot vote or when the Chair's vote would affect the outcome. In consultation with the Library Assembly Advisory Council, the Chair may appoint persons to take on specific technical roles for the Assembly, e.g. webmaster or electronic list manager. The Chair may appoint persons to fill vacancies of Representatives and on committees, as needed.

In the event that the Chair is unable to complete the second year of the term of office, the Vice Chair will become Chair and a new Vice Chair shall be elected by and from the Assembly.

C. Immediate Past Chair.

The Chair shall assume the duties of Immediate Past Chair during the third year of the three-year term. The Immediate Past Chair shall serve in an advisory capacity to the current Chair.

If the Immediate Past Chair is unable to complete the third year of the term of office, the Chair, in consultation with the Library Assembly Advisory Council, shall appoint a previous Chair to serve as Immediate Past Chair.

D. Secretary.

The Secretary shall be elected annually by and from the Assembly for a one-year term and may serve a maximum of two consecutive terms. If the Secretary is unable to complete the term of office, the Chair, in consultation with the Library Assembly Advisory Council, shall appoint a replacement. Duties of the Secretary shall include recording and preserving minutes of Assembly and Advisory Council meetings and ensuring that Assembly documents are properly archived.

E. Parliamentarian.

The Chair, in consultation with the Vice Chair and Secretary, shall appoint annually the Parliamentarian from the Assembly to advise the Chair on questions of procedure. The Parliamentarian shall be a non-voting member of the Assembly except in the case of a ballot vote. The Parliamentarian shall serve a one-year term, up to a maximum of two consecutive terms. If the Parliamentarian is unable to complete the term of office, the Chair, in consultation with the Library Assembly Advisory Council, shall appoint a replacement.

SECTION 3. THE LIBRARY ASSEMBLY ADVISORY COUNCIL

A. Charge.

The Library Assembly Advisory Council, hereafter referred to as the Advisory Council, acts as an executive committee of the Assembly and functions as the Libraries' Faculty Advisory Council as described in the *Plan of Organization for Shared Governance at the University of Maryland, College Park*. It consults regularly with the Dean and LMG on matters of interest and concern to the Libraries, including budget, policy, faculty and staff hiring priorities, strategic planning, facilities planning, and operations. The Advisory Council assists the Chair with the preparation of Assembly meeting agendas and reviews requests for special committees. The Advisory Council reports regularly to the Assembly on all of its activities.

B. Membership.

The Advisory Council consists of the Chair, the Vice Chair, the Immediate Past Chair, the Secretary, the Parliamentarian, chairs of the standing committees, a Senator elected by the current University Senators, the Professional Track Faculty Senator, one faculty member elected by and from the faculty, one exempt staff member elected by and from the exempt staff Representatives, one non-exempt staff member elected by and from the non-exempt staff Representatives, and one graduate assistant member elected by and from the graduate assistants. The Chair shall be the presiding officer of the Advisory Council.

C. Meetings.

The Advisory Council shall meet as needed with a minimum of one meeting per semester. The Chair may invite appointed technical advisors (e.g., the webmaster) or guests to participate in Advisory Council meetings as appropriate.

D. Minutes.

Minutes of each meeting shall be recorded by the Secretary and published.

E. Quorum.

A quorum shall be equal to more than half of the Advisory Council's voting members.

SECTION 4. MEETINGS

A. Meetings of the Assembly.

Meetings of the Assembly are open to all Libraries employees and graduate assistants. Any Libraries employee or graduate assistant may speak at Assembly meetings, regardless of voting status. All employees and graduate assistants are entitled to release time for participation in Assembly meetings.

1. The Chair or the Vice Chair shall preside at meetings of the Assembly.
2. Types of Meetings.
 - a. Regular Meetings. The regular meetings of the Assembly shall be held as needed with a minimum of one per semester.
 - b. Special Meetings. The Chair or the Advisory Council may call special meetings of the Assembly as needed, or upon the request of ten members of the Assembly.

3. Agenda and Notice of Meeting.

- a. Regular Meetings. The Chair shall issue a notice of meeting and call for agenda items to all Libraries employees and graduate assistants prior to preparing an agenda in consultation with the Advisory Council. The agenda shall be shared at least seven days in advance of the meeting.
- b. Special Meetings. All Libraries employees and graduate assistants shall be sent notice of a special meeting, along with an agenda, normally seven days in advance of the meeting.

4. Minutes.

The Secretary shall record and preserve minutes of all meetings. The Chair will distribute them to all Libraries employees and graduate assistants with the agenda for the next Assembly meeting.

5. Quorum.

A quorum shall consist of 35 percent of the voting members of the Assembly. Members of the Assembly attending the meeting online shall count toward quorum. Prior to the beginning of each semester, the Nominations, Elections, and Voting Procedures Committee shall identify the total voting membership. If no business can be transacted due to a lack of quorum, the Chair may wait a reasonable amount of time to allow a quorum to be assembled. Failing that, the Chair will adjourn the meeting.

6. The latest edition of *Robert's Rules of Order, Newly Revised* shall govern meetings of the Assembly when not in conflict with this Plan.

7. Voting.

- a. Voting on motions is normally accomplished by voice vote. A simple majority carries the motion.
- b. A show of hands shall be used to verify an inconclusive voice vote; to vote on motions requiring two-thirds for adoption; or upon request of a member of the Assembly. A secret ballot may also be used instead of voice or hand votes upon request of a member of the Assembly.
- c. In the case of a vote conducted by show of hands or secret ballot, electronic voting shall be conducted for Assembly members attending the meeting online. Electronic votes shall be tallied together with the votes of those physically present to determine if the motion passes.

B. Meetings of the Faculty and the Staff.

As an element of shared governance, the Libraries faculty, exempt staff, non-exempt staff, and graduate assistants may meet separately from the Library Assembly to discuss matters of interest and concern. These meetings shall be open to all interested parties. Such meetings may result in proposals for consideration by the Library Assembly.

1. Responsibility.

Such meetings may be called by a member of the Advisory Council or by a Representative. Such meetings shall be presided over by the Advisory Council member(s) or Representative(s) who called the meeting.

2. Agenda and Notice of Meeting.

The presiding Advisory Council member, Representative, or designee shall issue a notice of meeting and agenda, typically at least seven days in advance of the meeting.

3. Minutes.

The presiding Advisory Council member, Representative, or designee shall record minutes of the meeting and forward them to the Secretary for preservation.

SECTION 5. COMMITTEES

The Assembly may establish standing and special committees as necessary to conduct its activities and fulfill its purpose.

A. Standing committees support the work of the Assembly on a continuing basis. The Assembly shall review each standing committee at least every ten years. Standing committees may create and revise policies within the scope of their charge and may create and revise procedures to implement these policies. These policies and procedures shall be posted on the Assembly's website. Any policy established or revised by a standing committee must be approved by the Assembly. Standing committees shall meet as needed with a minimum of one meeting per semester.

1. Creation and dissolution of standing committees.

The Assembly shall create or dissolve standing committees with the guidance of the Committee on Committees in accordance with the amendment process as specified in Article VI. The charge, membership, terms of office, and the manner of selecting the chair of each standing committee shall be specified in Article IV, Section 6.

2. Membership on standing committees.

All employees and graduate assistants who have an appointment of at least 50 percent in the Libraries are eligible to serve on standing committees, except as determined by Article IV, Section 6. The Assembly shall elect members to its standing committees. Any employee or graduate assistant may nominate candidates to serve on standing committees. The Assembly Chair, in consultation with the Advisory Council, may make temporary appointments to fill vacancies on standing committees to serve until the next annual election. Replacement members shall be from the same constituency as the member being replaced.

B. Special committees undertake work falling outside the role and scope of standing committees. A special committee shall not be established when the specific problem or issue may reasonably be assigned to a standing committee. However, a standing committee may request that a special committee be formed to do clearly defined work on a problem or issue falling within its role and scope when the standing committee cannot accomplish the task in a timely fashion.

1. Creation and dissolution of special committees.

- a. Any standing committee or member of the Assembly may propose the creation of a special committee.
- b. The Advisory Council shall review the request for the special committee.
- c. The Committee on Committees shall draft the charge, membership requirements, term of operation, and method for selecting the chair of the committee. The draft charge and accompanying documentation shall be presented to the Assembly for discussion and approval.
- d. A majority vote of the Assembly shall be required to create the special committee and approve the charge and accompanying documentation.
- e. The Committee on Committees shall monitor the progress of the special committee.
- f. The special committee's final report shall be presented to the Assembly.

2. Membership on special committees.

All employees and graduate assistants who have an appointment of at least 50 percent in the Libraries are eligible to serve on special committees. Members shall be appointed by the Advisory Council upon recommendation from the Committee on Committees. The Assembly Chair, in consultation with the Advisory Council, may make temporary appointments to fill vacancies on special committees. Replacement members shall be from the same constituency as the member being replaced.

C. Quorum shall be equal to more than half of a committee's voting members.

SECTION 6. STANDING COMMITTEES

The Assembly shall maintain the following standing committees:

A. Appointment, Promotion, and Permanent Status Committee.

1. Charge.

The Appointment, Promotion, and Permanent Status Committee (APPSC) manages the procedures governed by the *University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty*.

2. Membership.

The committee shall consist of six faculty members above the rank of Librarian II, two of whom must be at the Librarian IV rank, elected by and from the permanent status and permanent status-track faculty. All committee members must have achieved permanent status. The Dean of Libraries and Assistant and Associate Deans are ineligible for service on the committee.

3. Term of Office.

Members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work. The chair and/or vice chair must hold the rank of Librarian IV. The APPSC chair shall preside at meetings that deal with appointment, promotion, and permanent status decisions. If the APPSC chair or vice chair cannot or is not eligible to attend a meeting dealing with these decisions, the APPSC member in attendance with the most years of service to the Libraries shall call the meeting to order and preside over the selection of a chair *pro tem* for the meeting.

B. Committee on Committees.

1. Charge.

The Committee on Committees (COC) shall write or provide guidance in the writing of the charge, the membership requirements, the term of operation, and the method for selecting the chair for each of the Assembly's committees. The Committee on Committees shall oversee the establishment and monitor the progress of special committees of the Assembly. The Committee on Committees shall provide a slate of candidates from within the Libraries, from which administrators may appoint representatives to participate in the search, nomination, and review of the Dean, Assistant Deans, and Associate Deans. The Committee on Committees is responsible for the ten-year reviews of standing committees. The Committee on Committees shall communicate its work and transmit all reports of special committees to the Advisory Council.

2. Membership.

The committee shall consist of three members, one elected by and from the exempt and non-exempt staff, and two elected at large by and from the Assembly.

3. Term of Office.

Members shall serve three-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

C. Faculty Mentoring Committee.

1. Charge.

The Faculty Mentoring Committee (FMC) creates guidelines and procedures for and monitors and reports on the effectiveness of the faculty mentoring process for all faculty. This committee shall ensure appropriate mentoring for faculty pursuing promotion and permanent status as well as for professional track faculty.

2. Membership.

The committee shall consist of four members. Three members shall be elected by and from the faculty. The Director of the Libraries' Human Resources or designee serves as a non-voting *ex officio* member of the committee.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

D. Faculty Merit and Annual Review Committee.

1. Charge.

The Faculty Merit and Annual Review Committee (FMARC) conducts an annual assessment of all eligible permanent status and permanent status-track faculty members to provide peer review of merit applications for the purpose of advising the Dean on merit pay awards, and of annual review for the purpose of facilitating continued professional development of the faculty. It is responsible for monitoring,

evaluating, and reporting on the effectiveness of the merit and annual review processes for permanent status and permanent status-track faculty.

2. Membership.

The committee shall consist of six members, five of which are elected by and from the permanent status and the permanent status-track faculty. The composition shall contain a distribution of faculty from the permanent status and the permanent status-track ranks, with at least one member representing each constituency. The Director of the Libraries' Human Resources or designee serves as a non-voting *ex officio* member of the committee. The members of FMARC, with the exception of the Director of Libraries' Human Resources, serve as the Merit Pay Committee for the permanent status and permanent-status track faculty. The Dean, Assistant Deans, and Associate Deans are ineligible for service on this committee.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

E. Library Research Fund Committee.

1. Charge.

The Library Research Fund Committee (LRFC) shall award funds from the Library Research Fund to conduct research, investigate innovative practices, and pursue other scholarly and creative activities. The committee shall solicit and evaluate proposals, oversee the expenditures of funds, and promote and publicize the research fund process. The committee shall encourage faculty and exempt staff in their research through relevant activities, such as workshops, and act as a resource for other committees.

2. Membership.

The committee shall consist of five members, three elected by and from the faculty, at least one of whom shall represent professional track faculty; one elected by and from the exempt staff; and one elected by and from the graduate assistants.

3. Term of Office.

Members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

F. Nominations, Elections, and Voting Procedures Committee.

1. Charge.

The Nominations, Elections, and Voting Procedures Committee (NEVPC) shall be responsible for the overall supervision and conduct of nominations and elections of the Assembly officers, standing committee members, Assembly Representatives, and representatives to the Advisory Council; for coordinating elections of University Senators in accordance with the *Plan of Organization for Shared Governance at the University of Maryland, College Park*; for conducting the balloting to amend this Plan; and for coordinating the election of the special committee to review this Plan.

2. Membership.

The committee shall consist of five members, one elected by and from the exempt and non-exempt staff, and four elected at large by and from the Assembly. In accordance with the University's requirements for electing Senators, at least one of the at large positions must represent the permanent status/permanent status-track faculty and at least one must represent the Librarian I/professional track faculty.

3. Term of Office.

Members shall serve three-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

G. Professional Track Faculty Oversight Committee.

1. Charge.

The Professional Track Faculty Oversight Committee (PTKOC) monitors the professional track faculty annual review process, recommends rank at appointment for new professional track faculty, reviews professional track faculty merit applications for the purpose of advising the Dean on merit pay awards, serves as the promotion committee for professional track faculty applications, and reviews all professional track faculty documentation on an annual basis.

2. Membership.

The committee shall consist of four members, three of which are elected by and from the faculty. At least one member must have permanent status, and at least one member must be a professional track faculty member. The Director of the Libraries' Human Resources or a designee shall serve as a non-voting *ex officio* member.

3. Term of Office.

Elected members shall serve two-year staggered terms. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The committee may also elect a vice chair, as appropriate for its work.

H. Staff Affairs Committee.

1. Charge.

The Staff Affairs Committee (SAC) shall review Libraries policies as they affect exempt staff, non-exempt staff, graduate assistants, and hourly student workers; research issues affecting these groups; recommend new policies or practices; promote training and other opportunities to constituencies; serve as an additional point of contact for employees and graduate assistants who are not members of the Assembly; and actively promote understanding of and opportunities for involvement, particularly from exempt and non-exempt staff, in shared governance at every administrative level.

2. Membership.

The committee shall consist of six members. Two members shall be elected by and from the exempt staff; two members shall be elected by and from the non-exempt staff; one member shall be elected by and from the faculty; and one member shall be elected by and from the graduate assistants. The chair of the Staff Affairs Committee, in consultation with other committee members and the elected staff Representatives, shall appoint annually a member to coordinate the work of the committee and the elected Representatives.

3. Term of Office.

Faculty, exempt staff, and non-exempt staff shall serve two-year staggered terms, with at least one member within each membership group elected annually. The graduate assistant shall serve a one-year term. Members may serve no more than two consecutive terms.

4. Chair.

Following each year's election, the committee shall meet to elect a chair. The

committee may also elect a vice chair, as appropriate for its work.

SECTION 7: ELECTIONS

A. Responsibility.

NEVPC is responsible for coordinating the nominations and elections of all shared governance positions outlined in this Plan. It shall establish and make public the procedures and timelines associated with the elections it conducts. These procedures shall provide adequate notification for all members of the Libraries and ensure a fair and transparent process. The committee, in consultation with the Libraries' Business and Human Resources Offices, shall determine the eligible population within each constituency prior to each election. While NEVPC oversees the nominations process, it is the responsibility of the Advisory Council, standing committees, and the Assembly to nominate employees and graduate assistants for open positions. The composition of committees should represent as broad a spectrum of interests as possible, consistent with the functions of committees and the availability of candidates to serve.

B. Timeline.

Shared governance elections are usually held four times annually:

1. Graduate assistant Representatives to the Assembly and graduate assistant members of the Advisory Council are elected in the fall.
2. Assembly officers, standing committee members, and exempt and non-exempt Representatives to the Assembly are elected in the spring.
3. Faculty, exempt, and non-exempt representatives to the Advisory Council are elected in the summer.
4. University Senators are elected by the deadline provided by the University Senate.

The opening and closing of nomination periods should be scheduled to coincide with Assembly meetings whenever possible. Election timelines shall be published and shared with all Libraries employees and graduate assistants via email.

C. Procedures.

1. Nominations.

NEVPC shall open nominations at least two weeks before the nomination deadline. Nominations are gathered using an electronic form and (when possible) on the floor of the Assembly before the nomination period closes. Any employee or graduate assistant may submit a nomination, and self-nominations are encouraged. A preliminary slate of eligible nominees should be distributed seven days before nominations close. Nominees must accept the nomination to appear on the slate or ballot.

2. Ballot Distribution and Voting.

All elections are conducted electronically, with ballots distributed to eligible voters via email. Ballots for electing standing committee members shall be constructed to ensure appropriate representation and distribution according to Article IV, Section 6 of this Plan. Each constituency shall receive its own ballot for relevant elections; Assembly members shall receive a separate ballot for positions elected by and from the Assembly. Each individual may vote only once per ballot, and ballots shall be anonymous. Voting shall remain open for at least two weeks; any ballots submitted after the deadline shall not be counted.

3. Ballot Counting.

A quorum of NEVPC members must be present in order to count ballots. Votes shall be counted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Depending on the number of candidates and positions available, preferential voting may be used.

ARTICLE V: APPOINTMENT, PROMOTION, PERMANENT STATUS, AND PERIODIC EVALUATION OF LIBRARY FACULTY

Appointment, Promotion, and Permanent Status in the Libraries is governed by the *University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty, II-1.00(B)*. The Libraries' Appointment, Promotion, and Permanent Status Committee (APPSC), described in Article IV, Section 6.A, manages the procedures governed by this policy. Additional information on the process and procedures are described in the *Guidelines for Appointment, Promotion, and Permanent Status of Library Faculty*, approved by the Assembly.

Periodic review of the Libraries faculty is governed by the *University of Maryland, College Park Policy on Periodic Evaluation of Faculty Performance, II-1.20(A)*. The Libraries' Faculty Merit and Annual Review Committee (FMARC), described in Article IV, Section 6.D in this Plan, manages the procedures governed by this policy. Additional information on the process and procedures are described in the *Library Faculty Annual Performance and Merit Review Policy* and *University of Maryland Libraries Faculty Annual Performance and Merit Review Guidelines*.

SECTION 1. APPOINTMENT, PROMOTION, AND PERMANENT STATUS

A. Initial Advisory Subcommittee Review.

1. Criteria.

- a. Promotion criteria, as established by the *University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00(B))*, are available to the candidate at the time of appointment.
2. Rules for the Advisory Subcommittee.
 - a. An Advisory Subcommittee (ASC) guides the process for each application for promotion and/or permanent status, including assembling the dossier, soliciting internal and external evaluations, and reporting to the eligible faculty on its findings and recommendations.
 - b. Three or more members of the APPSC serve as the ASC for promotions from Librarian I to II, and for new appointments at the rank of Librarian III with permanent status
 - c. The Librarian IV members of APPSC coordinate the creation of the ASC for new appointments at the rank of Librarian IV.
 - d. The APPSC shall assign an ASC for each application for permanent status and/or promotion to Librarian III or Librarian IV.
 - e. Normally, each ASC will have three members, consisting of librarians at or above the rank for which the candidate is applying. ASC membership should include one librarian who is familiar with the work of the candidate, one librarian in a related field, and one librarian from anywhere in the Libraries. All ASC members from the Libraries must have permanent status.
 - f. The APPSC may appoint additional outside members (for example, academic faculty in a relevant department) to an ASC for applications for Librarian III or Librarian IV when appropriate. Such members must hold a rank at or above the rank for which the candidate is applying; for non-Libraries faculty, the comparable ranks are Associate Professor for Librarian III and Professor for Librarian IV. Such members shall be full voting members of the ASC, and thus have a vote in the ASC's recommendation.
 - g. If there are fewer than three eligible faculty members, the Dean shall appoint eligible faculty members from related departments to ensure that the ASC contains three persons. Such members must hold a rank at or above the rank for which the candidate is applying; for non-Libraries faculty, the comparable ranks are Associate Professor for Librarian III and Professor for Librarian IV. Such members shall be full voting members of the ASC, and thus have a vote in the ASC's recommendation.
 - h. The ASC shall meet to elect a chair. The ASC chair must be a librarian at or above the rank for which the candidate is applying.
 - i. If an ASC contains members from outside of the Libraries, those members may attend the meeting of eligible faculty and may have a voice, but not a vote, in that meeting.

B. Libraries Review.

1. Voting Rights.

- a. In decisions on permanent status and/or promotion to Librarian III and Librarian IV, library faculty eligible to vote are those librarians with permanent status at or above the rank for which the candidate has applied.
- b. The Dean may attend and have a voice at the meeting of eligible faculty but does not vote.
- c. The direct supervisor who writes an internal evaluation may attend and have a voice at the meeting of eligible faculty, but does not vote.
- d. The APPSC will call a meeting of the eligible library faculty. A quorum consisting of seventy-five percent of the eligible faculty must be in attendance. A two-thirds majority of those voting is required for a positive recommendation for permanent status and/or promotion.
- e. Votes by proxy are not permitted.
- f. Votes shall be conducted via secret ballot.

2. The Role of the Chair/Vice Chair.

- a. The election and duties of the chair of the APPSC are described under Article IV, Section 6.A.4. The APPSC chair or vice chair shall ensure that transactions of the meeting of the eligible faculty are recorded. The APPSC chair, vice chair, or designee will prepare a written report stating the faculty's vote and recommendation on whether or not to grant permanent status and/or promotion, and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussion. The APPSC chair or vice chair shall serve as the Libraries spokesperson at higher levels of review, if needed.
- b. The Dean will review the documentation and recommendation of the faculty and make an independent assessment. The Dean shall forward a recommendation to the Provost.
- c. Requests for information from higher-level review units shall be transmitted to both the chair of the APPSC and the Dean.

3. Notification.

- a. Within two weeks of the date of forwarding the decision to the Provost, the Dean will inform the candidate whether the recommendations made by the eligible faculty and the Dean were positive or negative (including specific information on the number of faculty who voted for promotion and/or permanent status and the number who voted against) and prepare a letter that will summarize in general terms the nature of the considerations on which those decisions were based.

C. Other Procedural Issues.

1. Confidentiality.

- a. Members of an Advisory Subcommittee and participants in the eligible faculty meeting must maintain absolute confidentiality in their consideration of cases, including the content of dossiers. Outside of the committee meetings, members of the subcommittee shall not discuss specific cases with anyone who is not a member of the subcommittee. The membership of the subcommittee shall be made public at the time of the subcommittee's appointment. Every member of the campus community must respect the integrity of the appointment, permanent status, and promotion process and must refrain from attempting to discuss cases with subcommittee members or to lobby them in any way.

SECTION 2. PERIODIC EVALUATION

A. Performance Review.

Faculty shall undergo annual performance review in accordance with University policy and guidelines established by the Faculty Merit and Annual Review Committee and approved by the Assembly. Faculty members with permanent status and professional track faculty shall undergo annual review with the direct supervisor and an optional Performance Review Committee (PRC). Faculty members without permanent status shall undergo annual review with the direct supervisor and a mandatory PRC.

Separate reviews mandated for consideration for promotion and/or permanent status, for reappointment review, or for review of faculty administrators may substitute for this faculty review. In those cases, those review policies shall take precedence.

B. Merit Review.

Faculty also undergo annual merit review in accordance with University policy, the *Library Faculty Annual Performance and Merit Review Policy*, the *Professional Track Faculty Oversight Committee (PTKOC) Merit Pay Policy*, and the *University of Maryland Libraries Faculty Annual Performance and Merit Review Guidelines*, approved by the Assembly.

C. Comprehensive Review.

Two consecutive periodic reviews that indicate that a faculty member is materially deficient in meeting expectations shall occasion an immediate comprehensive review. For library faculty members without permanent status, including professional track faculty, the reappointment review process substitutes for the comprehensive review. For Libraries faculty members with permanent status, the Dean will appoint three librarians with permanent status and rank equal to or higher than the faculty member under review to the Comprehensive Review Committee. Consistent with the general principles of peer review, the faculty member's mentor, PRC members, direct supervisor, director, or Assistant or Associate Dean cannot serve on the Comprehensive Review Committee. The Dean will appoint one of the members of the Comprehensive Review Committee as chair.

ARTICLE VI: AMENDMENTS AND REVIEW

SECTION 1. PROPOSAL OF AMENDMENTS

Amendments to this Plan may be proposed by committees of the Assembly or through written petition signed by three or more members of the Assembly.

SECTION 2. RATIFYING AMENDMENTS

- A. Proposed amendments shall be presented in writing to the Chair of the Assembly, who shall transmit them to members of the Assembly at least seven days in advance of any regular or special meeting.
- B. Within fourteen days after the regular or special Assembly meeting, the Nominations, Elections, and Voting Procedures Committee will distribute a ballot on the proposed amendment/s.
- C. The ballots must be received by the Nominations, Elections, and Voting Procedures Committee by the deadline indicated on the ballot.
- D. Adoption shall require the support of two-thirds of those voting. If approved, the amendments shall be in effect once approved by the University Senate Elections, Representation, and Governance (ERG) Committee, the University Senate, and the University President.

SECTION 3. REVIEW OF THE PLAN OF ORGANIZATION

- A. Review of this Plan of Organization shall be undertaken every tenth year by a special committee formed and elected in accordance with Article 11.3 of the *Plan of Organization for Shared Governance at the University of Maryland, College Park*.
- B. The special committee shall include representation of each constituency (permanent status/permanent status-track faculty, professional track faculty, exempt staff, non-exempt staff, and graduate assistants) of the Assembly and shall be constructed to reflect the proportional relationship of those constituencies within the Assembly.
- C. The special committee shall elect its own chair.
- D. Members of the special committee shall serve until their report has been presented to the Assembly. That report should be presented no later than six months after the date of the first meeting of the special committee.

- E. The requirements for adopting proposed revisions resulting from the special committee review shall be the same as those for adopting amendments to this Plan as described in Article VI, Section 2.

Committee on the Plan of Governance:

Sue Baughman, Betty Day, Angela Domanico, David Glenn, Beth Guay, Douglas McElrath, Gary Phillips, Carol Spector, Cynthia Todd, Philip Vandermeer (Chair), Desider Viktor, Jane Williams, Bruce Wilson

Ratified by the University of Maryland Library Faculty on April 16, 2001.

Task Force for Revision of the Library Faculty Assembly Plan of Governance:

Peter Armstrong, Lulu Barnachea, Marian Burreight, Elizabeth Borja, David Glenn, Charles Howell, Bobbie Mallett, Douglas McElrath (Chair), Bruce Wilson.

Report to the Assembly on April 16, 2003 and May 12, 2003.

Approved by vote of the Assembly May 30, 2003

Amended by vote of the Assembly November 17, 2003.

Amended by vote of the Assembly November 30, 2004.

Task Force for Revision of the Plan of Governance:

Patricia Kosco Cossard, Irma Dillon, Jill Fosse, Paula Greenwell, Charles Howell (Chair), Alan Mattlage, Ashley Rogers, Laura Wrubel.

Report to the Assembly on February 27, 2007.

Approved by vote of the Assembly on March 26, 2007.

Amended by vote of the Assembly on November 14, 2007

Plan of Organization Review Special Committee:

Bryan Draper, Jill Fosse, Beth Guay (Chair, 2013), Rebecca Kemp (*ex officio* Parliamentarian), Vincent Novara, Lara Otis, Caitlin Wells, Jane Williams (Chair, 2012), Michael Zeliff

Report to the Library Assembly on April 25, 2013

Approved by vote of the Library Assembly, May 6, 2013

Plan of Organization Review Special Committee:

Laura Cleary, Brittany de Gail, Jen Eidson, Beth Guay, Tim Hackman (Chair), Anne Hendrick, Charlotte Johnson, Yitzy Paul, James Spring, Hilary Thompson

Report to the Library Assembly on November 28, 2018

Approved by vote of the Library Assembly on [date]



PCC Proposal to Rename the Master of Science in “Survey Methodology” to “Survey and Data Science” (PCC 19054)

PRESENTED BY Janna Bianchini, Chair, Senate Programs, Curricula, & Courses Committee

REVIEW DATES SEC – April 10, 2020 | SENATE – April 22, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT NA

NECESSARY APPROVALS Senate, President, Chancellor, and Maryland Higher Education Commission

ISSUE

The Joint Program in Survey Methodology (JPSM), within the College of Behavioral and Social Sciences, was founded in 1993 as a joint program with the University of Michigan, and the Westat corporation. The program has graduated more than 300 students now working in government agencies, academic settings, and private research firms. JPSM proposes to rename its M.S. program in “Survey Methodology” to “Survey and Data Science.” The field of survey methodology has evolved over the years as data about opinion and behavior has become available in large quantities. The courses in the program have also evolved over time to reflect the rise of big data. Consequently, the name change will better reflect the current state of the field and training that the program provides. This name change will help the program to recruit more students to the program and increase the employment opportunities for graduates as the new title reflects the broader scope of the program to employers.

The proposed name change was endorsed by the Graduate School Programs, Curricula, and Courses committee on March 26, 2020, and by the Senate Programs, Curricula, and Courses committee on April 3, 2020.

RECOMMENDATION(S)

The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this name change.

COMMITTEE WORK

The committee considered this proposal at its meeting on April 3, 2020. The committee met with the program’s Executive Director, Jody Williams, and Wayne McIntosh, Associate Dean of the College of Behavioral and Social Sciences. The two made a brief presentation and responded to questions. The committee voted unanimously to endorse the name change.

ALTERNATIVES

The Senate could decline to approve the name change.

RISKS

If the Senate declines to approve this degree program, the University will lose an opportunity to better market this degree program to prospective graduate students and increase the marketability of program graduates.

FINANCIAL IMPLICATIONS

There are no significant financial implications.

451: SURVEY AND DATA SCIENCE (SURV)

In Workflow

1. D-SURV PCC Chair (rjethwa@umd.edu)
2. D-SURV Chair (fkreuter@umd.edu;%20rjethwa@umd.edu)
3. BSOS Curriculum Manager (khall@umd.edu;%20gdenbow@umd.edu)
4. BSOS PCC Chair (khall@umd.edu)
5. BSOS Dean (khall@umd.edu;%20krussell@umd.edu;%20wvmci@umd.edu)
6. Academic Affairs Curriculum Manager (mcolson@umd.edu)
7. Graduate School Curriculum Manager (aambrosi@umd.edu)
8. Graduate PCC Chair (aambrosi@umd.edu)
9. Dean of the Graduate School (sfetter@umd.edu;%20aambrosi@umd.edu)
10. Senate PCC Chair (jcw@umd.edu;%20mcolson@umd.edu)
11. University Senate Chair (mcolson@umd.edu)
12. President (mcolson@umd.edu)
13. Chancellor (mcolson@umd.edu)
14. MHEC (mcolson@umd.edu)
15. Provost Office (mcolson@umd.edu)
16. Graduate Catalog Manager (aambrosi@umd.edu)

Approval Path

1. Mon, 23 Dec 2019 15:53:28 GMT
Rupa Jethwa Eapen (rjethwa): Approved for D-SURV PCC Chair
2. Mon, 23 Dec 2019 15:56:59 GMT
Rupa Jethwa Eapen (rjethwa): Approved for D-SURV Chair
3. Tue, 21 Jan 2020 19:58:54 GMT
Giselle Denbow (gdenbow): Approved for BSOS Curriculum Manager
4. Wed, 12 Feb 2020 21:02:23 GMT
Kristi Hall (khall): Approved for BSOS PCC Chair
5. Wed, 12 Feb 2020 21:04:10 GMT
Kristi Hall (khall): Rollback to BSOS PCC Chair for BSOS Dean
6. Mon, 24 Feb 2020 20:20:26 GMT
Kristi Hall (khall): Approved for BSOS PCC Chair
7. Sat, 29 Feb 2020 02:00:15 GMT
Katherine Russell (krussell): Approved for BSOS Dean
8. Mon, 23 Mar 2020 20:03:14 GMT
Michael Colson (mcolson): Approved for Academic Affairs Curriculum Manager
9. Thu, 26 Mar 2020 17:18:03 GMT
Angela Ambrosi (aambrosi): Approved for Graduate School Curriculum Manager
10. Thu, 26 Mar 2020 17:19:24 GMT
Angela Ambrosi (aambrosi): Approved for Graduate PCC Chair
11. Fri, 03 Apr 2020 18:42:45 GMT
Steve Fetter (sfetter): Approved for Dean of the Graduate School

History

1. Sep 25, 2019 by Angela Ambrosi (aambrosi)
2. Oct 18, 2019 by William Bryan (wbryan)

Date Submitted: Mon, 23 Dec 2019 15:51:21 GMT

Viewing: 451 : Survey and Data Science (SURV)

Last approved: Fri, 18 Oct 2019 20:01:01 GMT

Last edit: Wed, 12 Feb 2020 21:04:08 GMT

Changes proposed by: Rupa Jethwa Eapen (rjethwa)

Proposed Action

Rename Program

Program Name

Survey and Data Science (SURV)

Program Status

Active

Effective Term

Fall 2020

Catalog Year

2020-2021

Program Level

Graduate Program

Program Type

Master's

Delivery Method

On Campus

Departments

Department

Joint Program in Survey Methodology

Colleges

College

Behavioral and Social Sciences

Program/Major Code

SURV

MHEC Inventory Program

Survey Methodology

Degree(s) Awarded

Degree Awarded

Master of Science

Proposal Contact

Rupa Jethwa Eapen rjethwa@umd.edu X59201

Program and Catalog Information

Catalog Program Requirements:

Non-thesis option only: 46 credits required

SURV offers a non-thesis program, however students in all three tracks the statistical science, social and psychological science and data science concentrations must fulfill a research experience requirement, yielding a scholarly paper. This paper must be the result of either original research conducted by the student, critical analysis, or evaluation of existing surveys.

Students choose from one of the following concentrations:

Statistical Science

Course

Title

Credits

Required courses:

SURV615

Statistical Modeling I

3

SURV616	Statistical Modeling II	3
SURV720	Total Survey Error and Data Quality I	2
SURV721	Total Survey Error and Data Quality II	2
SURV772	Survey Design Seminar	3
SURV617	Applications of Statistical Modeling	3
Fundamentals of Data Collection I		3
Fundamentals of Data Collection II		3
Fundamentals of Computing and Data Display		3
Specialization requirements:		
SURV410	Introduction to Probability Theory	3
SURV420	Theory and Methods of Statistics	3
SURV440	Sampling Theory	3
SURV742	Inference from Complex Surveys	3
Electives		9
Total Credits		46

Social and Psychological Science

Course	Title	Credits
Required courses:		
SURV615	Statistical Modeling I	3
SURV616	Statistical Modeling II	3
SURV720	Total Survey Error and Data Quality I	2
SURV721	Total Survey Error and Data Quality II	2
SURV772	Survey Design Seminar	3
SURV617	Applications of Statistical Modeling	3
Fundamentals of Data Collection I		3
Fundamentals of Data Collection II		3
Fundamentals of Computing and Data Display		3
Specialization requirements:		
SURV625	Applied Sampling	3
SURV630	Questionnaire Design and Evaluation	3
SURV632	Cognition, Communication and Survey Measurement	3
SURV701	Analysis of Complex Sample Data	3
Fundamentals of Inference		3
Electives		6
Total Credits		46

Data Science

Course	Title	Credits
Required courses:		
SURV615	Statistical Modeling I	3
SURV616	Statistical Modeling II	3
SURV720	Total Survey Error and Data Quality I	2
SURV721	Total Survey Error and Data Quality II	2
SURV772	Survey Design Seminar	3
SURV617	Applications of Statistical Modeling	3
Fundamentals of Data Collection I		3
Fundamentals of Data Collection II		3
Fundamentals of Computing and Data Display		3
Specialization requirements:		
SURV625	Applied Sampling	3
SURV701	Analysis of Complex Sample Data	3

Fundamentals of Inference	3
Electives	12
Total Credits	46

Program Modification Information

Impact on current students. It should be specifically acknowledged that students enrolled in the program prior to the effective date of any curriculum change may complete their program under the old requirements if they wish. The courses required must remain available, or suitable substitutions specifically designated.

Yes, we agree.

Linked Programs

Renaming Program

Provide a rationale for renaming the program.

There are only two programs in the United States that offer graduate training in survey methodology, the Joint Program in Survey Methodology at the University of Maryland and the Michigan Program in Survey Methodology at the University of Michigan which whose curricula, instructions, and admissions are highly integrated. The field has been changing over time, with a growing interest in naturally occurring data about opinion and behavior, often available in large quantities, i.e. big data. Our programs have adjusted our curriculum to include this expanded focus, and we are considering a corresponding name change to reflect this evolution in the field and in the training we provide. Our goal is to identify increase enrollment and employability of graduates as well as the programs' visibility by clearly communicating to the appropriate communities what we do and what our prospective students can expect to learn.

The name M.S. in Survey and Data Science will:

- Reflect the current curriculum, communicating that the program has expanded to address the fast-paced changes in survey research.
- Describe the focus of the program more accurately to our peers and colleagues, including potential employers of the graduates
- Increase ability to recruit students who are interested in data science, without reducing our ability to recruit students who are interested in survey methodology (and without alienating alumni).

Reviewer Comments

Kristi Hall (khal) (Wed, 12 Feb 2020 21:04:10 GMT): Rollback: approved too early

Key: 451



Amendment to the University of Maryland Undergraduate Student Course Repeat Policy

PRESENTED BY William Reed, Chair, Academic Procedures & Standards (APAS) Committee

REVIEW DATES SEC – April 10, 2020 | SENATE – April 22, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [III-1.50\(A\)](#) – [University of Maryland Undergraduate Student Course Repeat Policy](#)

NECESSARY APPROVALS Senate, President

ISSUE

In November 2019, a proposal was submitted to the Senate Executive Committee related to the University of Maryland Undergraduate Student Course Repeat Policy (III-1.50[A]). The policy was created and approved in spring 2019. The proposal noted concerns raised in implementation discussions regarding earned credits for repeated courses. In November 2019, the SEC voted to charge the Academic Procedures and Standards (APAS) Committee with review of the proposal.

RECOMMENDATION(S)

The APAS Committee recommends that the proposed revisions to the University of Maryland Undergraduate Student Course Repeat Policy (III-1.50[A]) as shown immediately following this report be approved.

COMMITTEE WORK

The APAS Committee began its review of the charge at its meeting on February 19, 2020. It reviewed the current policy and the proposal. In development of the policy, the APAS Committee had determined that students should only receive credit for the most recent attempt of the course. In implementation, advisors raised concerns that this practice could disadvantage students and result in a reduction of their credits. APAS agreed that this would be an unintended consequence of its prior work, and recognized the significant impact this could have on students.

APAS found that there was no underlying principle reason for applying the credits from the final attempt rather than the highest number of earned credits. The committee affirmed its prior determination that students should only earn credit from one attempt at a course, but agreed that it would be appropriate to ensure that students retain the higher number of credits.

The committee developed a minor revision to the policy to address the issue. After consideration, the APAS Committee voted to approve the proposed revisions to the policy in an email vote concluding on March 20, 2020.

ALTERNATIVES

The Senate could choose to reject the recommended revision to the policy. However, the University would lose the opportunity to correct this unintended consequence and students may be put in a difficult position if they lose earned credit prior to graduation.

RISKS

There are no risks to the University in adopting this recommendation.

FINANCIAL IMPLICATIONS

There are no known financial implications in adopting this recommendation.



AMENDMENT TO THE UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT COURSE REPEAT POLICY

2019-2020 Committee Members

Will Reed (Chair)	Dylan Selterman (Faculty)
Bill Cohen (Ex-Officio Provost's Rep)	David Straney (Faculty)
Adrian Cornelius (Ex-Officio Registrar Rep)	Monica VanKlompberg (Faculty)
Shannon Gundy (Ex-Officio Director of Admissions Rep)	Alice Donlan (Staff)
Lisa Kiely (Ex-Officio Undergraduate Studies Rep)	Paula Nasta (Graduate Student)
Ryan Long (Ex-Officio Graduate School Rep)	Jason Tan (Undergraduate Student)
Progyan Basu (Faculty)	Kaylee Towey (Undergraduate Student)
Nicole Coomber (Faculty)	Eleanor VanVraken (Undergraduate Student)
Lee Friedman (Faculty)	
Patricio Korzeniewicz (Faculty)	
Marilee Lindemann (Faculty)	
Tianzhou Ma (Faculty)	
Kellie Rolstad (Faculty)	

Date of Submission

April 2020

BACKGROUND

In November 2019, a proposal was submitted to the Senate Executive Committee related to the University of Maryland Undergraduate Student Course Repeat Policy (III-1.50[A]). The policy was created and approved in spring 2019 ([Senate Document #18-19-09](#)). The proposal noted concerns raised in implementation discussions regarding earned credits for repeated courses. In November 2019, the SEC voted to charge the Academic Procedures and Standards (APAS) Committee with review of the proposal (Appendix 1).

COMMITTEE WORK

The APAS Committee began its review of the charge at its meeting on February 19, 2020. It reviewed the current policy and the proposal. APAS consulted with the proposer, as well as with the Undergraduate Student Ombudsperson and the Office of the Registrar. The committee also consulted with the Office of General Counsel (OGC) during its review.

In development of the policy during the 2018-2019 academic year, the APAS Committee determined that students should only receive credit for one attempt at any course. APAS developed language for the policy that indicates that the earned credit from the most recent attempt of the course will be applied. However, in discussing how to implement the new policy, advisors noted that this practice could disadvantage students and result in a reduction of their credits. There may be instances where a student takes a four-credit course and then takes a three-credit duplicate course in which content and learning objectives overlap sufficiently with those of the original course; in these cases, the policy states that credit should not be earned for both courses. Under the current policy, the student would have one credit removed from their transcript, since the second attempt at the course was for fewer credits than the first attempt.

APAS learned that the loss of credit in these cases may not be found until the transcript is reviewed when a student applies for graduation, so there may be students who are kept from graduating because they did not know how earned credit is impacted by repeated courses. The committee agreed that this would be an unintended consequence of its prior work, and recognized the significant impact this could have on students. The committee also noted that the impact of this could be uneven, depending on whether students and advisors are aware of the rule or whether they discover the discrepancy in credits during their review of the transcript in the years prior to graduation.

APAS found that there was no underlying principle reason for applying the credits from the final attempt rather than the highest number of earned credits. The committee affirmed its prior determination that students should only earn credit from one attempt at a course, but agreed that it would be appropriate to ensure that students retain the higher number of credits.

The committee developed a minor revision to the policy to address the issue. After consideration, the APAS Committee voted to approve the proposed revisions to the policy in an email vote concluding on March 20, 2020.

RECOMMENDATIONS

The APAS Committee recommends that the proposed revisions to the University of Maryland Undergraduate Student Course Repeat Policy (III-1.50[A]) as shown immediately following this report be approved.

APPENDICES

Appendix 1 — Charge from the Senate Executive Committee



III-1.50(A) UNIVERSITY OF MARYLAND UNDERGRADUATE STUDENT COURSE REPEAT POLICY

(Approved by the President May 3, 2019)

I. Purpose

Undergraduate students at the University of Maryland may repeat courses within the guidelines specified in this policy. The University acknowledges that students may not realize success in an initial attempt at a course for a variety of reasons. This policy aims to address those challenges while promoting timely progress towards completion of degree programs and the efficient use of instructional resources.

II. Policy

A. It is the policy of the University of Maryland that undergraduate students may repeat courses that were initially attempted at the University in accordance with the following guidelines:

1. A course that was previously attempted at the University can be repeated once.
2. A maximum of 18 attempted credits may be repeated.

B. Exceptions to Section II-A

1. A student may request an exception to this policy due to extenuating circumstances by appealing to the dean of the student's primary advising college and by providing the following:
 - a) A well-documented justification for granting such an exception;
 - b) The student's plan for successfully completing the course and degree; and
 - c) The student's planned course of action should the exception not facilitate the desired outcome.

III. Definitions

- A. An **"Attempt"** of a course refers to a course taken at the University for which a student received a grading symbol or marking (A+ through F, XF, P, S, W, I, NG, or AU) identified in the University of Maryland Grading Symbols and Notations Used on

Academic Transcripts (III-6.20[A]). An “Attempt” also refers to a course taken at another institution subsequent to an Attempt taken at the University of Maryland. An “Attempt” does not refer to a course taken during a semester in which a complete withdrawal (designated with a WW) was processed.

- B. An “**Initial Attempt**” of a course refers to the first time the course was attempted at the University of Maryland.
- C. “**Prior Learning Credit**” refers to academic credit awarded for knowledge and achievements gained through prior learning, or competency-based education experiences as described in the University of Maryland Policy and Procedures Concerning Credit for Prior Learning (III-1.41[A]).
- D. “**Repeated Course**” refers to a subsequent Attempt of a course initially attempted at the University of Maryland that has not been designated as repeatable for additional credit, as described in Section IV below.
- E. “**Transfer Credit**” refers to academic credit awarded for post-secondary courses generally completed at regionally accredited institutions of higher education.

IV. Types of Repeated Courses

- A. A course is considered a repeat if it is:
 - 1. the same course with the same course number;
 - 2. the same course offered under a new number (indicated in the Schedule of Classes as “Formerly”);
 - 3. the same course offered using a cross-listed number (indicated in the Schedule of Classes as “Also offered as” or “Credit only granted for”);
 - 4. a different course in which content and learning objectives overlap sufficiently with those of the original course, such that course credit should not be earned for both courses (indicated in the Schedule of Classes as “Credit only granted for”); or
 - 5. a transfer course that is determined to be equivalent to a University of Maryland course, and is taken after the Initial Attempt at the University.
- B. Some courses may not be available for a subsequent Attempt, or may have restrictions in place that do not allow a student to retake them.

V. Impact of Repeated Courses on Total Credits Earned and GPA Calculation

All University of Maryland grades and course Attempts will remain on the student's transcript.

- A. Total Credits Earned: students earn credit for only one Attempt of a course. ~~The earned credit comes from the most recent Attempt of the course.~~ **In cases where the earned credit for multiple Attempts differs, the highest number of earned credits will be used.**
- B. GPA Calculation: students' cumulative GPA calculations will include all credits attempted in courses at the University of Maryland, except as described in section VI below.

VI. New Student Provision

- A. To assist in the transition to the University of Maryland, cumulative GPAs for undergraduate students will be calculated using only the most recent grade from Repeated Courses attempted at the University in accordance with the following conditions:
 - 1. When the Initial Attempt of the Repeated Course was taken within the student's first semester (Fall or Spring semester) at the University of Maryland; or
 - 2. When the Initial Attempt of the Repeated Course was taken prior to or within the term in which the student reaches their 24th credit hour attempted, including transfer credits earned after high school graduation.
- B. Students may decline the New Student Provision for any course(s) by notifying the dean of their primary advising college at any time prior to the graduation application deadline of the student's term of graduation. The decision to decline the New Student Provision is final and will result in all corresponding grades being included in the GPA calculation.
- C. The New Student Provision can only be exercised for Attempts and repeats of courses taken at the University of Maryland and does not apply to Transfer or Prior Learning Credit.



Charged: January 30, 2020 | Deadline: March 13, 2020

Amendment to the University of Maryland Undergraduate Student Course Repeat Policy (Senate Document #19-20-27)
Academic Procedures & Standards (APAS) Committee | Chair: William Reed

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Academic Procedures & Standards (APAS) Committee review the proposal entitled, "*Amendment to the University of Maryland Undergraduate Student Course Repeat Policy*".

Specifically, the APAS Committee should:

1. Review the University of Maryland Undergraduate Student Course Repeat Policy ([III-1.50\[A\]](#)).
2. Consult with the proposer, the Associate Dean for General Education.
3. Consult with a representative of the Office of the Registrar.
4. Consult with the Undergraduate Ombudsperson.
5. Consider whether the current policy disadvantages undergraduate students with regard to earned credit.
6. Consult with a representative of the Office of General Counsel on any proposed changes to University policy or associated guidelines.
7. If appropriate, recommend whether the policy should be amended based on the committee's consideration of the above items.

We ask that you submit a report to the Senate Office no later than **March 13, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office at reka@umd.edu or 301.405.5804.



UNIVERSITY SENATE

PROPOSAL

Submitted on:

NAME/TITLE

EMAIL

UNIT

PHONE

CONSTITUENCY

DESCRIPTION OF ISSUE

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

ADDITIONAL INFORMATION



Review of the UMD Policies and Procedures Concerning Tuition Remission

PRESENTED BY	Jane Hirshberg, Chair
REVIEW DATES	SEC – April 10, 2020 SENATE – April 22, 2020
VOTING METHOD	In a single vote
RELEVANT POLICY/DOCUMENT	VII-4.10(A) Policy and Procedures Concerning Tuition Remission for Faculty and Staff VII-4.20(A) Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff
NECESSARY APPROVALS	Senate, President

ISSUE

In November 2019, the Senate Executive Committee (SEC) received a proposal calling for the revision of two University policies addressing tuition remission for employees, their spouses, and dependent children. The proposal noted that neither policy has been updated since 1991, and neither accurately reflects current practice or University System of Maryland (USM) policies. In January 2020, the SEC charged the Staff Affairs Committee with reviewing both policies, consulting with relevant stakeholders, reviewing similar policies and procedures at Big 10 and peer institutions, considering whether certain elements of the policies should be aligned with current practice, and recommending changes to the policies, as appropriate.

RECOMMENDATION

The Staff Affairs Committee recommends that the University of Maryland, College Park Policy and Procedures Concerning Tuition Remission for Faculty and Staff be revised as indicated in the document immediately following this report.

The Staff Affairs Committee recommends that the University of Maryland, College Park Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff be revised as indicated in the document immediately following this report.

The Staff Affairs Committee recommends that the University consider reviewing the fees paid by employees who take courses at the institution and determine which should be considered mandatory.

COMMITTEE WORK

The Staff Affairs Committee consulted University Human Resources on the policies and on current practice regarding tuition remission for employees and their spouses and dependent children. The committee also reviewed USM policies covering tuition remission, and considered policies and procedures at other USM institutions. The committee developed revisions to more closely align with USM policies and current University practice, and that more directly focus on employees at this institution.

The committee also considered the mandatory fees that are charged to employees who take courses, which are the same fees as are charged to undergraduate and graduate students. In some cases, employees have been charged separately for services and privileges that should have been covered by their mandatory fees, due to their dual roles as employees and students. While the USM policy requires that employees pay mandatory fees, the committee noted that it may be possible for the University to consider establishing a new category of mandatory fees that are specific to employees who take courses, which led to the committee's administrative recommendation.

After due consideration, the Staff Affairs Committee voted to approve the revised policies and an administrative recommendation by an email vote concluding on April 6, 2020.

ALTERNATIVES

The Senate could choose not to approve the revisions to the Policy and Procedures Concerning Tuition Remission for Faculty and Staff and the Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff. However, the University would lose the opportunity to ensure that these policies align with current practice and USM policies.

RISKS

There are no associated risks to the University in adopting these recommendations.

FINANCIAL IMPLICATIONS

There are no known financial implications for revising the two policies. There could be financial implications depending on the outcome of the University's review of the recommendation related to mandatory fees paid by employees who take courses.



Review of the UMD Policies and Procedures Concerning Tuition Remission

2019-2020 Committee Members

Jane Hirshberg (Chair)
Max Balagtas-Badoy (Non-Exempt Staff Contingent II)
Amelia Barabak (Ex-Officio Provost's Rep)
Darrell Claiborne (Ex-Officio NV CUSS Rep)
Jaison Cooper (Exempt Staff Contingent II)
Everett Daviag (Exempt Staff - Division)
Robert DuDonis (Non-Exempt Staff - Division)
Cathy Fisanich (Non-Exempt Staff - Academic)
Sarah Goff (Ex-Officio CUSS Rep)
Elizabeth Hinson (Ex-Officio NV CUSS Rep)
Antionietta Jennings (Non-Exempt Staff - Division)
Rythee Lambert-Jones (Ex-Officio Director of Human Resources Rep)

Anne Martens (Ex-Officio VP Administration & Finance Rep)
Kalia Patricio (Ex-Officio CUSS Rep)
Jeanne Pekny (Non-Exempt - Academic)
Brianne Rowh (Exempt Staff - Division)
Margaret Saponaro (Faculty)
Maureen Schrimpe (Ex-Officio CUSS Rep)
Kristin Stenson (Exempt Staff - Academic)
Brooke Supple (Ex-Officio VP Student Affairs Rep)
Timea Webster (Exempt Staff - Academic)

Date of Submission

April 2020

BACKGROUND

In November 2019, the Senate Executive Committee (SEC) received a proposal calling for the revision of two University policies addressing tuition remission: the Policy and Procedures Concerning Tuition Remission for Faculty and Staff (VII-4.10[A]) and the Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff (VII-4.20[A]). The proposal noted that neither policy has been updated since 1991, and neither accurately reflects current practice or University System of Maryland (USM) policies. In January 2020, the SEC charged the Staff Affairs Committee with reviewing both policies, consulting with relevant stakeholders, reviewing similar policies and procedures at Big 10 and peer institutions, considering whether certain elements of the policies should be aligned with current practice, and recommending changes to the policies, as appropriate (Appendix 3).

CURRENT PRACTICE

The University's current policies and its approach to tuition remission align with the general principles and intent of the USM policies, but they have not been updated in thirty years to incorporate revisions to the USM policies that occurred during that period. The USM policies provide broad discretion to each institution to implement specific practices related to tuition remission. University Human Resources' (UHR) practices offer more flexibility and expand access to tuition remission in order to align with USM policies and to reflect evolving trends in education.

COMMITTEE WORK

The Staff Affairs Committee consulted with UHR on the revised policy drafts included with the proposal. The committee gathered information on how tuition remission is currently administered for employees, their spouses, and their dependent children, and identified key elements of the current policies that should be revised. The committee worked to identify differences between the University's

current policies and the corresponding USM policies, and between the University's current policies and UHR's practice surrounding tuition remission.

The major differences between the University's policies and the USM policies include:

- The USM policy covering employees provides remission of up to 8 credits per semester. The University policy for employees remits up to 7 credits per semester.
- Dependents and spouses are required to pay mandatory fees. The University policy for spouses and dependents does not address fees.

The major differences between the University's policies and UHR's practice surrounding tuition remission include:

- UHR provides remission for credits taken during winter and summer sessions, and for twelve-week courses. The University policy for employees only allows remission during "semesters."
- UHR provides remission for up to 8 credits over the course of the summer sessions. The University policy for employees remits up to 6 over the two sessions.
- UHR provides remission for eligible CII employees. The University policy for employees does not permit remission for CII employees.
- UHR provides remission for the entirety of differential tuition for undergraduate courses. The University policies do not address differential tuition.
- The University policies do not indicate under what circumstances an employee, their spouse, or their dependent is required to reimburse tuition remission if the employee leaves the University. UHR requires employees to reimburse the institution if they leave the University before the drop/add deadline for the relevant term.
- For graduate courses, UHR only remits tuition based on the standard graduate credit hour, and students are responsible for any tuition costs above that. The University policy for employees only addresses the number of credits covered by tuition remission, while the policy for spouses and dependents references "100% tuition remission" for graduate courses.
- UHR provides tuition remission for winter terms (4 credits for the standard term, 6 for the twelve-week term). UHR also provides remission for courses taken over the summer sessions (8 over the course of the two sessions). The University policy for employees only references semesters, while the policy for spouses and dependents does not address semesters or terms at all, and instead indicates that it provides "100% tuition remission."

The committee reviewed similar tuition remission policies and procedures at other institutions. Given that the Senate's ability to propose changes is constrained by the USM policies, and given the limited scope of its charge, the committee decided to focus its peer research on similar policies at other USM institutions. Nearly all of those institutions simply reference the USM policies. Of the two institutions that do have standalone policies, neither includes a level of detail approaching that of the University's current policies. Rather than following approaches taken by other USM institutions, the committee revised the proposed drafts by adapting language from the USM policies, framing them to be more

applicable to employees at this institution, and aligning them with current UHR practices as described above. The committee also struck references to graduate assistants in the University policy for employees, as remission for graduate assistants is now addressed by the USM Policy on Graduate Assistants (III-7.11).

The committee also considered the fees that are charged to employees who take courses at the University. In the past, the University has waived mandatory fees for employees. In 2019, the USM announced that this practice was not permitted under the USM policy covering tuition remission for employees; since fall 2019, employees have been responsible for paying mandatory fees. Committee members reported instances of employees being charged separately for services and privileges that should have been covered by their mandatory fees, due to their dual roles as employees and students. At present, the University has two categories of “mandatory fees,” one for [undergraduate students](#) and one for [graduate students](#). Committee members noted that some of the fees within each category are not applicable to faculty and staff who are taking classes. The USM policy requires that faculty and staff who take courses pay mandatory fees. However, the committee noted that it may be possible for the University to consider which fees should be considered mandatory for employees who take courses, which led to the committee’s administrative recommendation.

The revised policies were reviewed by UHR, the Office of the Registrar, the Graduate School, and the Office of General Counsel, none of whom had concerns. After due consideration, the Staff Affairs Committee voted to approve the revised policies and an administrative recommendation by an email vote concluding on April 6, 2020.

RECOMMENDATIONS

The Staff Affairs Committee recommends that the University of Maryland, College Park Policy and Procedures Concerning Tuition Remission for Faculty and Staff be revised as indicated in the document immediately following this report.

The Staff Affairs Committee recommends that the University of Maryland, College Park Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff be revised as indicated in the document immediately following this report.

The Staff Affairs Committee recommends that the University consider reviewing the fees paid by employees who take courses at the institution and determine which should be considered mandatory.

APPENDICES

Appendix 1—Current Policy and Procedures Concerning Tuition Remission for Faculty and Staff (VII-4.10[A])

Appendix 2—Current Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff (VII-4.20[A])

Appendix 3—Charge from the Senate Executive Committee



VII-4.10(A) UNIVERSITY OF MARYLAND POLICY ON TUITION REMISSION FOR FACULTY, STAFF, AND RETIRED EMPLOYEES
(Approved by the President August 1, 1991)

I. Purpose

The University of Maryland (the University) supports the continuing education of current and retired faculty and staff by providing tuition remission to enroll in academic courses for the improvement of skills or for personal development.

II. Definitions

- A. "Differential Tuition" means an additional amount charged on top of base tuition for specific undergraduate academic programs.
- B. "Employee" means a regular status faculty member, a regular staff member, or a Contingent II staff member who occupies a position at the University that is intended to last at least six months and is at least 50% FTE.
- C. "Retiree" means a person who has previously held a regular status faculty or staff position within the USM, and who is receiving a periodic distribution from the Maryland State Retirement and Pension System and/or a Maryland Optional Retirement Plan. Retirees who enrolled in a retirement plan prior to July 1, 2011, must have earned at least five years' FTE of USM service credit to be eligible for Tuition Remission under this policy. Retirees who enrolled in a retirement plan on or after July 1, 2011, must have earned at least ten year's FTE of USM service credit.
- D. "Tuition Reimbursement" means repayment for certain tuition costs.
- E. "Tuition Remission" means the waiver of tuition, including Differential Tuition, charged for undergraduate academic courses, and the waiver of the standard graduate credit hour for graduate courses.

III. Policy

- A. Number of Credits
 - 1. Full-time Employees and Retirees from full-time positions are entitled to receive Tuition Remission for courses taken at the University as follows:
 - a. 8 credits each for the fall and spring semesters

- b. 4 credits for the standard winter term and 6 credits for a twelve-week winter term
 - c. 8 credits over the course of both the Summer I and Summer II sessions
2. Part-time Employees and Retirees from part-time positions are entitled to Tuition Remission for credits prorated to their percentage of time worked.
 3. Audit courses and non-credit courses will be assigned the equivalent number of hours in determining the number of hours which may be carried, and the number of hours for which tuition may be remitted.
 4. The maximum total number of hours of Tuition Remission available at the University shall be determined by the Senior Vice President and Provost.

B. Eligibility

1. Enrollment in a course at the University is subject to the individual's admissibility to the University based on normal admission standards, and the fulfillment of all course prerequisites.
2. Tuition Remission for courses taken at other USM institutions shall be subject to the Employee or Retiree's admissibility to the institution and to the program in which the courses are to be taken, including other academic regulations of the institution governing student enrollment.
3. In order to ensure the operations of the University, enrollment in daytime courses by Employees requires the permission of their unit head.

C. Tuition Reimbursement

1. Employees may be reimbursed for the cost of tuition upon successful completion of a course offered by a two-year or four-year institution that does not participate in the USM tuition remission program if:
 - i. the Employee's unit head determines that a specific course is job-related and will contribute to the Employee's job performance;
 - ii. the course is not available at any institution that participates in the USM tuition remission program; and
 - iii. operations and resources permit the Employee's enrollment in and reimbursement for the course.
2. Tuition Reimbursement for courses taken at institutions that do not participate in the USM tuition remission program are subject to the following limitations:
 - i. The maximum reimbursement per semester shall be for one course, not to exceed 4 credit hours.

- ii. An Employee may not enroll in more than 8 credit hours of coursework in a semester for which the Employee is receiving a combination of Tuition Reimbursement and Tuition Remission.
 - iii. Graduate course reimbursement may be limited to the amount currently charged for a graduate credit hour at the University.
3. The Employee's unit head must submit a written reimbursement recommendation to the Assistant Vice President for Human Resources before the first class meeting of the recommended course. Advance approval of the Assistant Vice President for Human Resources or designee is required in order for the Employee to receive Tuition Reimbursement.
4. The Employee is responsible for paying tuition and related fees to the institution offering the approved course.
5. To be eligible for reimbursement, Employees must earn a grade of "C" or better in the course.
6. Upon successful completion of the course, the Employee must submit a request for Tuition Reimbursement, documenting the tuition amount to be reimbursed and the Employee's grade.

D. Absence from Work to Attend Class

1. If enrollment in a course is required by an Employee's unit head, the Employee may be absent from work for not more than one-half day on days when classes are scheduled. The Employee will not be required to make up for time away from work to attend class.
2. If enrollment in a course is not mandatory, the Employee should enroll in a class that meets during non-work hours, if feasible. The Employee must either take leave or make up for any hours of work lost for a course that is not required by their unit head.

E. Fees & Costs

1. Employees and Retirees are responsible for the payment of all mandatory fees for courses taken at the University or elsewhere.
2. Employees and Retirees will be responsible for the differential cost between each credit hour and the amount currently charged for a graduate credit hour at the University.
3. If an Employee who has received Tuition Remission in a given term leaves the University prior to the end of the drop/add period for that term, the Employee will be financially responsible for the full cost of the tuition.



VII-4.20(A) UNIVERSITY OF MARYLAND POLICY ON TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF FACULTY, STAFF, AND RETIRED EMPLOYEES

(Approved by the President August 1, 1991)

I. Purpose

In order to better support its current and former employees and advance its commitment to providing exceptional educational opportunities to residents of the state of Maryland, the University of Maryland (the University) provides tuition remission for the spouses and dependent children of current and retired faculty and staff.

II. Definitions

- A. "Dependent Child" means the child, stepchild, or legally adopted child of a University Employee or Retiree who:
 - 1. is under the age of twenty-six prior to an institution's course registration deadline for the semester or term for which Tuition Remission has been requested; or
 - 2. is twenty-six or older and claimed as a dependent on the Employee or Retiree's federal income tax return for the year(s) in which Tuition Remission is granted.
- B. "Differential Tuition" means an additional amount charged on top of base tuition for specific undergraduate academic programs.
- C. "Employee" means a regular status faculty or staff member who occupies a position at the University that is intended to last at least six months and is at least 50% FTE.
- D. "Retiree" means a person who has previously held a regular status faculty or staff position at the University and who is receiving a periodic distribution from the Maryland State Retirement and Pension System and/or a Maryland Optional Retirement Plan. Retirees who enrolled in a retirement plan prior to July 1, 2011, must have earned at least five years' FTE of University System of Maryland (USM) service credit in order to be eligible for Tuition Remission. Retirees who enrolled in a retirement plan on or after July 1, 2011, must have earned at least ten year's FTE of USM service credit.
- E. "Spouse" means a person in a marriage recognized by the state of Maryland, with an Employee or Retiree.
- F. "Tuition Remission" means the waiver of tuition, including Differential Tuition,

charged for undergraduate academic courses, and the waiver of the standard graduate credit hour for graduate courses.

III. Policy

Spouses and Dependent Children of Employees and Retirees may receive Tuition Remission subject to the following provisions.

A. Eligibility for Tuition Remission

1. Spouses and Dependent Children of full-time Employees or Retirees hired before January 1, 1990, are entitled to receive 100% Tuition Remission for undergraduate or graduate courses taken at any USM institution. Tuition remission for undergraduate and graduate courses taken at the University is granted as follows:
 - i. Unlimited Tuition Remission for fall and spring semesters
 - ii. 4 credits for the standard winter term and 6 credits for a twelve-week winter term
 - iii. 8 credits total for both Summer I and Summer II sessions
2. Spouses and Dependent Children of full-time Employees or Retirees hired on or after January 1, 1990, are entitled to receive Tuition Remission under the following conditions:
 - i. The student will receive 100% Tuition Remission for courses taken toward a first undergraduate degree as follows:
 - a. Unlimited Tuition Remission for fall and spring semesters
 - b. 4 credits for the standard winter term and 6 credits for a twelve-week winter term
 - c. 8 credits total for both Summer I and Summer II sessions
 - ii. The student will receive 50% Tuition Remission for undergraduate courses taken toward a first undergraduate degree at another USM institution to which the student has been accepted. The remaining 50% of tuition costs are the responsibility of the student.
 - iii. Employees hired on or after July 1, 1992, are not eligible for Tuition Remission for their Spouses or Dependent Children until they have been employed by the University for at least two years.
3. Spouses and Dependent Children of Employees and Retirees of the University of Maryland Extension, the Agricultural Experimental Station, and the former University of Maryland Biotechnology Institute will receive 100% Tuition Remission for courses

taken toward a first undergraduate degree at any USM institution.

4. If a former USM Employee is rehired by the University within three years of separation from prior USM employment, the Spouse and Dependent Children of the rehired Employee will be eligible for Tuition Remission according to the Employee's original USM hire date under the terms provided for in Section III.A.1-2 above.
5. For Spouses and Dependent Children of University Employees and Retirees who are employed in, or retired from, a position at 50% or more time, the percentage of tuition remitted will be proportional to the percentage of employment service.

B. Admissibility

1. Tuition Remission is subject to the Spouse or Dependent Child's admissibility to the University or USM institution and to the program in which the courses are offered, and to other academic regulations governing student enrollment.

C. Tuition Remission and Deceased University Employees and Retirees

1. Subject to the requirements and limitations of this policy, Spouses and Dependent Children of full-time Employees or Retirees who die while employed or after retirement will be permitted to register for courses with Tuition Remission.
2. The number of years of allowable Tuition Remission is dependent on the Employee or Retiree's years of USM service. Spouses and Dependent Children will receive Tuition Remission for:
 - i. one academic year, if the Employee or Retiree was employed with the USM for less than three years;
 - ii. two academic years, if the length of employment was at least three but less than five years;
 - iii. three academic years, if the length of employment was at least five but less than seven years;
 - iv. four academic years, if the length of employment was at least seven but less than nine years; and
 - v. five academic years, if the length of employment was nine years or more.
3. For Spouses, eligibility for Tuition Remission will continue for a maximum period of seven years after the Employee or Retiree's death.
4. For children, eligibility will continue as long as the child of the deceased Employee or Retiree qualifies as a "Dependent Child" under Section II.A.
5. For Spouses and Dependent Children of part-time Employees or Retirees who were employed at 50% time or more and who die while employed or after retirement, the

percentage of Tuition Remission will be proportional to the percentage of employment service averaged for the three years immediately preceding the Employee's retirement or death.

D. Fees & Costs

1. Individual students are responsible for the payment of all mandatory fees for courses taken at the University or elsewhere under the terms of this policy.
2. For the Spouses and Dependent Children of Employees and Retirees identified in III.A.1., individual students will be responsible for the differential cost between each credit hour and the amount currently charged for a graduate credit hour at the University.
3. If an Employee who has received Tuition Remission in a given term for a Spouse or Dependent Child leaves the University prior to the end of the drop/add period for that term for any reason other than those addressed in III.C., the Employee will be financially responsible for the full cost of the tuition.

Appendix 1: Current Policy and Procedures Concerning Tuition Remission for Faculty and Staff (VII-4.10[A])



VII-4.10(A) UMCP Policy and Procedures Concerning Tuition Remission for Faculty and Staff

(Approved by the President August 1, 1991)

I. Policy

UMCP encourages and supports University faculty, staff, and retirees, both on the College Park Campus and within the University of Maryland System, to make use of the opportunity to enroll in academic courses at UMCP. Tuition remission is available to those choosing to do so in accordance with the Board of Regent's Policy VII-4.10, University of Maryland System Policy on Tuition Remission for Faculty and Staff, and the following guidelines and procedures.

II. Entitlement

Permanent faculty and permanent staff from all institutions within the University of Maryland System, including retirees from permanent positions, are entitled to tuition remission benefits at UMCP.

III. Definitions

1. Permanent faculty or staff shall mean a person who occupies a position within the University of Maryland System through approved budgetary and appointment procedures with the intent that such appointment is for a duration of at least six months.
2. University of Maryland Retiree shall mean a person who has previously held a permanent position within the University of Maryland System, and is receiving State of Maryland retirement checks and/or TIAA-CREF retirement checks. Retirees must have earned at least five years of University of Maryland System service credit.

IV. Guidelines

1. Admissibility to a course at UMCP shall be subject to an individual's admissibility to UMCP based upon normal admission standards. All course prerequisites must be fulfilled.
2. Audit courses and non-credit courses shall be assigned the equivalent number of hours in determining the number of hours which may be carried, and the number of hours for which fees may be remitted.
3. In order to ensure the operations of the University of Maryland System, enrollment in daytime credit courses by active University of Maryland System employees is subject to the consent of the appropriate director or department chairperson and approval of the Vice President for Administrative Affairs of the appropriate institution.

4. Employees from other University of Maryland System institutions shall be given the same opportunity for enrollment in courses on the College Park Campus under the tuition remission policy as their counterparts at UMCP.
5. Questions concerning an individual's status at another campus for purposes of tuition remission shall be directed to the appropriate campus' Department of Personnel by the UMCP Personnel Services Department.
6. The maximum number of hours of tuition remission available at UMCP shall be determined by the Administration each semester, based on budget constraints.

IV. Credit Hour Remission Entitlements

1. Full-time faculty, full-time staff and retirees from full-time positions shall be permitted to register for no more than two courses, not to exceed seven credits per semester with remission of tuition.
2. Permanent part-time faculty and staff employed at least fifty percent of the time in the University of Maryland System or retirees from such positions are permitted remission for credits proportional to their percentage of service.
3. Faculty, staff, and retirees are responsible for the payment of registration fees.
4. Graduate Assistants are permitted to register for not more than ten credits per semester with remission of tuition.
5. Graduate Fellows are permitted to register for not more than fifteen credits per semester with remission of tuition.
6. Graduate Assistants and Graduate Fellows must pay all mandatory fees.
7. Full-time faculty, staff and retirees are permitted to register for three credits per summer session with remission of tuition. Twelve month graduate assistants are permitted to register for four credits for the total summer session with tuition remission.

V. Procedure for Requesting Tuition Remission

1. An "Authorization of Remission of Tuition" form must be completed and submitted to the UMCP Department of Personnel. The form is available in the Staff Benefits Office of the Personnel Services Department, and through the personnel offices at all University of Maryland System institutions.
2. The "Authorization of Remission of Tuition" form must be submitted to the Department of Personnel in a sealed envelope.
3. The form must be received by the Staff Benefits Office no later than the published deadline for each semester.



VII-4.20(A) UMCP PROCEDURES CONCERNING TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF FACULTY AND STAFF
(Approved by the President August 1, 1991)

A. Eligibility

Tuition remission is available to spouses and dependent children of:

Permanent faculty at UMS,
Permanent staff at UMS, and
University of Maryland System retirees

who are admissible to UMCP under normal admission standards. Different tuition remission benefits apply to employees based on the date that employment began. These differences, as mandated by the Board of Regents are as follows:

1. Employment beginning before January 1, 1990-
 - Spouses and dependent children of employees of any UMS institution may register for courses at UMCP with 100% tuition remission at both the undergraduate and graduate levels.
2. Employment beginning on or after January 1, 1990-
 - Spouses and dependent children of UMCP employees only may receive 100% tuition remission on courses towards a first undergraduate degree.
 - Spouses and dependent children of employees at other UMS institutions may register for courses at UMCP with 50% tuition remission with the approval of the chief executive officer of the home institution.
 - Spouses and dependent children of University of Baltimore employees may receive 100% tuition remission for freshman and sophomore years.
 - Spouses and dependent children of UMAB employees may receive 100% tuition remission for programs not offered at that campus.

B. Definitions

1. Permanent faculty or staff shall mean a person who occupies a position within the University of Maryland System through approved budgetary and appointment procedures with the intent that such appointment is for a duration of at least six months.
2. University of Maryland System retiree shall mean a person who has previously held a permanent position within the University of Maryland System, and is receiving State of

Maryland retirement checks and /or TIAA/CREF retirement checks. Retirees must have at least five years of University of Maryland System service credit.

3. Spouse shall mean one with whom the employee has entered a legally effective marriage. This does not include an estranged spouse maintaining a separate domicile.
4. Child shall mean a son, daughter, stepson, stepdaughter, legally adopted son, or legally adopted daughter.
5. Dependent child shall mean a child who is financially dependent under the definition adhered to by the Internal Revenue Service.

C. Application Procedure

1. Students seeking to be enrolled at UMCP under the tuition remission program must first apply and be admitted using the admission standards and deadlines for admission which apply to all UMCP applicants. Specific program requirements shall be followed where appropriate.
2. Upon acceptance at UMCP, a completed "Request for Remission of Tuition" form should be submitted to either the Office of Undergraduate Admissions, or the Office of Graduate Admissions, as appropriate.
3. Tuition remission decisions shall be made by the dean of the Undergraduate or Graduate Schools, as appropriate, or by a designee. Tuition remission shall be granted on a first-come-first-served basis to students meeting the criteria set forth above and in the policy of the Board of Regents (VII-4.20). The place of employment of the student's parent or spouse is not a factor. Tuition remission shall not be granted unless all pertinent information requested on the form is supplied.
4. Students shall be notified of the decision to grant or deny tuition remission within thirty days of receipt of the request.



Review of the UMD Policies and Procedures Concerning Tuition Remission (Senate Document #19-20-25)

Staff Affairs Committee | Chair: Jane Hirshberg

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Staff Affairs Committee review the proposal entitled, “*Review of the UMD Policies and Procedures Concerning Tuition Remission.*”

Specifically, the Staff Affairs Committee should:

1. Review the Policy on Tuition Remission and Tuition Reimbursement for Regular and Retired Nonexempt and Exempt Staff and Faculty Employees of the University System of Maryland ([VII-4.10](#)).
2. Review the University of Maryland, College Park Policy and Procedures Concerning Tuition Remission for Faculty and Staff ([VII-4.10\[A\]](#)).
3. Review the University System of Maryland (USM) Policy on Tuition Remission for Spouse and Dependents ([VII-4.20](#)).
4. Review the University of Maryland, College Park Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff ([VII-4.20\[A\]](#)).
5. Review similar policies or procedures on tuition remission for employees and their spouse/dependents at Big 10 and other peer institutions.
6. Consult with the proposer, the Assistant Director of Employee Benefits in University Human Resources.
7. Consult with a representative of University Human Resources.
8. Consult with a representative of the Vice President for Administration and Finance on the types of fees that are charged to employees who take courses at the University.
9. Consult with a representative of the Senior Vice President & Provost.
10. Consult with a representative of the Graduate School.
11. Consult with a representative of the Office of the Registrar.
12. Consider whether the University’s policies on tuition remission need to be aligned with provisions in the USM tuition remission policies.
13. Consider whether the University’s policies on tuition remission should be revised to accommodate varying course formats.

14. Consider whether the University's policies on tuition remission should be revised to align with current practices not currently reflected in the policy, including the use of tuition remission during winter and summer sessions.
15. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
16. If appropriate based on the committee's consideration of the above items, recommend whether the policies should be revised.

We ask that you submit a report to the Senate Office no later than **March 30, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office at reka@umd.edu or 301.405.5804.



Review of the Policies and Procedures Concerning Tuition Remission

NAME/TITLE	David Rieger, Assistant Director		
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UNIT	University Human Resources	CONSTITUENCY	Staff

DESCRIPTION OF ISSUE

The University of Maryland, College Park Policy and Procedures Concerning Tuition Remission for Faculty and Staff ([VII-4.10\[A\]](#)) has not been revised since 1991. It is out of alignment with the Policy on Tuition Remission and Tuition Reimbursement for Regular and Retired Nonexempt and Exempt Staff and Faculty Employees of the University System of Maryland ([VII-4.10](#)), and does not recognize evolving trends in higher education in which courses are offered in formats outside of the traditional academic semesters (fall and spring). The policy also does not align with our current practice of providing tuition remission for courses taken during the winter and summer terms. In addition, the associated University of Maryland, College Park Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff ([VII-4.20\[A\]](#)) has not been updated since 1991 and is similarly out of alignment with USM Policy on Tuition Remission for Spouse and Dependents ([VII-4.20](#)).

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

Revise the University of Maryland, College Park Policy and Procedures Concerning Tuition Remission for Faculty and Staff ([VII-4.10\[A\]](#)) and the associated University of Maryland, College Park Procedures Concerning Tuition Remission for Spouses and Dependent Children of Faculty and Staff ([VII-4.20\[A\]](#)) to align with USM policy and current UMD practice, and to allow for varying course formats.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

The revised policy would support the implementation of new systems for requesting and approving tuition remission requests that UHR has already put in place.

ADDITIONAL INFORMATION

Proposed revisions to the policies are attached.

VII-4.10(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES CONCERNING TUITION REMISSION FOR FACULTY, STAFF, AND RETIREES

I. PURPOSE AND APPLICABILITY

The University of Maryland (UMD) encourages and supports University faculty, staff, and retirees, both on the College Park Campus and within the University System of Maryland (USM), to make use of the opportunity to enroll in academic courses. Tuition remission is available to those choosing to do so in accordance with the Board of Regent's Policy VII-4.10, POLICY ON TUITION REMISSION AND TUITION REIMBURSEMENT FOR REGULAR AND RETIRED NONEXEMPT AND EXEMPT STAFF AND FACULTY EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND, and the following guidelines and procedures.

II. ELIGIBILITY

Regular Status faculty and staff from all institutions within the University System of Maryland, including retirees from regular status positions, are entitled to tuition remission benefits at UMD.

III. DEFINITIONS

1. Regular status faculty or staff shall mean a person who occupies a position within the University System of Maryland through approved budgetary and appointment procedures, with the intent that such appointment is for a duration of at least six months.
2. A University of Maryland retiree shall mean a person who has previously held a regular status position within the University System of Maryland, and must be receiving a periodic distribution from the State of Maryland Retirement and Pension System and/or a Maryland Optional Retirement Plan (ORP). Retirees enrolled in a retirement plan prior to July 1, 2011 must have earned at least five years' full time equivalent (FTE) of University System of Maryland service credit. Retirees enrolled in a retirement plan July 1, 2011 or later must have earned at least ten year's full time equivalent (FTE) of University System of Maryland service credit.

IV. ADMINISTRATION OF TUITION REMISSION

1. Admissibility to a course at UMD shall be subject to UMD normal admission standards. All course prerequisites must be fulfilled.
2. Audit courses and non-credit courses shall be assigned the equivalent number of hours in determining the number of hours which may be carried, and the number of hours for which tuition may be remitted.
3. In order to ensure the operations of the University of Maryland, enrollment in daytime credit courses by active University of Maryland employees is subject to the consent of the appropriate director or department chairperson.

4. Employees from other University System of Maryland institutions shall be given the same opportunity for enrollment in courses on the College Park Campus under the tuition remission policy as their counterparts at UMD.
5. Tuition remission at other USM institutions shall be subject to the individual's admissibility to the institution and to the program in which the courses are to be taken, including other academic regulations of the institution governing student enrollment (for example, course prerequisites and registration deadlines).
6. The maximum number of hours of tuition remission available at UMD shall be determined by the Administration, based on budget constraints.

IV. CREDIT HOUR REMISSION ENTITLEMENTS

1. Full-time faculty, staff, and retirees from full-time positions shall be permitted to receive tuition remission for courses taken at UMD as follows:
 - 8 credits each for Fall and Spring semester
 - 4 credit for the standard Winter term and 6 credits for a 12-week Winter term
 - 8 credits combined total for Summer I and Summer II sessions.

Tuition remission for courses taken at other USM institutions will follow that institution's restrictions and guidelines.

2. Regular status part-time faculty and staff employed at least fifty percent (50%) of full-time or retirees from such part-time positions are permitted tuition remission for credits prorated to their percentage of time worked.
3. Faculty, staff, and retirees are responsible for payment of all mandatory fees.

V. PROCEDURE FOR REQUESTING TUITION REMISSION

1. All tuition remission applications for all USM institutions must be submitted through the online University System of Maryland Tuition Remission Application Portal. Portal access is available through the University Human Resources website.
2. Applications must be submitted no later than the published deadline for each semester or term.

VI. TUITION REIMBURSEMENT AT NON-USM OR NON-RECIPROCAL INSTITUTIONS

A. Eligibility for Tuition Reimbursement

Subject to the requirements of this Section, an eligible full-time employee may be reimbursed for the cost of tuition upon successful completion of a course offered by non-USM or non-Reciprocal two- or four-year institution if:

1. That employee's department head or chair determines that a specific course is job-related and will contribute to the employee's job performance.

2. The course is not available as a practical matter at any USM or reciprocal Institution; and
3. Operations and resources permit the employee's enrollment in and reimbursement for the course.

B. Administration of Tuition Reimbursement

1. The employee's department head or chair shall submit a written reimbursement recommendation to the UMD Chief Human Resources Officer (CHRO) before the first class meeting of the recommended course. The advance approval of the CHRO is required in order for the employee to receive reimbursement for the course.
2. The employee is responsible for paying tuition and related fees to the institution offering the approved course.
3. Upon successful completion of the course, the employee shall submit a request for reimbursement, documenting the tuition amount to be reimbursed and the employee's receipt of a grade of "C" or better in the course.

C. Limitations on Tuition Reimbursement

Tuition reimbursement for courses at non-USM or non-Reciprocal institutions is limited as follows:

1. The maximum reimbursement per semester shall be for one course, not to exceed four credit hours.
2. Course fees and expenses other than tuition are the responsibility of the employee.
3. An employee may not enroll in more than eight credit hours of coursework in a semester for which the employee is receiving a combination of tuition reimbursement under this Section and tuition remission under Section III of this policy.
4. The amount to be reimbursed per credit hour for an approved course may be limited to amount currently charged for a graduate credit hour at the University of Maryland, College Park.

D. Absence from Work to Attend Class.

1. If enrollment in a course is required by the employee's department, the employee may be absent from work for not more than one-half day on days when classes are scheduled. The employee will not be required to make up for time away from work on class days.
2. If enrollment in such a course is not mandatory, the employee should enroll in a class that meets during non-work hours, if feasible. The employee must either take leave or make up for any hours of work lost for a course that is not required by the employee's department.

VII-4.20(A) UNIVERSITY OF MARYLAND PROCEDURES CONCERNING TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF FACULTY AND STAFF

I. PURPOSE AND APPLICABILITY

The University of Maryland (UMD) supports the general policy of tuition remission for the spouses and dependent children of UMD Faculty and Exempt and Nonexempt Staff Employees on Regular or Retired Status, consistent with the University System of Maryland (USM) Board of Regents Policy VII-4.20 - POLICY ON TUITION REMISSION FOR SPOUSES AND DEPENDENT CHILDREN OF USM EMPLOYEES AND RETIREES

II. DEFINITIONS

For the purposes of this policy, the following definitions apply:

A. Dependent Child: The son/daughter, stepson/stepdaughter or legally adopted son/daughter of a UMD Employee or Retiree who:

1. Is under the age of 26 prior to the institution's deadline for registration for courses in the semester or term for which tuition remission has been requested, or,
2. If the child is 26 or older, is claimed as a dependent on the employee's federal income tax return for the year(s) in which tuition remission is granted.

B. Spouse: A person in a legally contracted marriage recognized by the State of Maryland to a UMD Employee or Retiree, with the exception of an estranged spouse who maintains a separate domicile.

C. Retiree: A former UMD Employee who:

1. Is receiving State of Maryland retirement checks and/or Optional Retirement Plan (ORP) periodic distribution, and
2. Was enrolled in a retirement plan prior to July 1, 2011 having earned at least five years' full time equivalent (FTE) of University System of Maryland service credit or was enrolled in a retirement plan July 1, 2011 or later having earned at least ten year's full time equivalent (FTE) of University System of Maryland service credit.

D. UMD Employee: A Faculty or Staff employee on Regular Status who works in a position that:

1. Has been approved through the budgetary and pertinent appointment classification processes; Is intended to last six months or more regardless of the nature of the source of funds or who has retired from such a position; and
2. Which may be on either a full-time basis or a part-time basis of at least 50% FTE.

III. ADMINISTRATION

This program shall be administered by the constituent institutions as follows:

A. General Eligibility.

Tuition remission is extended to the spouses and dependent children of all UMD Employees and Retirees, as defined above, on an equitable basis, subject to the requirements and limitations of this policy.

B. Scope of the Benefit.

1. Tuition remission for spouses and dependent children of UMD Employees that attend UMD and are enrolled in undergraduate programs is granted as follows:

- a. Unlimited remission for Fall and Spring semesters.
- b. 6 credits for Winter term.
- c. 8 credits combined total for Summer I and Summer II sessions.
- d. All differential tuition for undergraduate programs in Business, Computer Science, and Engineering

2. Tuition remission for spouses and dependent children of UMD Employees hired before January 1, 1990 that attend UMD and are enrolled in graduate programs is granted as follows:

- a. Unlimited remission for Fall and Spring semesters.
- b. 6 credits for Winter term.
- c. 8 credits combined total for Summer I and Summer II sessions.

3. Tuition remission for eligible spouses and dependent children of UMD Employees, as defined in Section IV of this policy, that attend other USM institutions and are enrolled in undergraduate or graduate programs, should consult with those institutions regarding the granting of tuition remission for those programs.

4. Tuition remission does not include mandatory fees or surcharges, which remain the responsibility of the individual student.

C. Academic Requirements

The availability of the benefit of tuition remission shall be subject to the individual's admissibility to the institution and to the program in which the courses are offered and to the other academic regulations governing student enrollment.

D. Part-time UMD Employees and Retirees

For spouses and dependent children of UMD Employees and Retirees who are employed in, or retired from a position at fifty percent or more time, the percentage of tuition remitted shall be proportional to the percentage of employment service.

E. Exempted Programs of Study.

1. Programs of study that are exempted from this benefit shall include:

- a. The M.D. and D.D.S. programs at the University of Maryland, Baltimore;
- b. Self-support programs and courses, unless the President of the institution has recommended and the Chancellor has approved, that the benefit be available for such a program.
- c. Other programs recommended for exemption, or limitation on the amount of tuition remission, by the President of the institution offering the program and approved by the Chancellor.

F. Application for Tuition Remission.

Each UMD Employee or Retiree seeking tuition remission for a spouse or dependent child shall complete an application through the University System of Maryland Tuition Remission Application Portal, with accompanying certification, that provides the information necessary to comply with both this policy and Internal Revenue Service regulations regarding the income tax law status of the tuition remission benefit requested by the Employee.

IV. LIMITATIONS BASED ON DATE OF EMPLOYMENT

A. Spouses and Dependent Children of UMD Employees and Retirees Whose Employment Began before January 1, 1990.

1. The Spouses and Dependent Children of UMD Employees and Retirees whose appointment was made or whose contractual arrangements were completed before January 1, 1990, may register for courses at any of the institutions of the USM, with 100% tuition remitted at both the undergraduate and graduate level, subject to the restrictions in this policy.

B. Spouses and Dependent Children of UMD Employees and Retirees Whose Employment Began on or after January 1, 1990 and before July 1, 1992.

Tuition remission benefits for such employees are provided as follows:

1. Applicable Programs and Courses Tuition remission is only available for courses and programs at the undergraduate level, and shall not apply to courses at the graduate or post-baccalaureate level.

2. Degree-Granting Institutions

- a. Spouses and dependent children of UMD Employees or Retirees may receive full tuition remission of one hundred percent (100 %) on courses toward a first undergraduate degree at UMD.
- b. Such spouses and dependent children may attend another institution of the USM to which the student has been accepted with 50% tuition remission. The remaining 50% of tuition cost is the responsibility of the individual student.

3. Special Circumstances and Limitations

a. Non-Degree Granting Institutions: Spouses and dependent children of USM Employees or Retirees from a non-degree granting institution may register for courses toward a first undergraduate degree at any institution of the USM with full (100%) tuition remission.

b. University of Maryland Extension (UME) and Agricultural Experimental Station (AES): Spouses and dependent children of the UME and the AES may receive full tuition remission toward a first undergraduate degree at any USM institution with full (100%) tuition remission.

C. Spouses and Dependent Children of USM Employees and Retirees Whose Employment Began on or after July 1, 1992

Tuition remission benefits for the spouses and dependent children of USM Employees and Retirees whose employment began on or after July 1, 1992 shall be available:

1. Consistent with the requirements and limitations in Paragraph IV.B, above, and
2. After the employee has been employed by UMD or USM for two years prior to the institution's deadline for registration in courses for the semester under consideration.

D. Effect of Break in Service

If a former UMD employee is rehired by a USM institution within three years of termination from prior UMD employment, the spouse and dependent children of the rehired employee shall be eligible for tuition remission, as provided in Section IV. A. through C. above, according to the employee's original UMD hire date.

E. Tuition Remission for Spouses and Dependents of Employees and Retirees that Reside Out-of-State.

Tuition remission charges to institutions and employees under this policy shall be at the in-state tuition rate, regardless of the state of residence of the eligible employee or retiree.

V. BENEFITS FOR SPOUSES AND DEPENDENT CHILDREN OF DECEASED UMD EMPLOYEES AND RETIREES

Subject to the requirements and limitations of this policy, spouses and dependent children of fulltime UMD Employees or Retirees who die in service or after retirement, shall be permitted to register for courses with tuition remission as follows:

A. Extent of Tuition Remission Benefits

The number of years of allowable tuition remission for an eligible spouse or dependent child is dependent on the years of USM service of the UMD Employees or Retiree, as follows:

1. One academic year, if the UMD Employee or Retiree was employed in the USM for less than three years;
2. Two academic years, if the length of employment was at least three but less than five years;
3. Three academic years, if the length of employment was at least five but less than seven years;

4. Four academic years, if the length of employment was at least seven but less than nine years; and
5. Five academic years, if the length of employment was nine years or more.

B. Other Eligibility Requirements

Eligibility for tuition remission shall continue:

1. For spouses, for a maximum period of seven years after the death of the UMD Employee or Retiree.
2. For children, as long as the child of a deceased UMD Employee or Retiree qualifies as a "Dependent Child" under Section II.A. of this policy.

C. Part-time Employees

For spouses and dependent children of part-time USM Employees or Retirees who are employed at fifty percent (50%) time or more and who die in service or after retirement, the percentage of tuition remission shall be proportional to the percentage of employment service averaged for the three years immediately preceding the employee's retirement or death.

VI. RECIPROCAL TUITION REMISSION FOR THE DEPENDENT CHILDREN OF UMD EMPLOYEES ATTENDING MORGAN STATE UNIVERSITY, SAINT MARY'S COLLEGE OF MARYLAND AND BALTIMORE CITY COMMUNITY COLLEGE

A. General Reciprocity

Dependent children of UMD employees may attend Morgan State University, Saint Mary's College of Maryland and Baltimore City Community College ("the Non-USM Institutions") and shall receive tuition remission at the same level of benefits as provided for dependent children of UMD Employees, subject to the definitions, requirements and limitations of this policy. However, the extent of the tuition remission benefit under this section is dependent upon full reciprocity being extended by the Non-USM Institution to dependent children of UMD Employees, and may be limited by the Chancellor or designee to align with any more restrictive requirements that may be established by the Non-USM Institution.

B. Retirees and Spouses

Tuition remission shall not be available to UMD Retirees or the spouses or dependents of UMD Retirees at Non-USM institutions.

VII. CONTINUED APPLICATION OF PRIOR POLICIES

This policy supersedes all prior policies and procedures related to tuition remission benefits for USM Employees and Retirees, except as follows:

A. Former Employees of Former USM Programs and Institutions

Special eligibility requirements for former employees and retirees of certain former USM programs shall remain in force as follows:

1. The USM former programs subject to this paragraph are: Maryland Institute for Agricultural and Natural Resources (MIANR), the Maryland Institute of Emergency Medical Services Systems (MIEMSS), and the University of Maryland Biotechnology Institute (UMBI).
2. Eligibility for tuition remission for the spouses and dependent children of the above programs is set out in documentation established at the time that the programs were restructured and maintained at the USM.



Revision to the Policy on Smoking at the University of Maryland

PRESENTED BY Jo Zimmerman, Chair

REVIEW DATES SEC – April 3, 2020 | SENATE – April 22, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [Policy on Smoking at University of Maryland](#)

NECESSARY APPROVALS Senate, President

ISSUE

In September 2019, the Senate Office was asked whether the definition of “smoking” in the Policy on Smoking at University of Maryland restricts the use of vaping devices and e-cigarettes. After consulting with stakeholders involved in implementing the policy, the Senate leadership found that the current policy lacks clarity on whether it prohibits or permits the use of such devices, and determined that the Campus Affairs Committee should consider whether vaping should be explicitly addressed in the policy. The SEC charged the committee with reviewing past Senate action on the University’s approach to smoking, reviewing recent actions at the state and federal level addressing vaping devices and e-cigarettes, examining definitions of smoking at Big 10 and peer institutions, considering the impact of vaping devices and e-cigarettes on members of the campus community and whether their use is consistent with the principles of the University’s Policy on Smoking, and recommending whether the policy should be revised to prohibit the use of vaping devices and e-cigarettes.

RECOMMENDATIONS

The Campus Affairs Committee recommends that the Policy on Smoking at University of Maryland (VI-8.10[A]) be revised as indicated in the policy document immediately following this report.

The Campus Affairs Committee recommends that the University should consider whether current smoking cessation resources will be adequate to meet the needs of incoming cohorts of students disproportionately affected by vaping and e-cigarette use.

COMMITTEE WORK

The committee reviewed a range of resources identified in its charge, and consulted with the Office of General Counsel (OGC) and the Division of Administration and Finance on the current policy and its implementation. After reviewing recent research on the effects of secondhand emissions from vaping devices and e-cigarettes, the committee determined that explicitly prohibiting the use of vaping devices and e-cigarettes was clearly consistent with the intention of both the USM and University policies on smoking, which were designed to create a smoke-free environment and reduce risks to bystanders. The committee worked to develop a new definition that was sufficiently flexible to address new technologies and mechanisms that simulate smoking.

The committee also consulted with a representative of the University Health Center (UHC), and learned that current staffing levels in the UHC do not allow it to meet the existing demand for smoking cessation services. The committee noted that the significant rise in the use of vaping devices and e-cigarettes among middle- and high-school students will result in large cohorts of matriculating students who may need nicotine-cessation services, which led to the committee's administrative recommendation.

In addition to revising the definition of smoking, the committee made technical changes to the policy and shared its proposed revisions with the OGC, which had no concerns. After due consideration, the Campus Affairs Committee voted to approve the revised Policy on Smoking at University of Maryland and an administrative recommendation at its February 26, 2020, meeting.

ALTERNATIVES

The Senate could reject the proposed revised policy and the University would retain the current policy. However, the University would lose the opportunity to better protect the health and safety of members of the campus community.

RISKS

There are no associated risks to the University in adopting these recommendations.

FINANCIAL IMPLICATIONS

Depending on how the recommendation is implemented, financial resources may be required to provide nicotine-cessation services for those who use vaping devices or e-cigarettes.



Revision to the Policy on Smoking at the University of Maryland

2019-2020 Committee Members

Jo Zimmerman (Chair)
Yanne Chembo (Faculty)
Venkat Chintha (Graduate Student)
David Cronrath (Ex-Officio Provost's Rep)
Andy Fellows (Faculty)
Stacy Garza (Staff)
Melody Hashemi (Undergraduate Student)
Luke Jensen (Ex-Officio Chief Diversity Officer Rep)
Ireland Lesley (Ex-Officio SGA Rep)
Anne Martens (Ex-Officio VP Administration and Finance Rep)
Max McKittrick (Undergraduate Student)
Pamela McNally (Staff)
Annie Rappeport (Ex-Officio GSG Rep)

Joel Seligman (Ex-Officio VP University Relations Rep)
Anjali Sharma (Undergraduate Student)
Sue Sherburne (Ex-Officio Chair of Coaches Council Rep)
Elizabeth Warner (Faculty)
Elizabeth Wasden (Faculty)
Joshua Westgard (Faculty)
Carly Woods (Faculty)
John Zacker (Ex-Officio VP Student Affairs Rep)

Date of Submission

March 2020

BACKGROUND

In September 2019, the Senate Office was asked whether the definition of “smoking” in the Policy on Smoking at University of Maryland restricts the use of vaping devices and e-cigarettes. After consulting with stakeholders involved in implementing the policy, the Senate leadership found that the current policy lacks clarity on whether it prohibits or permits the use of such devices, and determined that the Campus Affairs Committee should be charged with considering whether vaping should be explicitly addressed in the policy.

The SEC charged the committee with reviewing past Senate action on the University’s approach to smoking, reviewing recent actions at the state and federal level addressing vaping devices and e-cigarettes, examining definitions of smoking at Big 10 and peer institutions, and considering how the definition of smoking in the current Policy on Smoking could be revised to more clearly indicate that it encompasses vaping devices and e-cigarettes (Appendix 8). After initial work by the committee, the SEC adjusted the scope of the committee’s review. The revised charge focuses on considering the impact of vaping devices and e-cigarettes on members of the campus community, assessing whether the use of such devices is consistent with the principles of the University’s Policy on Smoking, and recommending whether the policy should be revised to prohibit the use of vaping devices and e-cigarettes (Appendix 9).

CURRENT PRACTICE

In June 2012, the University System of Maryland (USM) instituted [a policy](#) requiring smoke-free environments across the USM. The policy was intended primarily to protect non-users from the risks associated with secondhand smoke, rather than focused on the impact of smoking on individual tobacco users. Institutions were given until June 30, 2013, to establish policies that would ensure smoke-free environments. In August 2012, the SEC charged the Campus Affairs Committee with

developing a new policy consistent with the USM directive. In April 2013, the Senate voted to approve the committee's report calling for a new Policy on Smoking at University of Maryland (Appendix 1).

The policy prohibits "smoking," which is defined as "carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes." The policy indicates that the University Health Center will provide smoking cessation services for students, faculty, and staff. The policy also permits the President to establish designated areas on campus where smoking will still be permitted; four such locations have been established.

COMMITTEE WORK

To address its charge, the Campus Affairs Committee reviewed past Senate action on smoking and considered definitions of smoking in policies at Big 10 and other peer institutions (Appendix 2). The committee consulted with the Office of General Counsel (OGC) and the Division of Administration and Finance on the current policy and its implementation. The committee also considered recent state legislation regulating the sale of electronic smoking devices, and testimony by the acting commissioner of the Food and Drug Administration addressing federal regulation of electronic nicotine delivery systems (Appendices 3 and 4). In the course of its work, the committee received letters from Public Health Action Through Civic Engagement (PHACE) and the Student Government Association advocating for the prohibition of vaping devices and e-cigarettes (Appendices 5 and 6).

The committee considered recent research on the effects of secondhand aerosol (SHA) emissions from vaping devices and e-cigarettes (Appendix 7). The literature indicates that vaping devices and e-cigarettes represent a much less harmful method of ingesting nicotine for those attempting to stop smoking traditional tobacco products. It is also the case, however, that SHA emissions include volatile organic compounds that are exhaled by those using vaping devices and e-cigarettes. While the long-term effects of exposure to SHA remain to be determined, there is evidence that preventing SHA exposure would have protective benefits for members of the campus community.

The committee determined that explicitly prohibiting the use of vaping devices and e-cigarettes was clearly consistent with the intention of both the USM and University policies on smoking, which were designed to create a smoke-free environment and reduce risks to bystanders. The committee worked to develop a new definition that was sufficiently flexible to address new technologies and mechanisms that simulate smoking. Its proposed definition of smoking includes a prohibition on "burning, vaporizing, or aerosolizing tobacco, nicotine, or any other material or substance to be inhaled." The committee carefully considered whether such a definition would prohibit legitimate activities and therapies, such as nebulizers. The committee determined that when the revised policy is read in its entirety, the full context of the language is clear. The committee's intent is to prohibit activities that have the potential to harm others, and the policy is not intended to restrict legitimate medical therapies authorized for use on campus.

The committee also consulted with a representative of the University Health Center (UHC) on current smoking cessation services. In addition to serving students who voluntarily seek out such services, the UHC also receives referrals from the Department of Resident Life when students are found responsible for using vaping devices or e-cigarettes in the residence halls. Current staffing levels in the UHC do not allow it to meet the existing demand for smoking cessation services, and students are often directed to outside resources, such as Maryland Quitline (mdquit.org), for support. The committee noted that the significant rise in the use of vaping devices and e-cigarettes among middle- and high-school students will result in large cohorts of matriculating students who may need nicotine-cessation services, which led to the committee's administrative recommendation.

The committee made additional, technical changes to the policy and shared its proposed revisions with the OGC, which had no concerns. After due consideration, the Campus Affairs Committee voted to approve the revised Policy on Smoking at University of Maryland and an administrative recommendation at its February 26, 2020, meeting.

RECOMMENDATIONS

The Campus Affairs Committee recommends that the Policy on Smoking at University of Maryland (VI-8.10[A]) be revised as indicated in the policy document immediately following this report.

The Campus Affairs Committee recommends that the University should consider whether current smoking cessation resources will be adequate to meet the needs of incoming cohorts of students disproportionately affected by vaping and e-cigarette use.

APPENDICES

Appendix 1—Report on Senate Document #12-13-07

Appendix 2—Peer Smoking Definitions Research

Appendix 3—HB 1169 Fiscal and Policy Note

Appendix 4—Testimony on Federal Regulation of E-Cigarettes

Appendix 5—PHACE Letter

Appendix 6—SGA Letter

Appendix 7—Brief Synopsis of Research on the Secondhand Effects of Vaping

Appendix 8—Charge from the Senate Executive Committee

Appendix 9—Revised Charge from the Senate Executive Committee

VI – 8.10(A) **UNIVERSITY OF MARYLAND** POLICY ON SMOKING ~~AT UNIVERSITY OF MARYLAND~~

(Approved by the President May 2, 2013)

I. Purpose and Scope

- a. Purpose. This policy establishes standards and requirements to provide a smoke-free environment for all UMD faculty, staff, students, and visitors, in compliance with the Board of Regents Policy on Smoking at USM Institutions (VI – 8.10).
- b. Scope. This policy applies to all UMD students, faculty, staff, contractors and employees of contractors providing services at UMD, agents, guests, and visitors.
- ~~c. The following policy, VI 8.10(A) Policy on Smoking at University of Maryland, replaces any policies or procedures previously established at the University of Maryland that are in conflict with the purpose, applicability, or intent herein.~~

II. Definitions

- a. “Institutional Property” means any property owned, leased, or otherwise controlled or operated by UMD, including buildings, other structures and grounds, and vehicles owned or leased by the institution.
- b. “Smoking” ~~means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes.~~ **includes:**
 - i. Inhaling, exhaling, or carrying lighted tobacco products; **and**
 - ii. Burning, **vaporizing, or aerosolizing tobacco, nicotine, or any other material or substance** to be inhaled ~~including, but not limited to, cigarettes, cigars, hookahs, and pipes; and.~~
 - ~~iii. Using electronic cigarettes, vaporizing systems, or other devices that burn or vaporize tobacco or any other material or substance.~~

III. Prohibitions on Institution Property

- a. Prohibitions against Smoking
 - i. Consistent with Maryland law, **s**Smoking is not permitted in any institution building, including academic buildings, residence halls, administrative buildings, other enclosed facilities, or vehicles, except as provided in Section III(~~a.~~)iii, below.
 - ii. Smoking is prohibited on all institution grounds and property, including walkways, parking lots, and recreational and athletic areas, except as provided in Section III(~~a.~~)iii, below.

- iii. Smoking in and on ~~i~~Institutional ~~p~~Property will be permitted only as follows:
 - 1. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President's designee;
 - 2. In limited and specifically designated areas on ~~University~~ ~~Institutional~~ ~~p~~Property ~~and areas leased to third parties~~ as may ~~from time to time~~ be approved by the President; or
 - 3. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.
- b. Prohibitions against Sale. The sale of tobacco and smoking-related products is prohibited on ~~i~~Institutional ~~p~~Property.

IV. Smoking Cessation Assistance

- a. Assistance Programs. The University Health Center shall make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.
- b. Smoking Cessation Information. The University Health Center shall be designated to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.

V. Implementation Process

- a. This policy shall be administered by the Division of Administration and Finance.
- b. Communication. The University shall provide initial and ongoing information to communicate the requirements of this policy, including:
 - i. Dissemination of the key elements of the policy to faculty, staff, students, and others on websites and in appropriate written materials; and
 - ii. The placement of exterior and interior notices and signs announcing that ~~s~~Smoking is prohibited.
- c. Community Outreach. The University will engage in outreach to the community, as appropriate, to facilitate coordination with local government authorities and to assist residents and businesses near the institution in preventing trespass and littering that may result if members of the campus community seek to smoke in nearby off-campus areas.
- d. Consequences. The University may establish appropriate procedures and consequences, which may include fines or disciplinary measures, for violations


of this policy.

~~e. Implementation. The provisions of this policy shall be implemented at the University of Maryland no later than June 30, 2013.~~



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<http://www.senate.umd.edu>

SENATE LEGISLATION APPROVAL

Date:	April 9, 2013
To:	Wallace D. Loh
From:	Martha Nell Smith Chair, University Senate 
Subject:	Implementation of the Policy on Smoking at USM Institutions
Senate Document #:	12-13-07

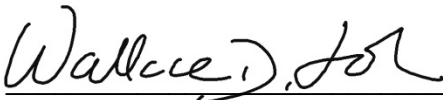
I am pleased to forward for your consideration the attached legislation entitled, "Implementation of the Policy on Smoking at USM Institutions." Marcia Marinelli, Chair of the Campus Affairs Committee, presented the proposal. The University Senate approved the proposal at its April 4, 2013 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Implementation of the Policy on Smoking at USM Institutions
 Senate Document # 12-13-07

MNS/rm

Cc: Mary Ann Rankin, Senior Vice President & Provost
 Reka Montfort, Executive Secretary and Director, University Senate
 Juan Uriagereka, Associate Provost for Faculty Affairs
 Terry Roach, Executive Assistant to the President
 Janet Turnbull, President's Legal Office
 Elizabeth Beise, Associate Provost for Academic Planning & Programs
 Sylvia B. Andrews, Academic Affairs
 Robert Specter, Vice President of Administration & Finance
 Brian Ullman, Director of Marketing

Approved:  Date: 05-02-2013
 Wallace D. Loh
 President

Enclosure – Memo, Clarifications of Specific Recommendations for Senate Doc #12-13-07




UNIVERSITY OF MARYLAND

OFFICE OF THE PRESIDENT

Main Administration Building
College Park, Maryland 20742
301.405.5803 TEL 301.314.9560 FAX

May 2, 2013

TO: Professor Martha Nell Smith
Chair, University Senate

FROM: Wallace D. Loh 
President

SUBJECT: Senate Document #12-13-07, Policy on Smoking at USM Institutions

I have approved Senate Document #12-13-07, "Implementation of the Policy on Smoking at USM Institutions," with several clarifications below with regard to specific recommendations.

- "The Campus Affairs Committee recommends that the new smoking policy be administered by the Division of Administration and Finance ... and that (the Division) have responsibility to oversee implementation and manage enforcement of the policy ... :"*

As with all policies on the campus, everyone owns enforcement. Supervisors are responsible for enforcing policies as a regular course of business, and for counseling their employees who may violate policies. No one office can take full responsibility for enforcement of policies.
- "The Campus Affairs Committee recommends that the Division of Administration and Finance develop a centralized reporting mechanism for concerns regarding the policy from the campus community:"*

This recommendation would require significant resources unavailable currently in the Division. At this point, we will need to rely on regular mechanisms for expression of concerns about campus policies.
- "The Senate recommends placing at least one fireproof garbage receptacle near each major building, but at least 25 feet away from any building air intake:"*

I reject this recommendation as it makes no sense, on a non-smoking campus, to encourage smoking by placing fireproof receptacles near every major building.

I want to add that I enjoyed working with you and greatly appreciate your service as University Senate Chair. We certainly accomplished much together over this past year.



University Senate TRANSMITTAL FORM

Senate Document #:	12-13-07
Title:	Implementation of the Policy on Smoking at USM Institutions
Presenter:	Marcy Marinelli, Chair, Campus Affairs Committee
Date of SEC Review:	February 1, 2013
Date of Senate Review:	February 14, 2013
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	<p>In June 2012, the Board of Regents (BOR) instituted a policy requiring smoke-free environments at each institution throughout the University System of Maryland (USM). Each institution must implement this policy prior to June 30, 2013. The Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) with reviewing the USM policy on smoking and making recommendations on a related campus policy and an implementation process for the University of Maryland.</p>
Relevant Policy # & URL:	<p>USM Policy VI-8.10 "Policy on Smoking at USM Institutions." http://www.president.umd.edu/policies/vi810.html</p>
Recommendation:	<p>The CAC recommends that the attached policy entitled, "VI – 8.10 (A) Policy on Smoking at University of Maryland" be adopted as official University of Maryland policy and be added to the Consolidated USM and UMD Policies and Procedures Manual.</p> <p>In addition, the CAC presents thirteen recommendations on the implementation of the policy for Senate consideration. These recommendations are organized under the following categories: Communication; Policy Management, Assessment, and Evaluation; Enforcement; Prevention, Education, and Treatment; and Reporting Responsibilities.</p>

<p>Committee Work:</p>	<p>The CAC began reviewing the charge and the USM policy at its meeting on September 6, 2012. The committee devoted six meetings to consideration of the charge.</p> <p>In order to organize its research and discussion over the course of the semester, the CAC formed a number of subgroups focused on different aspects of the policy and its implementation. The subgroups were charged with studying peer institutions, creating and disseminating a survey, researching prevention, education, and treatment resources on campus, exploring models of enforcement at institutions with smoke-free policies, considering the management, assessment, and evaluation of the policy, and considering communications strategies related to the new smoke-free policy. These subgroups performed research and made recommendations to the full committee.</p> <p>Over the course of its work, the CAC reached out to various units and groups on campus to better understand how the new policy would affect the community and its operations. The CAC spoke with representatives from the University Health Center, Resident Life, Residential Facilities, the Department of Intercollegiate Athletics, University Human Resources, and the Office of Legal Affairs, and also asked for feedback from the Senate Staff Affairs Committee.</p> <p>After much review and discussion, the Campus Affairs Committee voted to approve the recommendations and send them forward for consideration at its meetings on December 13, 2012 and January 24, 2013.</p>
<p>Alternatives:</p>	<p>The Senate could reject the proposed policy and the recommendations for implementing a policy tailored to the University of Maryland campus. The USM policy would remain as the official policy for the campus.</p>
<p>Risks:</p>	<p>There are no associated risks.</p>
<p>Financial Implications:</p>	<p>Financial resources may be needed to carry out some of the recommendations for implementation, particularly those affecting the University Health Center and its services.</p>
<p>Further Approvals Required:</p>	<p>Senate approval, Presidential approval.</p>

Senate Campus Affairs Committee

Senate Document # 12-13-07

Implementation of the Policy on Smoking at USM Institutions

January 2013

BACKGROUND

In June 2012, the Board of Regents (BOR) of the University System of Maryland (USM) instituted a policy that requires smoke-free environments at each institution throughout the system (Appendix 4). Each institution is required to implement this policy prior to June 30, 2013. The University of Maryland (UM) Senate Executive Committee (SEC) charged the Campus Affairs Committee (CAC) with reviewing the USM policy on smoking and making recommendations on a related campus policy and an implementation process for UM (Appendix 5).

CURRENT PRACTICE

The University Senate has previously considered whether to ban smoking on campus, and has received a number of proposals related to smoking policies over the past few years. In 2009-2010, the CAC was charged with reviewing a proposal to ban smoking from campus and chose not to recommend the adoption of a smoke-free campus policy. The CAC did, however, make administrative recommendations regarding the existing smoking policies on campus. In response, the Division of Administration and Finance (then known as the Division of Administrative Affairs) proposed that the campus smoking policy be amended to adjust the distance from buildings in which smoking is allowed. The CAC reviewed the proposal and recommended its adoption, which was subsequently approved by the Senate and the President in September 2011.

The recently approved USM policy on smoking (Appendix 4) prohibits smoking on all institution grounds and property. As a USM policy, this new initiative takes precedence over the current UM campus policy. However, the new policy allows each campus the latitude to establish limited designated areas in which smoking would be allowed at its discretion.

COMMITTEE WORK

Over the course of five months during the 2012-2013 academic year, the CAC considered its charge regarding the implementation of the policy banning smoking at UM. Throughout its review, the CAC discussed the complexity of implementing a campus-wide ban. The CAC recognizes that smoking is not illegal, and the committee is sensitive to the fact that smoking is an addiction that is difficult to quit. It is also cognizant of the campus climate and the message that the University wants to send about being smoke-free.

From September 2012 to January 2013, the CAC focused on consideration of the smoking policy and its implementation. At its initial meeting, the CAC developed a plan and timeline for studying the issue.

In order to organize its research and discussion over the course of the semester, the CAC formed a number of subgroups focused on different aspects of the policy and its implementation. These subgroups performed research and made recommendations to the full committee.

The Peer Institutions Subgroup was charged with researching policies and practices related to smoking at peer institutions. This group reviewed the experiences of Towson University, Montgomery College, University of Missouri, Ball State, University of North Carolina, Oregon State University, and University of Michigan in their implementation of a smoke-free campus. The CAC discussed experiences at other universities, which sent conflicting messages when they included designated areas for smoking in their smoke-free policy. For example, the University of Michigan designed a policy with designated areas that included smoking pavilions, and specifically changed its policy after its implementation to remove the designated areas on campus, because it felt the existence of smoking pavilions weakened the smoking policy and made it less effective.

The Survey Subgroup was charged with creating a survey to measure campus-wide awareness of the USM policy and attitudes towards a smoke-free campus policy. A survey was created by the subgroup, with the committee's advice, and was sent to a random sample of faculty, staff, and students. The survey was also advertised on the Senate website, Facebook, and Twitter, and promoted at the Great American Smoke-Out event hosted by the University Health Center (UHC).

The smoking ban survey received over 2,900 responses (Appendix 3). Significant findings from the survey include the following:

- Only a small percentage (21.76%) of respondents were familiar with the USM policy;
- More than half (58.09%) of the respondents were in favor of banning smoking on campus;
- 58% of respondents would approve of having designated smoking areas;
- Respondents do not feel comfortable asking others to stop smoking – only 35.28% would feel comfortable doing so; and
- 21.48% of the respondents indicated that they were smokers. Of those who smoke, only 7.74% would be encouraged to quit because of the ban, and only 3.63% indicated they would take advantage of smoking cessation services on campus.

The Prevention, Education, and Treatment Subgroup was charged with researching smoking cessation resources available on campus through the UHC. It reported that services are provided free of cost by the UHC to students, faculty, and staff, and include smoking cessation counseling, nicotine patches, acupuncture, and the other services. These services are provided primarily in English, as well as in Spanish to some extent. The subgroup reported a concern that the UHC may have to impose a fee for these services if the smoking ban results in a great number of campus members seeking services. It noted that additional financial support for the UHC for increased staffing may be needed to continue to provide these services.

An Enforcement Subgroup focused on enforcement of the policy and explored models at peer institutions, while considering what scenarios may be appropriate for use at UM. It reported on the policies at University of Michigan, Frostburg State University, and Towson University, and found differing levels of enforcement at each institution, ranging from emphasis on a climate of respect and wellness to more severe enforcement methods involving fines and infractions as part of the staff performance, review, and development (PRD) process. The CAC discussed UM's campus climate and agreed that a policy focused on respect and wellness, rather than punitive actions, would be a better fit. The CAC agreed that communication, education, social norming, and a strong focus on the health benefits of a smoke-free environment would be better suited to the University than strict enforcement methods. The CAC also agreed that efforts to change the campus culture may prove more effective in aiding enforcement of the policy than punitive measures, and discussed ways to utilize the influence and passion of student groups to affect such change.

The Enforcement Subgroup also led a lengthy discussion on designated smoking areas. It presented the challenges of enforcing the smoking ban on UM's large, non-contiguous campus. It also noted that it would be difficult to prohibit activity on UM property that is legal on the property surrounding campus. The CAC discussed whether designated areas would weaken the policy and noted that the USM policy intentionally provides the option of designated areas.

The Policy Management, Assessment, and Evaluation Subgroup was charged with reviewing the exact specifications of the BOR policy and reporting on what a campus policy might entail. This subgroup presented its finding that it would be difficult to enforce designated smoking areas, and advocated that the committee recommend following the BOR's intent to create a smoke-free campus. It cited the University of Michigan's experience, where smoking pavilions were initially created in designated areas and then eliminated. Michigan's continued requests for additional pavilions eventually made them realize the smoke-free policy seemed to be moving in the opposite direction of its original intent. The subgroup recognized the difficulties in changing the culture on campus, and recommended that the first year of implementation should focus on education and communication tailored to each campus constituency to explain that UM is now a smoke-free campus.

The CAC discussed communications strategies at length and noted how important communication will be to implementation of the policy. Committee members agreed that communications should have a supportive and positive tone, and that they should be put in the context of a "smoke-free environment," while being sensitive to the challenges that smokers will face. The CAC discussed a phased-in communications campaign to start immediately, which would focus on awareness of the new policy and campus resources, involvement of the campus community, and implementation of the policy. A marketing campaign, similar to the "Nothing is Slower than a Sick Turtle" or the sustainability awareness campaigns, was discussed.

In the course of its work, the CAC reached out to various units and groups on campus to better understand how the new policy would affect the community and its operations. The committee spoke with representatives from the University Health Center, Resident Life, Residential Facilities, and the Department of Intercollegiate Athletics, to make them aware of the smoking ban and learn how this might affect their operations. The CAC met with representatives of University Human Resources (UHR) on their perspective on the new USM policy. UHR had concerns about how it might affect faculty and staff differently, in terms of enforcement and possible disciplinary action. For instance, staff members have limited breaks in their schedule, and requiring them to leave campus to smoke may place more of a burden on staff than on faculty or students who smoke.

The CAC also reviewed feedback that it received from the Senate Staff Affairs Committee about the smoking ban and its potential impact on staff members. The Staff Affairs Committee noted that there has been little communication about the impending smoking ban, and committee members felt that more should be done to inform the campus community of the upcoming changes. Members of the committee also agreed with the idea of a progressive system of implementation that focuses on communication and education first.

In addition, the CAC consulted with the Office of Legal Affairs on the text of a draft policy on smoking at UM (Appendix 2).

RECOMMENDATIONS

At its meetings on December 13th, 2012 and January 24th, 2013, the Campus Affairs Committee voted in favor of recommendations on the implementation of the smoke-free campus policy.

The Campus Affairs Committee recommends that the attached policy (Appendix 2) entitled “VI – 8.10 (A) Policy on Smoking at University of Maryland” be adopted as official University of Maryland policy and be added to the Consolidated USM and UMD Policies and Procedures Manual. In addition, the CAC presents the following recommendations on the implementation of the policy for Senate consideration.

Communication

- The Campus Affairs Committee recommends that the Division of Administration and Finance and University Relations lead the development and dissemination of an appropriate communication and signage strategy for the campus, beginning with awareness communication to start immediately. A smoke-free campus identity campaign should be promulgated throughout campus, and adequate and appropriate signage should be located at all entrances to campus, as well as at major public thoroughfares and spaces, and in campus buildings. An emphasis should also be placed on the area in front of McKeldin Library.
- The Campus Affairs Committee recommends that the smoke-free policy be continually communicated to the University community in a simple, positive, and respectful manner throughout each phase of implementation.
- The Campus Affairs Committee recommends that the smoke-free policy be adequately communicated to external constituents, including but not limited to, applicants for admission and employment, contractors, visitors to campus, and vendors.

Policy Specifications, Management, and Evaluation

- The Campus Affairs Committee recommends that all University of Maryland property be smoke-free. Any limited and specific designated areas in which smoking may be permitted would be subject to the designation of the President.
- The Campus Affairs Committee recommends that the new smoking policy be administered by the Division of Administration and Finance, with appropriate involvement of relevant groups on campus, including University Relations, the University Health Center, the Division of Student Affairs and other appropriate units as designated by the President. The committee recommends that the Division of Administration and Finance have responsibility to oversee implementation and manage enforcement of the policy, and recommends that it involve faculty, staff, and students in its processes when appropriate.
- The Campus Affairs Committee recommends that the Division of Administration and Finance develop a centralized reporting mechanism for concerns regarding the policy from the campus community.
- The Campus Affairs Committee recommends that the University conduct periodic evaluations of effectiveness of the policy during the first five years of its implementation. The data collected could include measurements of the utilization of health and educational services, and annual surveys of random faculty, staff, and students, among other sources.
- The Senate recommends placing at least one fireproof garbage receptacle near each major building, but at least 25 feet away from any building air intake.

Enforcement

- The Campus Affairs Committee recommends that enforcement and administration of the smoking policy focus on respect and wellness as opposed to discipline and punitive measures by utilizing a progressive enforcement program whereupon we seek voluntary compliance before any strict sanctions. Such a program should focus on warnings and persuasion first; referrals to resources second; and punitive measures as a last resort in situations of blatant or repeated violation of the policy. The committee recommends that any punitive enforcement be delayed during the initial year of the policy to allow the University to first focus on communication and preparation.
- The Campus Affairs Committee recommends that the Division of Administration and Finance (or other appropriate units as designated by the President) work with University Human Resources and the University Health Center to develop resources for faculty, staff, and students that empower them to assist in achieving campus compliance with the smoke-free policy through peer interaction.

Prevention, Education, and Treatment

- The Campus Affairs Committee recommends that the University Health Center continue to be designated as a centralized resource for information regarding both on-campus and off-campus smoking cessation resources and peer education programs for faculty, staff, and students.
- The Campus Affairs Committee recommends that prevention, education, and treatment strategies be equally geared towards all constituencies and that steps be taken to ensure that faculty, staff, and students all have access to the services provided. One way to accomplish this goal would be to effectively promote services to faculty, staff, and students through concerted communication efforts.
- Campus Affairs Committee recommends that sufficient resources be allocated to the University Health Center to support smoking cessation efforts for faculty, staff, and students, and that the current smoking cessation services offered by the University Health Center be expanded, where appropriate.

Reporting Responsibilities

- The Campus Affairs Committee recommends that the Division of Administration and Finance (and other appropriate units as designated by the President) provide status reports to the University Senate on the progress and outcomes of implementation as well as on campus compliance with the policy each year for the first five years of the smoking policy.

APPENDICES

Appendix 1 – Suggestions for Implementation

Appendix 2 – Proposed Policy on Smoking at University Of Maryland (VI – 8.10(A))

Appendix 3 – Campus Affairs Committee Smoking Ban Survey – Abbreviated Results

Appendix 4 – University System of Maryland (USM) Policy VI – 8.10 Policy on Smoking at USM Institutions

Appendix 5 – Senate Executive Committee Charge on Implementation of the Policy on Smoking at USM Institutions

SUGGESTIONS FOR IMPLEMENTATION

The Campus Affairs Committee discussed implementation scenarios and options in depth from September 2012 through January 2013. As a result, the CAC would like to share suggestions for how implementation could proceed, while ultimately encouraging the administration to conduct its implementation efforts however it feels appropriate outside of the recommendations the CAC has previously presented.

Communication

The CAC stresses that communication should be the first priority of implementation of the smoking policy, and it should begin immediately. The CAC has found that most faculty, staff, and students are not familiar with the policy and do not know that the University will be smoke-free by June 30, 2013. There is a great deal of confusion over whether it will in fact be implemented. Understanding this reality, the CAC developed its recommendations regarding communication with the consensus that these are the most critical for implementation of the policy.

In its committee work, the CAC discussed many options for implementation of its communication recommendations. The committee discussed breaking communications strategies into phases, to appropriately focus efforts at specific points before and during implementation. It suggests focusing first on awareness and education about the policy, next on engaging the campus community in discussions about the policy, and then focusing on the actual details of the policy and its implementation.

Immediate communication efforts could start small and grow as appropriate.

- The CAC found the countdown ticker on the UHR webpage, and suggests incorporating a similar effort into other critical websites, such as the UM homepage.
- Websites and promotional materials that reach external constituents, such as applicants for admission and employment and visitors to campus, could incorporate notices about the smoke-free policy.
- Email messages or other communications from the University administration may raise the profile of the policy and greatly assist in spreading awareness across campus.
- Also, common venues that communicate campus news to faculty, staff, and students – such as *Between the Columns*, *Faculty Voice*, and *The Diamondback*, -- could be utilized as well.
- Physical signage campaigns take a great deal of time, so the CAC suggests that other strategies be utilized for quicker dissemination of information while physical signage is created. The committee suggests maximizing use of social media messaging, FYI advertisements, email messages, website announcements, and other digital methods as appropriate.

In discussing the content of communications, the CAC stresses a focus on positive language and the phrase “smoke-free environment” can be more effective than messages that single out those who smoke or focus on negative language, such as “smoking strictly prohibited.” Using such language is also one way of shaping the context for the policy and building a campus identity that could lead to a genuine acceptance of the policy. As an example of a simple, positive, and respectful messaging campaign, the CAC discussed the “Nothing Slower Than a Sick Turtle” flu prevention campaign and suggests development of a similar messaging tool that can be placed on windows, doors, or elsewhere throughout campus to serve as a positive daily reminder of the smoke-free policy.

Policy Specifications, Management, and Evaluation

The CAC believes that the leadership of the Division of Administration and Finance (DAF) in administering the policy will help provide centralization for the efforts associated with the smoking policy and significantly impact its success. The committee feels that many of the critical aspects of the policy will involve different departments in DAF – from UHR to Facilities Management to Finance and Community Engagement – and that it warrants the oversight of the Vice President for Administration and Finance (VPAF).

However, the CAC would not suggest that the DAF work alone in its efforts and offers the following suggestions for implementation process:

- The CAC suggests that the DAF work closely with other groups across campus as necessary to implement and enforce the policy.
 - Other universities have found it helpful to form smoke-free environment implementation committees or work groups with all of the relevant departments represented. Such a committee could be useful in:
 - Carrying out implementation details,
 - Tracking the progress of implementation across campus, and
 - Making decisions as new developments unfold.
- The DAF should engage with faculty, staff, and students whenever possible as it makes decisions about implementation and policy assessment. The DAF could:
 - Conduct surveys where the campus or specific constituencies are asked to rate their preferences on different implementation options;
 - Invite representatives of different constituencies to meetings; or
 - Hold specific meetings or open forums with each constituency.

The CAC stresses the importance of continual evaluation of the smoking policy. By evaluating the effectiveness of the policy on an annual basis, the University will have an opportunity to identify pieces that are not working and adjust its procedures over time. The CAC suggests that evaluations:

- Examine the violations of the policy, including violations resulting in “formal” action (such as referral to smoking cessation resources or further measures) and the trend of violations over the years;
- Attempt to illustrate the extent to which smoking remains a problem on campus over time; and
- Seek to determine whether the campus culture is changing to incorporate a smoke-free identity.

Enforcement

The CAC stresses a policy based on respect and wellness, and feels that, consistent with policies at other campuses, such a policy will be more likely to be respected. However, the committee also understands that further enforcement options should be available for more serious violations of the policy. It recommends a progressive enforcement system, and presents the following suggestions for such a program.

The CAC found that in most peer institutions, implementation of a smoke-free policy is a multi-year process, and the CAC is concerned about the level of understanding of and preparation for the new policy in the UM community. The CAC suggests that any aspects of implementation that involve punitive enforcement measures be delayed initially, and that the University place emphasis on awareness and preparation within the first year of the policy.

The CAC feels that persuasion and peer interaction should be the basis of the first level of enforcement. Peer interaction is a powerful tool, and the CAC regards it as an important enforcement mechanism. While CAC’s survey results show that most people would not feel comfortable addressing smokers, the

committee believes that if individuals are given appropriate tools, they will be more likely to address situations they see arising across campus. The CAC suggests that tools and language specifically geared towards faculty, staff, and students be developed to give the campus community constructive ways to address smoking and smokers on campus with the goal of encouraging compliance with the policy.

The CAC also suggests developing a friendly reminder system that can be used by all campus members to encourage adherence to the smoking policy. Similar to the previously discussed communications strategies, the CAC suggests creating a simple, positive tool that each person can use to encourage others to adhere to the policy. The CAC discussed the friendly warning tickets used for first-time parking violations as a guide.

The tools developed should be widely shared and the community should be encouraged to use them appropriately. While the CAC is hesitant to suggest involving campus police too heavily in enforcement, the committee considered that the Police Auxiliary might be involved in dissemination of communications and friendly reminders about the policy. Likewise, student groups could be called upon to assist in spreading information about the policy in particular areas where smoking has been reported as a problem. These could be either existing groups that focus on smoking cessation or related activities that wish to be involved, or new groups created specifically for this purpose.

The second and third levels of enforcement would be reserved for repeat instances of violation of the policy. The CAC feels that referring individuals to the resources available to them is a critical step in enforcement of the policy. Referring individuals to the UHC or other resources on campus for smoking cessation, stress relief, or other assistance should be prioritized. In situations of blatant or repeated violations of the policy, additional intervention may be necessary and disciplinary measures can be considered. However, the CAC strongly rejects the idea that smoking should enter into any PRD discussions for faculty or staff.

Prevention, Education, and Treatment

During its review of the smoking policy, the CAC found that the UHC already has programs in place to provide resources and information about smoking cessation opportunities, and the CAC recommends that it continue to do so. The CAC was very pleased to hear that their services are open to all campus constituencies, and was also pleased to learn that some of the services are currently provided with Spanish translations. The CAC offers the following suggestions for enhancing the services already offered in the wake of the new smoking policy.

- The committee recommends that the UHC be given the resources it needs to appropriately fulfill their responsibilities under this new policy.
- The CAC feels that an expansion of UHC services may be warranted
 - In its review, the CAC found that some smoking cessation services are not provided due to cost considerations. The CAC suggests considering whether these services would be possible with appropriate additional funding.
 - The committee's survey results included many comments that asked for more options for smoking cessation services. Specifically,
 - Additional smoking cessation workshops and seminars,
 - Campus support groups,
 - Resources on how to adapt smoking habits around new schedules,
 - Extra stress management and reduction services as a component of smoking cessation
 - The committee also received many concerns that staff members feel that they are unable to take advantage of the services available to them. The UHC could consider:

- Providing more Spanish-language services and assessing whether additional languages would be appropriate,
 - Tailoring some services more effectively to staff members,
 - Offering certain events or resources at different hours to reach those with different schedules,
 - Offering more services and resources online, and
 - Communicating with supervisors about encouraging staff and faculty who choose to take advantage of these services.
 - The CAC suggests that peer education on smoking cessation be added to existing Peer Education programs.
- The CAC suggests that UHC evaluate the marketing of its smoking cessation programs and consider how to use the new policy to enhance awareness of its services.
 - The committee's survey showed that only 49.39% of those who reported that they smoked were familiar with the smoking cessation services offered by the UHC.
 - The CAC suggests that UHC work with the DAF to combine communication efforts where possible.

Reporting Responsibilities

Due to a short time-frame for implementation, it is unrealistic to expect full implementation and campus acceptance immediately. The CAC anticipates this reality, and will remain interested in the implementation and success of the policy as it progresses. To encourage communication between the representatives for the University's diverse constituencies and the administrators of this policy, the CAC recommends that the DAF report to the SEC once every year for the first five years of implementation of the smoking policy. The committee suggests that these reports contain a brief status update on how the implementation is progressing, what the DAF's internal evaluations of the policy find on its acceptance across campus, and what future steps need to be taken to successfully implement the policy. These updates can also serve as an opportunity for the DAF to ask the Senate for further review of any aspect of the smoking policy if such reviews become necessary.

**APPENDIX 2 - PROPOSED POLICY ON SMOKING AT UNIVERSITY
OF MARYLAND (VI - 8.10 (A))**

VI – 8.10(A) POLICY ON SMOKING AT UNIVERSITY OF MARYLAND
(Proposed Policy)

- I. Purpose and Scope
 - a. Purpose. This policy establishes standards and requirements to provide a smoke-free environment for all UMD faculty, staff, students, and visitors, in compliance with the Board of Regents Policy on Smoking at USM Institutions (VI – 8.10).
 - b. Scope. This policy applies to all UMD students, faculty, staff, contractors and employees of contractors providing services at UMD, agents, guests, and visitors.
 - c. The following policy, VI-8.10(A) Policy on Smoking at University of Maryland, replaces any policies or procedures previously established at the University of Maryland that are in conflict with the purpose, applicability, or intent herein.
- II. Definitions
 - a. “Institutional Property” means any property owned, leased, or otherwise controlled or operated by UMD, including buildings, other structures and grounds, and vehicles owned or leased by the institution.
 - b. “Smoking” means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes.
- III. Prohibitions on Institution Property
 - a. Prohibitions against Smoking
 - i. Consistent with Maryland law, smoking is not permitted in any institution building, including academic buildings, residence halls, administrative buildings, other enclosed facilities, or vehicles, except as provided in Section III(a)iii, below.
 - ii. Smoking is prohibited on all institution grounds and property, including walkways, parking lots, and recreational and athletic areas, except as provided in Section III(a)iii, below.
 - iii. Smoking in and on institution property will be permitted only as follows:
 1. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President’s designee;
 2. In limited and specifically designated areas on University property and areas leased to third parties as may from time-to-time be approved by the President; or
 3. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.
 - b. Prohibitions against Sale. The sale of tobacco and smoking-related products is prohibited on institution property.
- IV. Smoking Cessation Assistance
 - a. Assistance Programs. The University Health Center shall make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.
 - b. Smoking Cessation Information. The University Health Center shall be designated to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.
- V. Implementation Process
 - a. This policy shall be administered by the Division of Administration and Finance.

- b. Communication. The University shall provide initial and ongoing information to communicate the requirements of this policy, including:
 - i. Dissemination of the key elements of the policy to faculty, staff, students, and others on websites and in appropriate written materials; and
 - ii. The placement of exterior and interior notices and signs announcing that smoking is prohibited.
- c. Community Outreach. The University will engage in outreach to the community, as appropriate, to facilitate coordination with local government authorities and to assist residents and businesses near the institution in preventing trespass and littering that may result if members of the campus community seek to smoke in nearby off-campus areas.
- d. Consequences. The University may establish appropriate procedures and consequences, which may include fines or disciplinary measures, for violations of this policy.
- e. Implementation. The provisions of this policy shall be implemented at the University of Maryland no later than June 30, 2013.

APPENDIX 3 - CAMPUS AFFAIRS COMMITTEE SMOKING SURVEY - ABBREVIATED RESULTS**NOTE: A complete record of survey comments is on file in the Senate Office.****Q1. How familiar are you with the University System of Maryland's new policy banning smoking on all campuses?**

Count	Percent	
209	7.12%	Extremely familiar
430	14.64%	Very familiar
893	30.41%	Moderately familiar
704	23.97%	Slightly familiar
701	23.87%	Not at all familiar
2937		Respondents

Q2. Are you in favor of banning all smoking on campus?

Count	Percent	
1301	44.30%	A great deal
405	13.79%	Considerably
226	7.69%	Moderately
146	4.97%	Slightly
859	29.25%	Not at all
2937		Respondents

Q3. How will the campus-wide smoking ban make you feel about our campus community?

Count	Percent	
206	7.01%	1 - Doesn't care about my health
177	6.03%	2
633	21.55%	3
620	21.11%	4
1301	44.30%	5 - Cares a lot about my health
2937		Respondents

Q4. Do you favor asking people to leave campus entirely in order to smoke?

Count	Percent	
636	21.65%	Strongly favor
574	19.54%	Favor
422	14.37%	Neither opposed or in favor
436	14.85%	Opposed
845	28.77%	Strongly opposed
24	0.82%	Prefer not to respond
2937		Respondents

Q5. Are you in favor of having designated areas on campus for smoking?

Count	Percent	
1713	58.32%	Yes (where would you want these areas to be?)
979	33.33%	No
245	8.34%	Prefer not to respond
2937		Respondents

Q6. Please indicate your level of agreement with the following statements: - Breathing smoke-free air in my daily environment is important to me

Count	Percent	
1734	59.04%	Strongly agree
568	19.34%	Agree
282	9.60%	Neither agree nor disagree

Q6. Please indicate your level of agreement with the following statements: - Breathing smoke-free air in my daily environment is important to me

Count	Percent	
130	4.43%	Disagree
194	6.61%	Strongly disagree
29	0.99%	Prefer not to respond
2937		Respondents

Q7. Please indicate your level of agreement with the following statements: - Having smokers leave campus to smoke will lead to lost productivity

Count	Percent	
815	27.75%	Strongly agree
796	27.10%	Agree
603	20.53%	Neither agree nor disagree
370	12.60%	Disagree
306	10.42%	Strongly disagree
47	1.60%	Prefer not to respond
2937		Respondents

Q8. Please indicate your level of agreement with the following statements: - Having smokers who live on campus leave their residence hall at night to smoke is a safety concern

Count	Percent	
858	29.21%	Strongly agree
914	31.12%	Agree
467	15.90%	Neither agree nor disagree
410	13.96%	Disagree
248	8.44%	Strongly disagree
40	1.36%	Prefer not to respond
2937		Respondents

Q9. Please indicate your level of agreement with the following statements: - I would feel comfortable telling a smoker that this is a non-smoking campus.

Count	Percent	
498	16.96%	Strongly agree
538	18.32%	Agree
441	15.02%	Neither agree nor disagree
652	22.20%	Disagree
745	25.37%	Strongly disagree
63	2.15%	Prefer not to respond
2937		Respondents

Q10. Please indicate your level of agreement with the following statements: - No Smoking signs are effective at deterring smoking

Count	Percent	
248	8.44%	Strongly agree
685	23.32%	Agree
621	21.14%	Neither agree nor disagree
714	24.31%	Disagree
629	21.42%	Strongly disagree
40	1.36%	Prefer not to respond
2937		Respondents

Q11. Do you smoke (cigarettes, cigars, pipe, hookah, marijuana)?

Count	Percent	
620	21.48%	Yes
2267	78.52%	No
2887		Respondents

Q12. How often during the last 30 days have you smoked?

Count	Percent	
181	6.27%	1 - 2 days
81	2.81%	3 - 5 days
50	1.73%	6 - 9 days
73	2.53%	10 - 19 days
77	2.67%	20 - 29 days
181	6.27%	All 30 days
2244	77.73%	I have not smoked in the last 30 days.
2887		Respondents

Q13. Do you smoke on campus?

Count	Percent	
427	14.79%	Yes
2460	85.21%	No
2887		Respondents

Q14. Where on campus do you smoke? (Check all that apply)

Count	Respondent %	Response %	
146	35.35%	15.45%	Outside my residence hall
161	38.98%	17.04%	Outside my office building
133	32.20%	14.07%	Outside the Stamp Student Union
189	45.76%	20.00%	Outside McKeldin and Hornbake Libraries
201	48.67%	21.27%	In the parking lots
115	27.85%	12.17%	Other (please specify)
413			Respondents
945			Responses

Q15. Please indicate your level of agreement with the following statements: - When more restrictive smoking regulations are implemented at UMCP I would transfer to another college or seek employment elsewhere.

Count	Percent	
46	11.14%	Strongly agree
41	9.93%	Agree
90	21.79%	Neither agree nor disagree
92	22.28%	Disagree
107	25.91%	Strongly disagree
37	8.96%	Prefer not to respond
413		Respondents

Q16. Please indicate your level of agreement with the following statements: - Having a no smoking policy on campus would encourage me to quit smoking.

Count	Percent	
16	3.87%	Strongly agree

Q16. Please indicate your level of agreement with the following statements: - Having a no smoking policy on campus would encourage me to quit smoking.

Count	Percent	
16	3.87%	Agree
52	12.59%	Neither agree nor disagree
82	19.85%	Disagree
239	57.87%	Strongly disagree
8	1.94%	Prefer not to respond
413		Respondents

Q17. Please indicate your level of agreement with the following statements: - I am familiar with the campus smoking cessation services.

Count	Percent	
67	16.22%	Strongly agree
137	33.17%	Agree
63	15.25%	Neither agree nor disagree
58	14.04%	Disagree
72	17.43%	Strongly disagree
16	3.87%	Prefer not to respond
413		Respondents

Q18. Please indicate your level of agreement with the following statements: - After the smoking ban is implemented, I will take advantage of the campus smoking cessation services.

Count	Percent	
4	0.97%	Strongly agree
11	2.66%	Agree
102	24.70%	Neither agree nor disagree
77	18.64%	Disagree
195	47.22%	Strongly disagree
24	5.81%	Prefer not to respond
413		Respondents

Q19. What is your age?

Count	Percent	
21	0.74%	17 years old or younger
1128	39.58%	18 - 21 years old
560	19.65%	22 - 26 years old
284	9.96%	27 - 30 years old
246	8.63%	31 - 39 years old
218	7.65%	40 - 49 years old
226	7.93%	50 - 59 years old
128	4.49%	60 - 69 years old
19	0.67%	Over 70 years old
20	0.70%	Prefer not to respond
2850		Respondents

Q20. What is your classification?

Count	Percent	
1398	49.05%	Undergraduate student
642	22.53%	Graduate student
281	9.86%	Faculty
336	11.79%	Exempt staff

Q20. What is your classification?

Count	Percent	
137	4.81%	Non-exempt staff
32	1.12%	Contingent staff (I or II)
24	0.84%	Other (please specify)
2850		Respondents

Q21. Are you an international student?

Count	Percent	
145	5.09%	Yes
2705	94.91%	No
2850		Respondents

Q22. Where do you live?

Count	Percent	
108	3.79%	On campus - North Campus
91	3.19%	On campus - Denton
68	2.39%	On campus - Ellicott
67	2.35%	On campus - Cambridge
170	5.96%	On campus - Commons
145	5.09%	On campus - South Hill
33	1.16%	On campus - Leonardtown
2168	76.07%	Off campus (please specify)
2850		Respondents

APPENDIX 4 - UNIVERSITY SYSTEM OF MARYLAND POLICY VI- 8.10 POLICY ON SMOKING AT USM INSTITUTIONS

VI – 8.10 POLICY ON SMOKING AT USM INSTITUTIONS

(Approved by the Board of Regents, June 22, 2012)

I. PURPOSE AND SCOPE

- A. Purpose. The University System of Maryland (USM) seeks to promote a healthy, smoke-free environment for students and employees. In recognition of the health risks of tobacco smoke, this policy establishes standards and requirements to provide a smoke-free environment for all USM faculty, staff, students, and visitors.
- B. Scope. This policy applies to all USM students, faculty, staff, contractors and employees of contractors providing services on USM campuses, agents, guests, and visitors.

II. DEFINITIONS

- A. “Institution Property” means any property owned, leased, or otherwise controlled or operated by an institution, including buildings, other structures and grounds, and vehicles owned or leased by the institution.
- B. “Smoking” means carrying or smoking a lighted tobacco product or the burning of any material to be inhaled including, but not limited to, cigarettes, cigars, hookahs, and pipes.

III. PROHIBITIONS ON INSTITUTION PROPERTY

- A. Prohibitions against Smoking
 - 1. Consistent with Maryland law, smoking is not permitted in any institution building, including academic buildings, residence halls, administrative buildings, other enclosed facilities, or vehicles, except as provided in Section III(A)3, below.
 - 2. Smoking is prohibited on all institution grounds and property, including walkways, parking lots, and recreational and athletic areas, except as provided in Section III(A)3, below.
 - 3. Smoking in and on institution property will be permitted only as follows:
 - a. For controlled research, and educational, theatrical, or religious ceremonial purposes, with prior approval of the President or the President’s designee;
 - b. In limited and specific designated areas on institution grounds, as approved by the President; or
 - c. Subject to any other exception to this policy recommended by the President and approved by the Chancellor.

- B. Prohibitions against Sale. The sale of tobacco and smoking-related products is prohibited on institution property.

IV. SMOKING CESSATION ASSISTANCE

- A. Assistance Programs. Each institution may make available smoking cessation assistance to students, faculty and staff, which may include opportunities to participate in smoking cessation seminars, classes, and counseling and the availability of smoking cessation products and materials.
- B. Smoking Cessation Information. The President of each institution shall designate an individual or individuals to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.

V. IMPLEMENTATION PROCESS

- A. Communication. Each institution shall provide initial and ongoing information to communicate the requirements of this policy, including:
 - 1. Dissemination of the key elements of the policy to faculty, staff, students, and others on websites and in appropriate written materials; and
 - 2. The placement of exterior and interior notices and signs announcing that smoking is prohibited.
- B. Community Outreach. Each institution will engage in outreach to the community, as appropriate, to facilitate coordination with local government authorities and to assist residents and businesses near the institution in preventing trespass and littering that may result if members of the campus community seek to smoke in nearby off-campus areas.
- C. Consequences. Each institution may establish appropriate consequences, which may include fines or disciplinary measures, for violations of this policy.
- D. Implementation. The provisions of this policy shall be implemented at each institution no later than June 30, 2013.

**APPENDIX 5 - SENATE EXECUTIVE COMMITTEE CHARGE ON
IMPLEMENTATION OF THE POLICY ON SMOKING AT USM INSTITUTIONS**



**University Senate
CHARGE**

Date:	September 5, 2012
To:	Marcia Marinelli Chair, Campus Affairs Committee
From:	Martha Nell Smith  Chair, University Senate
Subject:	Implementation of the Policy on Smoking at USM Institutions
Senate Document #:	12-13-07
Deadline:	January 11, 2013

The Senate Executive Committee (SEC) requests that the Campus Affairs Committee review the recently approved University System of Maryland (USM) Policy on Smoking at USM Institutions (VI-8.10) and make recommendations on a related policy and implementation process for our campus.

Specifically, we ask that you:

1. Review the report of the 2010-2011 Campus Affairs Committee regarding the Proposal for a Tobacco-Free Campus (Senate Doc. No. 08-09-15).
2. Review similar policies and implementation strategies at other USM and peer institutions.
3. Consult with representatives from University Human Resources regarding the impact of such a policy on the University's employees,
4. Consult with a representative from the Office of Staff Relations.
5. Consult with a representative of the University Health Center regarding smoking cessation programs, including who will be designated to answer questions, refer students and employees to on-campus and outside resources, and otherwise provide information about smoking cessation assistance options and opportunities.
6. Consult with representatives from the Division of Administrative Affairs regarding potential implementation and enforcement procedures, and effective communication about campus policy.

7. Gather input from various campus constituents, including faculty, staff, and students, regarding the impact of such a policy.
8. Consider the impact of such a policy on external constituents such as visitors, alumni, patrons of University events etc.
9. Develop a campus policy that aligns with the USM Policy on Smoking at USM Institutions.
10. Develop potential implementation procedures for a campus policy.
11. Consult with a representative of the Office of Legal Affairs.

We ask that you submit your report and recommendations to the Senate Office no later than January 11, 2013. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Revision to the Policy on Smoking at the University of Maryland (Senate Document #19-20-17)

Indiana University – Bloomington

Policy: [Tobacco-Free University](#) (2014)

Definition(s)

- **“Tobacco and smoking related products** - all tobacco-derived or tobacco containing products including, and not limited to, cigarettes, electronic cigarettes and vaping, cigars and cigarillos, hookah smoked products, pipes, and oral tobacco (e.g., spit and spitless, smokeless, chew, snuff) and nasal tobacco (e.g. snus). It also includes any product intended to mimic tobacco products or the smoking of any other substance.”

Michigan State University

Policy: [Smoke and Tobacco-Free Policy](#) (2016)

Definition(s)

- “To ‘**smoke**’ means inhaling, exhaling, burning, or carrying any lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic. To “smoke” also includes the use with any such tobacco or plant product of a pipe or hookah; of any electronic smoking device which creates, in any manner, an aerosol or vapor, in any form; or any other oral smoking device.”
- **“Tobacco-derived or containing products’** include, without being limited to, cigarettes (including clove, bidis, kreteks), electronic cigarettes, aerosol or vapor nicotine delivery devices, cigars and cigarillos, pipe tobacco, hookah-smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).”

Northwestern University

Policy: No campus-wide policy, though addressed in [Student Handbook](#) (2017)

Definition(s)

- Per handbook, **“smoking**, including, but not limited to, cigarettes, ecigarettes, vaporizers, and hookahs, is prohibited in all areas of all residence halls, including, but not limited to, sleeping rooms, lounges, suite living rooms, dining rooms, corridors, stairwells, courtyards, washrooms, and within 25 feet of any entrance, open window, ventilation intake, or similar feature of a University building.”

THE Ohio State University

Policy: [Tobacco Free Ohio State](#) (2018)

Definition(s)

- Defers to state law, which defines smoking as “[inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant. "Smoking" does not include the burning of incense in a religious ceremony.](#)”
- “**Tobacco** is defined as all tobacco-derived or containing products, including and not limited to, cigarettes (e.g., clove, bidis, kreteks), electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes and oral tobacco (e.g., spit and spitless, smokeless, chew, snuff) and nasal tobacco. It also includes any product intended to mimic tobacco products, contain tobacco flavoring or deliver nicotine other than for the purpose of cessation.”

Penn State University

Policy: [Smoking and Tobacco Policy](#) (2018)

Definition(s)

- “**Smoking** includes the burning of any type of lit pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material.”
- “**Tobacco** is defined as all tobacco-derived or containing products, including and not limited to cigarettes (e.g., clove, bidis, kreteks, electronic cigarettes, cigars and cigarillos), hookah smoked products, pipes and oral tobacco (e.g., spit and spitless, smokeless, chew, snuff) and nasal tobacco. It also includes any product intended to mimic tobacco products, contain tobacco flavoring or deliver nicotine. Products approved by the U.S. Food and Drug Administration, when used for cessation, are not considered tobacco under this policy.”

Purdue University

Policy: [Smoke-Free West Lafayette Campus](#) (2018)

Definition(s)

- The policy covers “Cigarettes, cigars, pipes, e-cigarettes or any other device used to burn tobacco or other like substances or to vape.”

Rutgers University

Policy: [No Smoking Policy](#) (2016)

Definition(s)

- “**Smoking**’ means the burning of, inhaling from, exhaling the smoke from, or the possession of alighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked or the inhaling or exhaling of smoke or vapor from an electronic smoking device.”

- “**Electronic smoking device**’ means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.”

University of California – Los Angeles

Policy: [Smoke-Free Environment](#) (2013)

Definition(s)

- “**Tobacco Product** means any form of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), smokeless tobacco products and unregulated nicotine products (e.g., “e-cigarettes”).”
- “**Tobacco Use** means the act of using any Tobacco Product, including smoking, chewing, spitting, inhaling, ingesting, burning, or carrying any lighted or heated Tobacco Product.”

University of California – Berkeley

Policy: [Tobacco-Free Campus](#) (2017)

Definition(s)

- “**Tobacco Product:** All forms of tobacco, including but not limited to cigarettes, cigars, shisha, pipes, herbal cigarettes, water pipes (hookahs), electronic cigarettes (vaporizers), electronic hookahs, and all forms of smokeless tobacco including but not limited to:
 - Chew: tobacco placed between the cheek and gum or upper lip teeth.
 - Orbs: Nicotine-infused orbs consumed like breath mints.
 - Snuff: Fine-ground tobacco inhaled through the nose.
 - Snus: Ground tobacco in a tea bag-like sack kept between the cheek and teeth.
 - Sticks: Nicotine-infused sticks chewed like a tooth-pick.
 - Strips: Nicotine-infused strips that dissolve on the tongue.”
- “**Tobacco Use:** Smoking, chewing, dipping, or any other use of tobacco.”

University of Illinois – Urbana-Champaign

Policy: [Smoke and Tobacco-Free Campus](#) (2019)

Definition(s)

- “**Smoke**’ or **smoking**’ means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, cigarillos, hookah, beedies, kreteks, weed, herbs, electronic cigarettes, water pipes, bong, marijuana or other lighted smoking equipment. “Smoke” or “smoking” also includes products containing or delivering nicotine intended or expected for human consumption, or any part of such a product that is not a tobacco product as defined by Section 321(rr) of Title 21 of the United States Code, unless it has been approved or otherwise certified for legal sale by the U.S. Food and Drug Administration for tobacco use cessation or other medical purposes and is being marketed and sold solely for that approved purpose. ‘Smoke’ or ‘Smoking’ does not include smoking that is associated with a native recognized

religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, Sections 1996 and 1996a of Title 42 of the United States Code.”

- **“Non FDA-approved nicotine delivery devices and products”** means any product or device containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

University of Iowa

Policy: [Tobacco-Free Campus](#) (2019)

Definition(s)

- Smoking is not defined.
- **“Tobacco products** are defined as including but not limited to cigarettes, cigars, pipes, water pipes (hookahs), bidis, kreteks, smokeless tobacco, chewing tobacco, snus, snuff, electronic cigarettes, and any non-FDA-approved nicotine delivery device.”

University of Michigan

Policy: [Smoking on University Premises](#) (2018)

Definition(s)

- None

University of Minnesota

Policy: [Smoke and Tobacco Free Campus: Crookston, Duluth, Rochester, and Twin Cities](#) (2018)

Definition(s)

- **Smoking:** “Inhaling, exhaling, burning, or carrying of a lighted cigarette, cigar, pipe, or other lighted smoking product. The burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment or device, whether filled with tobacco or any other type of material.”
- **Electronic Cigarette:** “Any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.”

University of Nebraska – Lincoln

Policy: [Tobacco-Free and Smoke-Free Campus Policy](#) (2017)

Definition(s)

- “**Smoking**’ means inhaling, exhaling, burning, or carrying any lighted or heated tobacco, plant (including marijuana) or synthetic products.”
- “**Tobacco Products**’ includes all forms of tobacco, inclusive of but not limited to, cigarettes, cigars, pipes, water pipes (hookah), electronic cigarettes and similar devices, and smokeless tobacco products. It also includes any product intended to mimic tobacco products, contain tobacco flavoring or deliver nicotine. FDA approved nicotine replacement therapy products, when used for the purpose of cessation, are not considered “Tobacco Products” under this policy.

University of North Carolina – Chapel Hill

Policy: [No Smoking Policy](#) (2019)

Definition(s)

- Smoking is not defined, though the policy does indicate that “visitors, patients, and students who violate the no smoking policy should be reminded of the policy and asked to comply by putting out the lighted tobacco product.”

University of Wisconsin – Madison

Policy: [Smoke-Free Policy](#) (2016)

Definition(s)

- “**Smoking** includes the burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment or the use of electronic smoking devices including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.”

HB 1169

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1169 (Delegate D.E. Davis, *et al.*)

Economic Matters and Health and
Government Operations

**Business Regulation - Tobacco Products and Electronic Smoking Devices -
Revisions**

This bill (1) alters the definition of “tobacco product” to include electronic smoking devices (ESDs), renames electronic nicotine delivery systems (ENDS) to be ESDs, and makes related changes; (2) increases fees for specified retail licenses and ESD wholesaler licenses; (3) raises the minimum age, from 18 to 21, for an individual to purchase or be sold tobacco products; (4) authorizes the Maryland Department of Health (MDH) to conduct unannounced inspections of specified retailers; (5) specifies signage requirements for specified retailers; (6) alters restrictions pertaining to the sale of tobacco products through vending machines; and (7) makes other revisions to provisions of law pertaining to the distribution of tobacco products to minors and possession of tobacco products by minors.

Fiscal Summary

State Effect: General fund expenditures increase by \$41,900 in FY 2020 only. General fund revenues decrease significantly beginning in FY 2020, as discussed below.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
GF Revenue	(-)	(-)	(-)	(-)	(-)
GF Expenditure	\$41,900	\$0	\$0	\$0	\$0
Net Effect	(-)	(-)	(-)	(-)	(-)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Revenues increase significantly from additional licensing fee revenues. Enforcement can be handled with existing resources.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Tobacco Products and Electronic Smoking Devices – Definitions

Electronic Smoking Devices: The bill renames an ENDS to be an ESD and makes further revisions to the definition. Accordingly, an “ESD” is a device that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device. “ESD” includes an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, vaping liquid, and any component, part, or accessory of such a device, regardless of whether the component is sold separately, including any substance intended to be aerosolized or vaporized during the use of the device. “ESD” excludes a drug, device, or combination product authorized for sale by the U.S. Food and Drug Administration (FDA) under the federal Food, Drug, and Cosmetic Act.

Tobacco Products: The bill alters the definition of “tobacco product” to include ESDs and makes other revisions to the definition. Accordingly, “tobacco product” means a product that is intended for human inhalation, absorption, ingestion, smoking, heating, chewing, dissolving, or any other manner of consumption that is made of, derived from, or contains tobacco or nicotine. “Tobacco product” includes cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and snus; ESDs; and filters, rolling papers, pipes, and liquids used in ESDs, regardless of nicotine content. “Tobacco product” excludes a drug, device, or combination product authorized for sale by FDA under the federal Food, Drug, and Cosmetic Act.

License Fees

The bill increases existing annual fees for State cigarette retailer, other tobacco products (OTPs) retailer or tobacconist, ENDS (under the bill, ESD) retailer, and ENDS (under the bill, ESD) wholesaler licenses. Accordingly:

- the fee for a cigarette retailer license increases from \$30 to \$300;
- the fee for an OTP or tobacconist license increases from \$15 to \$300;
- the fee for an ENDS (under the bill, ESD) retailer license increases from \$25 to \$300; and
- the fee for an ENDS (under the bill, ESD) wholesaler license from \$150 to \$300.

Tobacco Products – Minimum Age

The bill raises, from 18 to 21, the minimum age for an individual to purchase or be sold tobacco products and makes conforming changes. The bill affects several sections of the

Annotated Code of Maryland, including the Criminal Law, Health-General, Local Government, and State Finance and Procurement articles. References to “minor” or “18” are modified to be “an individual under the age of 21 years” or “21.”

In addition, the bill repeals a provision of criminal law that prohibits a minor from using or possessing a tobacco product, cigarette rolling paper, or an ENDS or from using a false form of identification to obtain a tobacco product, cigarette rolling paper, or an ENDS.

Furthermore, the bill repeals an authorized defense for a violation of a criminal prohibition against the distribution of tobacco products to a minor that the defendant examined the purchaser’s or recipient’s employer-issued or school identification.

Inspections of Retailers by the Maryland Department of Health

The bill authorizes MDH to conduct unannounced inspections of a licensed cigarette, OTP, or ESD retailer to ensure the licensee’s compliance with the criminal prohibition against the distribution or sale of tobacco products to underage individuals (under the bill, the criminal prohibition pertains to individuals younger than age 21). MDH may use an individual younger than age 21 to assist in conducting the inspections.

Required Signs for Retail Licensees

A cigarette, OTP, or ESD retailer must post a sign in a location that is clearly visible to the consumer that states, in letters that are at least one half-inch high, “No person under the age of 21 may be sold tobacco products.”

Restrictions on the Sale of Tobacco Products through a Vending Machine

In the State, a person may not sell, dispense, or offer to sell or dispense a tobacco product through a vending machine unless the vending machine is located in an establishment that individuals younger than age 21 are prohibited by law from entering at any time.

Civil Fines for Unlawful Sale of Tobacco Products to Underage Individuals

The bill specifies that if a person acting on behalf of a retailer violates specified prohibitions against the sale or distribution of tobacco products or ESDs, the retailer must pay the civil penalty.

Current Law:

Definitions

Electronic Nicotine Delivery Systems: “ENDS” means an electronic device, a component for an electronic device, or a product used to refill or resupply an electronic device that can be used to deliver nicotine to an individual inhaling from the device. “ENDS” includes an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and vaping liquid. “ENDS” excludes a nicotine device that contains or delivers nicotine intended for human consumption that is approved by FDA for sale as a tobacco cessation product and is being marketed and sold solely for that purpose; cannabis oil or any other unlawful substance; or an electronic device that is being used to deliver cannabis oil or other unlawful substance.

Tobacco Products: “Tobacco product,” as it applies to provisions of the Business Regulation, Criminal Law, Health-General, and Local Government articles, means any substance containing tobacco, including cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.

Business Regulation Article – Licensing and Fees

Generally, a person must obtain a license to engage in the retail sale or wholesale distribution of cigarettes, OTPs, or ENDS. Licenses are subject to annual renewal. To renew a license, a licensee must pay the applicable license fee.

Retail Licenses: The Comptroller issues cigarette retailer licenses, OTP retailer and tobacconist licenses, and ENDS retailer and vape shop vendor licenses through the local clerks of the court. To obtain one of these licenses, a person must (1) obtain a county license; (2) file an application with the clerk; and (3) pay the clerk a specified fee, a portion of which is distributed to the Comptroller. The fee for a cigarette retailer license is \$30; for an OTP retailer or a tobacconist license, \$15; and for an ENDS or vape shop vendor license, \$25. An applicant for an OTP retailer or tobacconist license need not pay the specified fee if the applicant holds a specified cigarette retailer license. In addition, a person need not obtain an ENDS retailer or vape shop vendor license if the person has a license to act as a cigarette or OTP retailer or tobacconist.

Electronic Nicotine Delivery Systems Wholesaler Licenses: The Comptroller issues ENDS wholesaler distributor and wholesaler importer licenses. An applicant for an ENDS wholesaler distributor or wholesaler importer license must (1) obtain a county license, (2) file an application with the Comptroller, and (3) pay to the Comptroller a fee of \$150. A person need not obtain an ENDS wholesaler license if the person has a license to act as a cigarette or OTP wholesaler.

Sale of Tobacco Products through Vending Machines: In the State, a person may not sell, dispense, or offer to sell or dispense a tobacco product through a vending machine unless the vending machine is located in an establishment that minors are prohibited by law from entering; is located in a bona fide fraternal or veterans organization; or can only be operated with a token, card, or similar device that an individual can only obtain or purchase from the owner or an employee or agent of the owner. A violator is guilty of a misdemeanor and subject to a maximum fine of \$100.

Criminal Law Article – Tobacco Products and Minors

A commercial tobacco distributor may not distribute a tobacco product, tobacco paraphernalia, a coupon redeemable for a tobacco product, or an ENDS to a minor unless the minor is acting solely as the agent of his or her employer if the employer distributes such products for commercial purposes. Likewise, someone else may not purchase for, sell to, or distribute to a minor a tobacco product, tobacco paraphernalia, or an ENDS. A person that violates these provisions is guilty of a misdemeanor and is subject to a maximum fine of \$300 for a first violation, \$1,000 for a second violation occurring within two years after the first violation, and \$3,000 for each subsequent violation occurring within two years after the preceding violation. However, in a prosecution for a violation, it is a defense that the defendant examined the purchaser's or recipient's license or other valid identification that positively identified the purchaser or recipient as being at least age 18.

A minor may not use or possess tobacco products, cigarette rolling paper, or an ENDS unless he or she is acting as the agent of the minor's employer within the scope of employment. Additionally, a minor is prohibited from using false forms of identification to obtain tobacco products, cigarette rolling paper, or an ENDS, including a form of identification that identifies someone other than the minor. A minor who violates these provisions is guilty of a civil offense.

Health-General Article – Tobacco Products and Minors

Funding: State funds are used to (1) conduct media campaigns aimed at reducing smoking initiation, encouraging smokers to quit, and educating the public about the dangers of secondhand smoke exposure; (2) enforce existing laws banning the sale and distribution of tobacco products to minors; (3) promote and implement smoking cessation programs; and (4) implement school-based tobacco education programs.

Restrictions on Distribution of Tobacco Products and Electronic Nicotine Delivery Systems to Minors: A person may not distribute a tobacco product, tobacco paraphernalia, or a coupon redeemable for a tobacco product to a minor. In addition, a person may not sell, distribute, or offer for sale to a minor an ENDS as defined under the Business Regulation Article. County health officers and designees of county health officers may

issue civil citations for violations. A violator is subject to a maximum civil penalty of \$300 for a first violation; \$1,000 for a second violation occurring within 24 months after the previous violation; and \$3,000 for each subsequent violation occurring within 24 months after the preceding violation. However, in a prosecution for a violation, it is a defense that the defendant examined the purchaser's or recipient's license or other valid identification that positively identified the purchaser or recipient as being at least age 18. The District Court must remit any penalties collected to the county in which the violation occurred. The imposition of a civil penalty precludes prosecution for a violation of criminal laws relating to the distribution of tobacco products or ENDS that arises out of the same violation, and vice versa.

Local Government Article – Tobacco Products and Minors

In Carroll, Cecil, Garrett, and St. Mary's counties, a person may not (1) distribute a tobacco product to a minor unless the minor is acting solely as the agent of the minor's employer who is engaged in the business of distributing tobacco products, (2) distribute cigarette rolling papers to a minor, or (3) distribute to a minor a coupon redeemable for a tobacco product. Civil penalties vary depending on the county. It is a defense if the person examined the recipient's driver's license or other valid government-issued identification that positively identified the recipient as at least age 18. A county health officer or the county health officer's designee may issue civil citations for violations (except in Cecil County, where only a sworn law enforcement officer may do so). The District Court must remit any penalties collected to the county in which the violation occurred.

State Finance and Procurement Article – Cigarette Restitution Fund

The Cigarette Restitution Fund is used to fund the Tobacco Use Prevention and Cessation Program; the Cancer Prevention, Education, Screening, and Treatment Program; and other various programs aimed at reducing the use of tobacco products by minors, education and public school campaigns to decrease tobacco use, promoting smoking cessation, and other public purposes.

Background:

Rise in Youth Tobacco Use

FDA and the U.S. Department of Health and Human Services report that, between 2017 and 2018, use of tobacco products by high school and middle school students in the United States increased by 27.1% and 7.2%, respectively. The increase in youth tobacco use is largely attributable to a rise in youth e-cigarette use; between 2017 and 2018, e-cigarette use by high school and middle school students in the United States increased by 78% and 48%, respectively.

Minimum Age for Tobacco in Other States

According to the Campaign for Tobacco-Free Kids, as of January 2019, six states (California, Hawaii, Maine, New Jersey, Oregon, and Massachusetts) have raised the minimum age to purchase tobacco to 21, as have at least 430 localities (including New York City, Chicago, San Antonio, Boston, Cleveland, Minneapolis, both Kansas cities, and Washington, DC).

Tobacco Taxes in Maryland

Chapter 121 of 1999 increased the cigarette tax from 36 to 66 cents. In addition, Chapter 121 imposed a 15% tax on the wholesale price of OTPs such as cigars and smokeless tobacco. Chapter 288 of 2002 increased the cigarette tax from 66 cents to \$1.00 per pack. Chapter 6 of the 2007 special session increased the cigarette tax to \$2.00 per pack.

Chapter 2 of the first special session of 2012 increased the OTP tax rate from 15% to 30% of the wholesale price for all products except cigars, effective July 1, 2012. The tax rate for cigars that are classified as premium cigars remained at 15% of the wholesale price; all other cigars are taxed at 70% of the wholesale price.

Cigarette and OTP tax revenues accrue to the general fund. In addition, the State sales tax rate of 6% is imposed on the final retail price of cigarettes and OTPs. In fiscal 2018, cigarette tax revenues totaled \$331.2 million, and OTP tax revenues totaled \$41.3 million.

State Revenues: The bill raises the minimum age to purchase tobacco products, tobacco paraphernalia, and ESDs from age 18 to 21. Based on prior-year estimates of the continued use among a portion of this cohort and the tax revenues apportioned to their current use, general fund revenues decrease, likely significantly, due to a decrease in the collection of the various taxes imposed on such products (cigarette and OTP excise taxes and sales tax). The State does not currently tax ESDs as tobacco products. Any decrease in sales tax revenue resulting from the increased minimum age for purchasing ESDs under the bill cannot be reliably estimated at this time.

Nevertheless, **Exhibit 1** is illustrative of the *potential* revenue loss stemming from the bill's alteration of the minimum age to purchase tobacco products from fiscal 2020 through 2024; the estimate for fiscal 2020 reflects the bill's October 1, 2019 effective date. This illustrative estimate is based on the following facts and assumptions:

- The Comptroller’s Office advised in 2018 that the excise tax rate for OTP varies by product, but its weighted average is 43.5%. OTP tax collections are generally 10.9% of the amount collected for cigarettes. Thus, the reduction in OTP excise tax revenues is assumed to be 10.9% of the reduction in cigarette excise tax revenues.
- The Comptroller’s Office estimated in 2018 that 25% of individuals ages 18 through 20 will *continue* to consume tobacco products – with purchase in Maryland – the fiscal year the increased minimum age takes effect. This amount is estimated to decrease to 15% in the second year and by approximately five percentage points annually for the next two years – as current users are more likely to purchase illegally – until it stabilizes at 5%. The Comptroller’s Office based this estimate on U.S. Centers for Disease Control and Prevention data regarding youth cigarette use and population projections.

Exhibit 1
Illustrative Tax Revenue Decreases
Fiscal 2020-2024
(\$ in Millions)

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
Excise Tax	\$3.7	\$5.5	\$5.8	\$6.1	\$6.1
Sales Tax	1.1	1.4	1.4	1.4	1.4
Total General Fund	\$4.8	\$6.9	\$7.2	\$7.5	\$7.5

Note: Includes excise and sales taxes for both cigarettes and other tobacco products. The fiscal 2020 projection reflects the bill’s October 1, 2019 effective date.

Source: Comptroller’s Office (based on an estimate from the 2018 legislative session)

The Department of Legislative Services (DLS) further advises that the impact of the bill’s minimum age provision on tobacco tax revenues depends on rates of tobacco use among young adults that would be observed in the absence of the bill. In addition to moderating use among young adults, the bill likely changes the initiation age. For example, according to a 2015 report by the Institute of Medicine (IOM), approximately 90% of adults who are daily smokers report first use before reaching age 19. In that report, IOM also estimated that raising the minimum age to 21 may result in a 12% decrease in the prevalence of smoking by the time current teenagers reach adulthood, and that smoking initiation rates among those ages 18 to 20 may decrease by 15%. However, IOM notes that these estimates are based on national models and do not take into account variations in tobacco use,

initiation rates, tobacco control activities, or the effects of new products (e.g., ESD) on future smoking and tobacco use rates.

General fund revenue losses due to foregone taxes are slightly offset by increased licensing fee revenues under the bill. The bill doubles the fee, from \$150 to \$300, for an ENDS (ESD under the bill) wholesaler license. Revenues from these licensing fees accrue to the general fund. Accordingly, general fund revenues increase minimally from this provision.

Generally, revenues from business licenses issued by local clerks of the court are split between local government (92%) and the State general fund (8%). Accordingly, 8% of the additional licensing fees collected under the bill's alteration of cigarette retailer, OTP retailer and tobacconist, and ENDS (ESD under the bill) retailer and vape shop vendor licenses accrues to the State general fund. The Judiciary advises that, in 2018, there were a total of 6,782 cigarette retailer licenses, 6,601 OTP retailer and tobacconist licenses, and 123 ENDS retailer licenses issued in the State. Assuming that the number of licensees in each license category remains constant in future years, general fund revenues increase by approximately \$147,400 in fiscal 2020 and \$148,000 annually thereafter. This estimate accounts for the bill's October 1, 2019 effective date and the annual expiration of cigarette retailer and OTP retailer and tobacconist licenses on April 30. However, as stated above, general fund revenue increases stemming from the bill's alteration of licensing fees only slightly offset general fund revenue decreases stemming from the bill's alteration of the minimum age for purchasing tobacco products.

State Expenditures:

Judiciary Programming Changes

The Judiciary advises that the alteration of fees for specified retail licenses under the bill requires programming changes to its revenue collection system at a one-time cost of \$11,490 in fiscal 2020. Thus, general fund expenditures increase accordingly.

Maryland Department of Health Administrative Expenses

MDH advises that, under the bill, training and educational materials for tobacco retailers and local health departments must be updated to reflect the bill's changes. These costs are anticipated to total \$30,390, which include necessary mailings and modification to enforcement and educational materials. Thus, general fund expenditures increase accordingly in fiscal 2020 only.

Comptroller's Office Enforcement

The Comptroller's Office did not respond to a request for information for this fiscal and policy note. However, it is assumed, for the purposes of this fiscal and policy note, that the Comptroller's Office can enforce the bill's provisions with existing resources.

Potential Medicaid Expenditure Decrease

The Maryland Association of County Health Officers has historically advised altering the minimum age for purchasing tobacco products to 21 likely results in Medicaid savings in the near term, particularly from a potential reduction in preterm births and related hospital stays (as smoking during pregnancy is a contributing factor to such preterm births) and in smoking-related health care costs (e.g., asthma treatment and related emergency department visits), and that out-year savings are also likely realized through a reduction in health care costs associated with tobacco-related diseases (e.g., cancer, heart disease, and stroke). Thus, to the extent the bill results in reduced health care costs covered by Medicaid, general fund expenditures decrease. Medicaid-eligible services are subject to a federal match rate (which varies depending on the coverage group of the individual). Therefore, federal fund expenditures also decrease; federal fund revenues decrease correspondingly. However, DLS advises that the extent of this impact cannot be reliably estimated at this time, as it depends on whether and to what extent the bill reduces tobacco use in the State.

Local Revenues: As discussed above, local governments generally collect 92% of revenues from business licenses issued through the clerks of the court. Based on the number of cigarette retailer, OTP retailer and tobacconist, and ENDS retailer and vape shop vendor licenses issued in the State in 2018 (as discussed above), local revenues in the State increase, in the aggregate, by approximately \$1.7 million in fiscal 2020 and annually thereafter from the bill's alteration of specified licensing fees, assuming the number of licensees in each license category remains constant.

In addition, the bill expands the definition of tobacco product (to include ESDs) as it applies to several provisions of State law, including provisions pertaining to civil offenses for the unlawful distribution of tobacco products in Carroll, Cecil, Garrett, and St. Mary's counties. Accordingly, Carroll, Cecil, Garrett, and St. Mary's County revenues increase minimally from civil penalties to the extent that additional citations are issued under the bill's expansion of the definition of tobacco products.

DLS notes that Montgomery County recently imposed its own excise tax on electronic cigarette products, which became effective August 2015. The tax rate is 30% of the wholesale price. To the extent the bill results in reduced sales of electronic cigarette products, Montgomery County revenues decrease. However, the extent of this decrease cannot be reliably estimated at this time.

Small Business Effect: To the extent that small businesses in Maryland currently sell cigarettes, OTPs, and ESDs to young adults younger than age 21, sales decline. These businesses are subject to civil and criminal penalties if they continue to do so.

Additional Comments: According to the Department of Juvenile Services, in fiscal 2018, citations issued for tobacco-related violations accounted for only 0.7% of juvenile offenses. Accordingly, the bill's repeal of provisions prohibiting minors from possessing tobacco products or attempting to obtain tobacco products with false identification is not likely to materially impact State or local operations.

Additional Information

Prior Introductions: None.

Cross File: SB 895 (Senator Kelley) - Finance.

Information Source(s): Maryland Association of County Health Officers; Anne Arundel County; Montgomery County; Maryland Association of Counties; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Health; U.S. Food and Drug Administration; U.S. Department of Health and Human Services; Campaign for Tobacco-Free Kids; Institute of Medicine; Department of Legislative Services

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TESTIMONY

FDA Regulation of Electronic Nicotine Delivery Systems and Investigation of Vaping Illnesses

SEPTEMBER 25, 2019

Testimony of

Norman E. "Ned" Sharpless, MD

Before the

House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations (/node/390633)

Introduction

Good morning, Chairwoman DeGette, Ranking Member Guthrie, and Members of the subcommittee.

Thank you for the opportunity to be here today to discuss the Food and Drug Administration's (FDA or the Agency) regulation of electronic nicotine delivery systems, or ENDS, which include e-cigarettes, and the Agency's role in the ongoing investigation into severe respiratory lung injury associated with e-cigarette use or vaping. I am Ned Sharpless, Acting Commissioner of the U.S. Food and Drug Administration, which is part of the Department of Health and Human Services (HHS).

FDA is deeply concerned by the severe respiratory lung injuries and reported deaths associated with e-cigarette use or vaping, and the Agency is working very closely with the Centers for Disease Control and Prevention (CDC) and state officials to investigate these incidents. FDA is committed to taking appropriate actions to protect the public as the facts emerge. To date, most patients have reported a history of using vaping products containing tetrahydrocannabinol (THC). Many patients have reported using products containing THC and products containing nicotine. Some have reported the use of e-cigarette products containing only nicotine.

I appreciate the opportunity to be here today to provide an update on FDA's regulation of ENDS, including the Administration's recent announcement to finalize a compliance policy that would prioritize enforcement against flavored ENDS to clear the market of those products, unless and until their marketing has been shown to be appropriate for the protection of the public health, as Congress required, and to provide an update on FDA's efforts to investigate the illnesses associated with the use of vaping products.

Background

Let me start with some basic background on our tobacco regulatory authorities.

Tobacco use is the single largest preventable cause of disease and death in the United States. Each year, more than 480,000 people in the United States die prematurely from diseases caused by cigarette smoking and exposure to tobacco smoke. In 2009, the Family Smoking Prevention and Tobacco Control Act

(Tobacco Control Act) amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to authorize FDA to oversee the manufacture, marketing, distribution, and sale of tobacco products and protect the public from the harmful effects of tobacco product use. This authority gave FDA comprehensive tools to protect the public from the harmful effects of tobacco use through science-based tobacco product regulation.

With limited exceptions, FDA evaluates new tobacco products based on a public health standard that considers the risks and benefits of the tobacco product to the population as a whole, including users and non-users. Similarly, when developing regulations, the law generally requires FDA to apply a public health approach that considers the effect of the regulatory action on the population as a whole, not just on individual users, taking into account initiation and cessation of tobacco use.

Under the statute, FDA had immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Tobacco Control Act also authorized FDA to “deem” other “tobacco products” (which include “any product made or derived from tobacco that is intended for human consumption” that is not a drug, device, or combination product under the FD&C Act, “including any component, part, or accessory” of that product) to be subject to the Agency’s regulatory authority in Chapter IX of the FD&C Act.

On May 10, 2016, FDA issued a final rule (the “deeming rule”) to deem additional products that meet the statutory definition of a “tobacco product,” except for accessories, to be subject to FDA’s regulatory authority. Deemed products include ENDS, cigars, pipe tobacco, nicotine gels, waterpipe (or hookah) tobacco, and any future tobacco products. The deeming rule, and FDA’s regulation of these products, took effect on August 8, 2016.

Regulatory Requirements for ENDS Products

When the deeming rule took effect in August 2016, many of the regulatory and legal requirements that had been in place for manufacturers of cigarettes, smokeless tobacco, cigarette tobacco, and roll-your-own tobacco since 2009, as well as several new requirements specific to deemed products, became applicable to makers of e-cigarettes and other ENDS products. These include:

- Registering domestic establishments and submitting lists of products manufactured at those establishments, including all labeling and representative samples of advertisements;
- Submitting tobacco health documents;
- Submitting ingredient listings;
- Marketing new tobacco products only after FDA review; and
- Marketing products with direct or implied claims of reduced risk only if FDA confirms that scientific evidence supports the claim and determines that providing a marketing authorization for the product will benefit the health of the population as a whole.

In addition, the following regulatory provisions also apply to deemed tobacco products, including ENDS products:

- Minimum age restriction and identification requirement to prevent sales to underage youth;
- Requirements to bear certain health warnings on packages and advertisements (including certain ENDS components, such as e-liquids) such as, “WARNING: This product contains nicotine. Nicotine

is an addictive chemical” and

- Prohibition of vending machine sales, unless in a facility that never admits youth.

FDA recognized that industry would need time to comply with some of the new regulatory requirements triggered by the final deeming rule and announced a compliance policy with staggered timeframes for compliance. Some of the requirements, such as the Federal minimum age of purchase, took effect immediately when the deeming rule took effect on August 8, 2016, while, as an exercise of enforcement discretion, FDA provided industry with additional time to comply with other requirements, such as premarket review of “new” tobacco products.

Premarket Review of ENDS

All deemed products, including ENDS products, became subject to the premarket authorization requirements in the Tobacco Control Act on August 8, 2016. All “new” tobacco products are required to obtain authorization from FDA before they can be legally marketed. Pursuant to the Tobacco Control Act, a “new” tobacco product is one that was not commercially marketed as of February 15, 2007, or that was modified after February 15, 2007.

FDA’s initial compliance policy for premarket review stated that the Agency did not intend to enforce the requirements of premarket review against manufacturers of newly-regulated new tobacco products that were on the market as of August 8, 2016, as long as they submitted applications seeking marketing authorization within specific timeframes. As a result, FDA anticipated that many ENDS products would remain on the market without premarket authorization for up to three years.

In July 2017, FDA announced a new comprehensive plan for tobacco and nicotine regulation that would serve as a multi-year roadmap in an effort to significantly reduce tobacco-related disease and death. The comprehensive plan was, in part, announced to afford the Agency time to explore clear and meaningful measures outside of premarket review to make combustible tobacco products less toxic, less appealing, and less addictive. One aspect of the plan involved striking a balance between regulation and encouraging development of innovative tobacco products that may be less harmful than cigarettes. The Agency announced that it planned to issue an updated compliance policy further deferring some enforcement timelines described in the final deeming rule.

The July 2017 announcement led to publication of the August 2017 Compliance Policy, which was later the subject of litigation. In May 2019, a U.S. District Court in Maryland vacated FDA’s 2017 Compliance Policy. In July 2019, the court ordered that applications for deemed “new” tobacco products such as e-cigarettes, cigars, pipe tobacco, and hookah tobacco, that were on the market as of August 8, 2016, must be filed with FDA no later than May 12, 2020. The court order also provided for a one-year period during which products with timely filed applications might remain on the market pending FDA review, but subsequently clarified that its order does not restrict the agency’s authority to enforce the premarket review provisions against deemed products prior to May 12, 2020, or during the one-year review period.

No ENDS product in the United States is on the market legally. To be legally marketed as a tobacco product, the product would need to undergo FDA scientific review and the Agency would have to find that the marketing of the product is appropriate for the protection of the public health. Alternatively, an ENDS

product that is marketed for therapeutic purposes as a drug would need to be reviewed under FDA's drug authorities, and approved for such marketing. There is no FDA-authorized or FDA-approved ENDS product currently on the market.

FDA's Aggressive Actions to Address the Youth Epidemic of ENDS Product Use

At the time FDA issued the August 2017 Compliance Policy to modify the enforcement discretion policies regarding premarket authorization, nationally representative data suggested that youth use of e-cigarettes had declined. ¹ While no level of youth use is acceptable, FDA took this directional data into consideration, along with the potential for some such products to offer a public health benefit to some individual addicted adult smokers. In the context of these uncertainties and this evidence, and with the potential for FDA to pursue other bold measures, in part by reducing the addictiveness of combustible cigarettes while temporarily delaying the immediate market exit of innovative, potentially less harmful tobacco products, FDA determined that the balancing of public health considerations argued in favor of a different comprehensive approach. However, the NYTS 2018 data showed a significant increase in youth use of e-cigarettes. Data from the NYTS showed that, between 2017 and 2018, current e-cigarette use among high school students increased 78 percent, from 11.7 percent to 20.8 percent. ² Current e-cigarette use among middle school students also increased by 48 percent over the same time period, from 3.3 percent to 4.9 percent. ³

Moreover, evidence demonstrates that youth are especially attracted to flavored ENDS products. Data from the 2018 NYTS showed that current (past 30-day) use of any flavored e-cigarette increased substantially among high school students who reported current e-cigarette use (60.9 percent to 67.8 percent) in just one year. ⁴

Preliminary data from the 2019 NYTS show a continued rise and disturbing rate of youth e-cigarette use, especially through the use of non-tobacco flavors that appeal to kids. In particular, the preliminary data show that more than a quarter of high school students were current e-cigarette users in 2019, and the majority of youth e-cigarette users cited the use of popular fruit and menthol/mint flavors.

FDA must act to try to reverse these trends. We are committed to keeping tobacco products out of the hands of youth and will not stand idly by as a new generation becomes addicted to nicotine and tobacco products. I am committed to tackling the epidemic of youth e-cigarette use using the regulatory tools at the Agency's disposal. We are taking a number of actions to help address the epidemic:

- Earlier this month, the President announced that as part of the Administration's ongoing work to tackle the epidemic of youth e-cigarette use, FDA intends to finalize a compliance policy in the coming weeks that would prioritize the Agency's enforcement of the premarket authorization requirements for non-tobacco-flavored e-cigarettes, including mint- and menthol-flavored products. It is important to note that this does not mean flavored e-cigarettes can never be marketed—if companies think they can show that specific products meet the standards established by Congress, then they can submit that evidence to FDA through a product application, which FDA will then evaluate. It does mean that FDA intends to prioritize enforcement action such that, unless and until the manufacturers of these products meet their burden under the Tobacco Control Act to show that scientific evidence

demonstrates that their marketing is appropriate for the protection of the public health, these products will be expected to exit the market.

- FDA has been holding retailers and manufacturers accountable for marketing and sales practices that have led to increased youth accessibility and appeal of e-cigarettes. For example, FDA has issued more than 10,000 warning letters and more than 1,400 civil money penalties to retailers, both online and in brick-and-mortar retail stores, for sales of ENDS and their components to youth.
- FDA has sent letters to about 90 companies seeking information on over 110 brands, including ENDS products, to determine whether those products were not marketed as of August 8, 2016, and therefore not subject to any previous FDA compliance policy. To date, FDA has issued warning letters to five ENDS companies notifying them of the need to remove a combined total of more than 40 products from the market.
- The Agency has issued warning letters, many in collaboration with the Federal Trade Commission (FTC), that resulted in the removal of dozens of e-liquid products resembling kid-friendly foods, such as juice boxes, cereal, and candy.
- FDA and FTC sent warning letters to firms that make and sell flavored e-liquids for violations related to online posts by social media influencers on their behalf that lacked the required nicotine addiction warnings.
- On September 9, 2019, FDA issued a warning letter 5 to JUUL Labs Inc. for marketing unauthorized modified risk tobacco products by engaging in labeling, advertising, and/or other activities directed to consumers, including a presentation given to youth at a school, by marketing it for reduced risk or harm from using the product compared to cigarette smoking. Concurrently, the Agency issued a second letter expressing its concern and requesting additional information about several issues raised by Congress regarding JUUL's outreach and marketing practices, including those targeted at students, tribes, health insurers and employers.
- The Administration has also continued to invest in campaigns to educate youth about the dangers of e-cigarette use. Last year, FDA launched "The Real Cost" Youth E-Cigarette Prevention Campaign 6 – a comprehensive effort targeting nearly 10.7 million youth, aged 12-17, who have used e-cigarettes or are open to trying them. The campaign features hard-hitting advertising on TV, digital and social media sites popular among teens, as well as posters with e-cigarette prevention messages in high schools across the nation.
- FDA joined forces with Scholastic to develop educational resources for high school teachers and administrators. These materials have been distributed to over 700,000 high school educators. Our work with Scholastic continues, and we are currently developing additional resources, including lesson plans, for both middle and high school educators throughout this school year.
- The Agency also developed posters and resources for doctors, youth groups, churches, state and local public health agencies, and others on the dangers of youth e-cigarette use and has worked to advance discussion and understanding around how to help those kids who are already addicted to e-cigarettes quit.

We will continue to take vigorous actions aimed at ensuring e-cigarettes and other tobacco products are not being marketed or sold to kids. In addition, we will continue and expand our public education efforts to get the word out to youth about the harms of e-cigarettes.

Investing in Research to Learn More About the Health Impacts of ENDS Products

FDA is funding several research projects assessing the health impact of e-cigarettes, including the FDA and NIH Population Assessment of Tobacco and Health (PATH) Study. The PATH Study is a national, longitudinal cohort study of almost 46,000 youth and adults in the United States that collected its first wave of data in 2013 and is following study participants over time to learn how and why people start using tobacco products, quit using them, and start using them again after they have quit, as well as how different tobacco products affect health (such as cardiovascular and respiratory health) over time. The PATH Study is tracking potential behavioral and health impacts, including collecting biospecimens to analyze for biomarkers of exposure and harm. ⁷

In 2016, FDA awarded a contract to National Academy of Sciences, Engineering and Medicine (NASEM) to “conduct an in-depth evaluation of the available evidence of health effects from electronic nicotine delivery systems (ENDS) and make recommendations for future federally funded research.” This work included convening a multi-disciplinary committee of 13 members that met several times and holding an open meeting in order to obtain input from a wide range of stakeholders. The committee’s methodology included a comprehensive literature search, literature review and quality assessment, evidence synthesis to assess causality for health effects, and application of a framework for levels of evidence. Over 800 peer-reviewed scientific studies were evaluated and the consensus report, “Public Health Consequences of E-Cigarettes,” was released by NASEM in January 2018. ⁸ Among the conclusions in the NASEM report is that teens who experiment with an e-cigarette are more likely to try conventional cigarettes compared to teens who never used an e-cigarette.

As noted in the NASEM report, assessing the long-term health effects of e-cigarettes is challenging given the range of devices and constituents. For example, products can vary widely in terms of device type, mechanism, ingredients and the characteristics of aerosol generation. Variables of ENDS that could affect health impact include factors such as: exposure to metals (including heavy metals), heating capacity, e-liquid substrates, nicotine concentration, flavors and flavoring ingredients, and use of other ingredients or contaminants with unknown inhalation effects. A specific ENDS product’s health impact is also likely to be significantly affected by user behaviors (and we know that many ENDS users also use other tobacco products in addition to e-cigarettes). Assessing the short-term health effects is also challenging for these same reasons. To help understand the individual and population impact of ENDS, FDA is funding studies assessing the short- and long-term health effects of e-cigarettes including nicotine dependence, cardiovascular and pulmonary toxicity, potential carcinogenesis, effects of maternal use during pregnancy, and effects in the oral cavity. ⁹

Investigation of Severe Respiratory Illnesses Associated with Vaping Products

In recent weeks, an outbreak of severe respiratory lung injury associated with the use of vaping products has possibly sickened over 530 people from 38 states and one U.S. Territory. Sadly, seven deaths have been confirmed in California, Illinois, Indiana, Kansas, Minnesota, and Oregon. These illnesses do not appear to be due to infectious diseases but rather appear to be associated with a chemical exposure from vaping products. Patients report a gradual start of symptoms including breathing difficulty, shortness of breath, and/or chest pain before hospitalization. Many patients have reported recent use of vaping products

containing THC. Although these cases seem similar, it is not clear if they have a common cause, or if they involve different diseases with similar presentations. The investigation has not identified any specific product or substance or vaping product that is linked to all cases.

FDA is working closely with CDC and the affected states to investigate these cases. FDA's Office of Emergency Operations has activated an Incident Management Group (IMG) and is working alongside CDC's Incident Management System. The IMG serves as FDA's focal point for emergency management and is staffed by experts from across FDA.

FDA's work to investigate the illnesses includes field sample collections in coordination with states, sample analysis, criminal and civil investigations, and coordination with state and Federal partners.

FDA is also assisting states by collecting and analyzing samples. FDA's Forensic Chemistry Center (FCC) is an accredited laboratory in the field of forensic science testing and has experience in rapid response and specialized analytical services. FDA is analyzing samples for the presence of a broad range of chemicals, including nicotine, THC and other cannabinoids along with cutting agents/diluents and other additives, pesticides, opioids, poisons, and toxins. Many samples received have contained little to no liquid, which limits the amount of testing our laboratory is able to conduct. In most cases, patients have acknowledged recent use of THC-containing vaping products. Many patients have reported using products containing THC and products containing nicotine. Some have reported the use of e-cigarette products containing only nicotine. Similarly, the samples we are continuing to evaluate show a mix of results and no single substance, including Vitamin E acetate, has been identified in all of the samples tested. Importantly, identifying any compounds that are present in the samples will be one piece of the puzzle but will not necessarily answer questions about causality, which makes our ongoing work critical.

Investigating this crisis is FDA's Office of Criminal Investigations' top priority. Our agents are following every possible lead, which includes traveling throughout the country and attempting to gather any available evidence, including devices, pods/cartridges, diluting agents, etc.

FDA is working with our other Federal partners to investigate the illnesses. For example, we are working with Customs and Border Protection to identify potential illicit FDA-regulated products at the border.

It is critical that FDA communicate with the public when we have information to share, and we work to do that as frequently and openly as possible. For example, earlier this month, FDA issued a warning to consumers to avoid THC-containing vaping products. While the investigation is ongoing, we strongly encourage consumers to help protect themselves and avoid buying vaping products of any kind on the street, and to refrain from using THC oil or modifying/adding any substances to products purchased in stores. FDA also encourages the public to submit detailed reports of any unexpected tobacco- or vaping-related product issues to FDA via the online Safety Reporting Portal, which can be found on our website (or at www.safetyreporting.hhs.gov).

Conclusion

Thank you for the opportunity to testify today about FDA's work to investigate the severe respiratory illnesses associated with vaping and our efforts to regulate ENDS products. It is an ever-changing landscape that FDA is committed to navigating with the goal of vigorously protecting and improving the public health.

I am happy to answer any questions you may have.

Footnotes

1. Jamal A, Gentzke A, Hu SS, et al. Tobacco Use Among Middle and High School Students — United States, 2011–2016. *MMWR Morb Mortal Wkly Rep* 2017;66:597–603.

https://www.cdc.gov/mmwr/volumes/66/wr/mm6623a1.htm?s_cid=mm6623a1_w

(https://www.cdc.gov/mmwr/volumes/66/wr/mm6623a1.htm?s_cid=mm6623a1_w) The NYTS defines e-cigarettes as “battery-powered devices that provide nicotine and other additives to the user in the form of an aerosol.”

2. *Id.*


3. *Id.*

4. Cullen, K.A., B.K. Ambrose, A.S. Gentzke, et al., “Notes from the Field: Increase in e-cigarette use and any tobacco product use among middle and high school students – United States, 2011-2018,” *Morbidity and Mortality Weekly*, 67(45);1276-1277 (2018).


5. The warning letter is available at: <https://www.fda.gov/news-events/press-announcements/fda-warns-juul-labs-marketing-unauthorized-modified-risk-tobacco-products-including-outreach-youth> (/news-events/press-announcements/fda-warns-juul-labs-marketing-unauthorized-modified-risk-tobacco-products-including-outreach-youth).

6. More information is available at: <https://www.fda.gov/tobacco-products/real-cost-campaign> (/tobacco-products/public-health-education/real-cost-campaign)

7. More information on the PATH Study can be found at <https://www.fda.gov/tobacco-products/research/fda-and-nih-study-population-assessment-tobacco-and-health> (/tobacco-products/research/fda-and-nih-study-population-assessment-tobacco-and-health).

8. More information can be found at <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx> (<http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>)  (<http://www.fda.gov/about-fda/website-policies/website-disclaimer>).

9. More information can be found on the FDA website at <https://www.fda.gov/tobacco-products/research/ctp-supported-tobacco-regulatory-research-projects> (/tobacco-products/research/ctp-supported-tobacco-regulatory-research-projects)

 More Congressional Testimonies ([/news-events/congressional-testimony](https://www.fda.gov/news-events/congressional-testimony))



SCHOOL OF PUBLIC HEALTH

PHACE: Public Health Action Through Civic Engagement

January 14, 2020

To Whom It May Concern,

As a public health oriented student group on campus, Public Health Action Through Civic Engagement (PHACE) encourages the University to amend their policy on smoking on campus to include wording that explicitly bans electronic nicotine delivery systems (ENDS) such as devices that include Juuling and vaping of all varieties.

The mission of PHACE is to facilitate the translation of public health science into policy and change through meaningful stakeholder partnerships and effective civic engagement by providing students a platform to advocate for and drive positive change on the campus and within their communities. One of our group's four foundational pillars focuses on the latest concerns and science in public health. The other four pillars include innovation to create new and exciting strategies for civic engagement, getting involved with community/organizational partnerships, and developing leadership and facilitating leadership opportunities.

We have seen an increase of students using vaping devices in class and throughout the campus. Within the past year more research and information has become available on the potential negative consequences that ENDS usage on individuals as well as on air quality and public health. Changes in access and usage continue to be debated and change across the country and locally. In fact, in Spring 2019 the Residence Hall Association passed a resolution to ban ENDS such as Juuling and vaping, which was approved by the Department of Resident Life. The 2019-2020 UMD Residence Halls Handbook now includes Residence Hall Rule #26 which states, "Using Electronic Nicotine Delivery Systems (also known as vapes, juuls, e-cigarettes) within any residence hall space, or within 25 feet of any residence hall [is prohibited]."

These products and their health effects are under review and current investigation by the Centers for Disease Control and Prevention, the Food and Drug Administration and National Institutes of Health. Student use on campus has both personal and environmental impacts. When students vape in class it adds smoke and vapor to the classroom, polluting the air, disturbing other students, and distracting the students and the instructor from the lecture and from the educational experience. Additionally, students often vape in other campus spaces, as well as litter their used pods on campus, making campus less clean and harming the environment.

We believe that updating the language in University of Maryland's smoking policy to explicitly mention and ban ENDS usage would improve our health, the educational experience and preserve the environment, ultimately making the campus cleaner and safer.

Maddie News

Maddie News
President, Public Health Action for Civic Engagement



To Whom it May Concern,

As representatives of the Student Government Association (SGA), we are writing in support of amending the smoking policy to explicitly ban electronic nicotine device systems (ENDS). This proposal would help students and faculty understand their rights regarding what is non-permissible smoking product. There are many smoking products introduced that appeal to young adults and they change constantly. ENDS are used heavily on campus, yet with the way the policy is currently worded it is unclear whether or not these devices are allowed. The language proposed in the new policy should be clear to students, yet sustainable so amendments will not have to be made in the future. This proposal aims to tear down any misconceptions and clarify smoking concerns that may be experienced by students, faculty or staff.

SGA strives to promote and advocate for the physical, mental, and social health of the undergraduate student body. This approach proposed by the School of Public Health, combined with collaboration from the University Health Center, the Department of Recreation and Wellness, and student leadership can help foster a smoke-free environment, which aligns with the SGA's values on Health and Wellness. In the past, the Residence Hall Association (RHA) has passed a very similar proposal of banning the use of vapes in residence halls. Collaborating with different governing bodies, academic colleges on campus, and departments can lead to a nicotine-free community that benefits the campus and the health of our community.

Students, faculty, and staff should understand the smoke-free policy includes ENDS. As we anticipate some students' disagreement with this proposal, we look forward to future discussions and education to facilitate adherence to the policy change. We believe that this has the potential of creating a smoke-free campus leading to improvement in students' mental, physical, and nutritional wellbeing.

This proposal is a productive first step to achieve a smoke-free campus. Therefore, we urge the University Senate and the Campus Affairs Committee to look favorably on a proposal and approve an amendment to the smoking policy at the University of Maryland - College Park.

A handwritten signature in black ink that reads "Kelly Sherman".

Kelly Sherman
Director of Health and Wellness

A handwritten signature in black ink that reads "Ireland Lesley".

Ireland Lesley
Student Body President

The opinions in this letter are the authors' own and do not necessarily represent the views of the Student Government Association.

Brief Synopsis of Research on the Second-Hand Effects of Vaping

Conventional smoking produces second-hand smoke (SHS), which is well established as a health risk to bystanders. The SHS comes from the end of the burning cigarette (or other tobacco-based products such as cigars, pipes, hookahs) and from the exhalations of the active smoker. Vaping (meaning use of anything in the category of electronic smoking simulation devices) produces a similar effect called second hand aerosol (SHA), not from the passive vaping device itself but from the exhalations of the active vaper.

There is a great interest in continuing the evaluation of vaping as a less-risky alternative to conventional smoking, and the evidence is strong at several levels of examination. There is very little disagreement that smoking is extremely harmful to the smoker and also to bystanders, and that vaping in general is substantially less risky for vapers and bystanders. As a step-down from smoking for people who want to reduce personal risk yet still use nicotine or who want to quit smoking entirely, the change to vaping may be a good decision (Nitzkin, 2014). What is less clear are the risks associated with vaping itself, particularly given its possible role in increases in nicotine consumption and addiction in young adults (Gentzke et al., 2019).

Risks from SHS compared to risks from SHA are very different. SHS contains measurable particulates, including microscopic carbon and heavy metals (Avino et al., 2018) which are produced by the combustion of both tobacco and any possible additives. The authors note that vaping produces water droplet vapor rather than particle-based smoke. While carcinogenic substances can be transmitted in water vapor, the calculated lung cancer risk for tobacco cigarettes is approximately 15 times greater than for e-cigarettes, the risk associate e-cigarettes is estimated as 3 times greater than for non-users.

While SHA is lower risk than SHS, there are specific substances that are still very concerning for bystanders. Papaefstathiou et al. (2019) confirm that SHA has little to no particulate components, but the droplets convey volatile organic compounds (VOCs), including acetone, acetaldehyde, benzene, and formaldehyde among many others. These are measured in the inhaled and the exhaled vapor, such that these substances can reach bystanders.

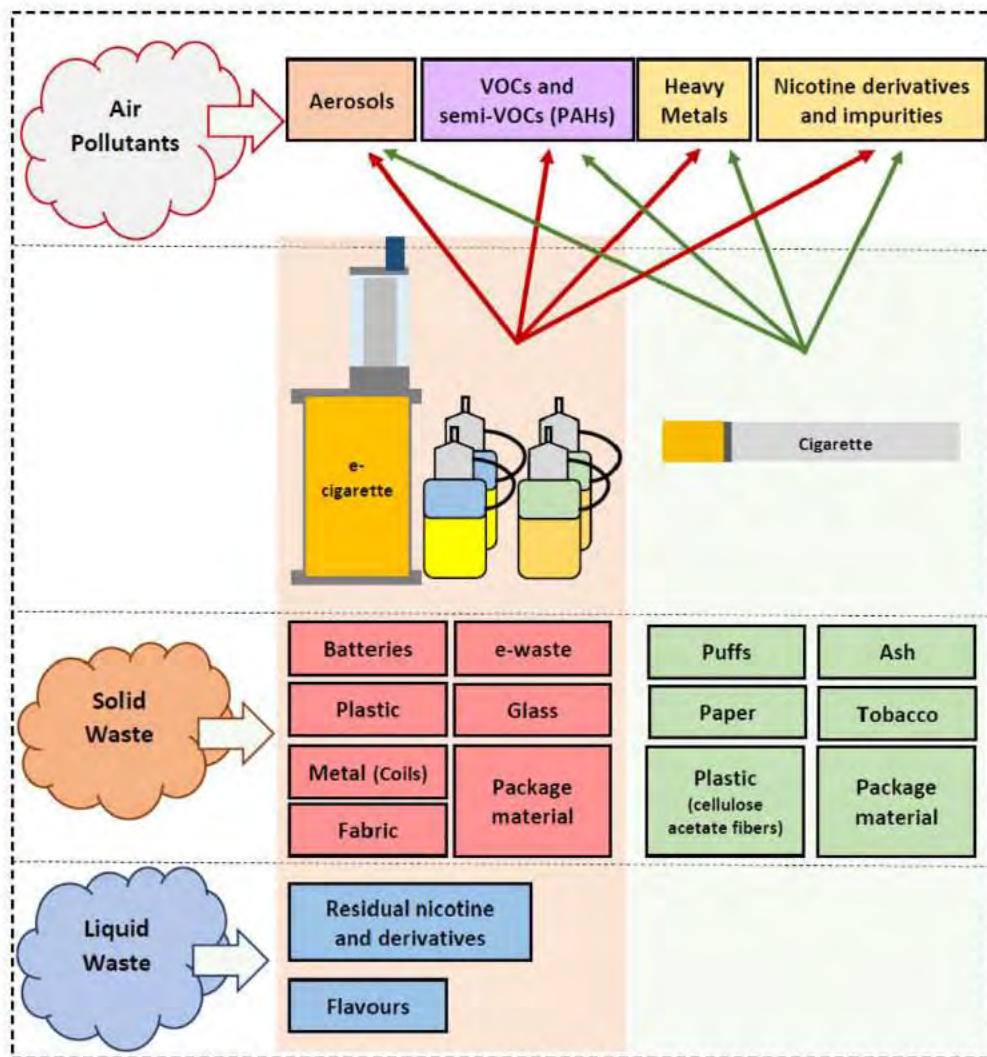


Fig. 3. Potential waste load produced by e-cigarettes and traditional cigarettes.

From Papaefstathiou et al. (2019)

Testing that mimics real-world environments has shown that SHA causes symptoms of irritation in bystanders. In a simulated office setting, Visser et al. (2019) measured the exhaled air and sampled room air before and after a typical vaping session from 17 volunteer vapers. Across these sessions, levels of nicotine alone were recorded at elevated levels that would cause acute symptoms in bystanders such as heart palpitations and increase blood pressure. The other SHA contents -- propylene glycol, heavy metals, and VOCs -- cause respiratory irritation from acute exposure, but longer-term effects from SHA remain to be seen.

While it is abundantly clear that SHS is very harmful, there is growing evidence that SHA is also harmful. This has bearing on governance of shared spaces. While the evidence regarding long-term impact of SHA remains to be established, there is clear evidence that preventing SHA exposure for bystanders will have protective benefits. Those who choose to be nicotine users have options such as gum, lozenges, or patches that can meet their needs with no effects on bystanders.

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<https://doi.org/10.3390/ijerph16091525>



**Revision to the Policy on Smoking at the University of Maryland
(Senate Document #19-20-17)
Campus Affairs Committee | Chair: Jo Zimmerman**

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Campus Affairs Committee review the definition of smoking in the Policy on Smoking at University of Maryland.

Specifically, it asks that you:

1. Review the Policy on Smoking at USM Institutions ([VI-8.10](#)).
2. Review the Policy on Smoking at University of Maryland ([VI-8.10\[A\]](#)).
3. Review past Senate action that led to the creation of the current University Policy - Implementation of the Policy On Smoking At USM Institutions ([Senate Document #12-13-07](#)).
4. Review similar provisions on vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products in policies at Big 10, USM, and other peer institutions.
5. Review recent federal and state regulations/guidance related to vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products.
6. Consult with a representative of the Office of General Counsel on its guidance related to the University's policy and vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products.
7. Consult with a representative of the Division of Administration & Finance.
8. Consider how to revise the definition of "smoking" in the University's policy to include vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products.
9. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
10. If appropriate, recommend whether the policy should be revised.

We ask that you submit a report to the Senate Office no later than **March 6, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Revision to the Policy on Smoking at the University of Maryland (Senate Document #19-20-17)

Campus Affairs Committee | Chair: Jo Zimmerman

The Senate Executive Committee (SEC) and Senate Chair Lanford request that the Campus Affairs Committee review the definition of smoking in the Policy on Smoking at University of Maryland.

Specifically, it asks that you:

1. Review the Policy on Smoking at USM Institutions ([VI-8.10](#)).
2. Review the Policy on Smoking at University of Maryland ([VI-8.10\[A\]](#)).
3. Review past Senate action that led to the creation of the current University Policy - Implementation of the Policy On Smoking At USM Institutions ([Senate Document #12-13-07](#)).
4. Review similar provisions on vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products in policies at Big 10, USM, and other peer institutions.
5. Review recent federal and state regulations/guidance related to vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products.
6. Review scholarship on the impact of secondhand aerosol emissions from vaping or e-cigarette use.
7. Consult with a representative of the Office of General Counsel on its guidance related to the University's policy and vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products.
8. Consult with a representative of the Division of Administration & Finance on implementation of the smoking policy.
9. Consider the impact of secondhand aerosol emissions from vaping and e-cigarette use on other members of the campus community based on the committee's review of relevant scholarship.
10. Consider whether vaping and e-cigarette use is consistent with the principles behind the University's smoking policy.
11. Consider whether vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products should be prohibited under the provisions in the Policy on Smoking at the University of Maryland.
12. If the committee decides to prohibit vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products, consider how to revise the definition of "smoking" in the University's policy to include vaping, e-cigarettes, and other inhaled forms of tobacco or nicotine products.

13. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
14. If appropriate, based on the committee's consideration of the above items, recommend whether the policy should be revised.

We ask that you submit a report to the Senate Office no later than **March 30, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, at reka@umd.edu or 301.405.5804.



Review of the Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities

PRESENTED BY Jo Zimmerman, Chair

REVIEW DATES SEC – April 15, 2020 | SENATE – April 22, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities \(VIII-14.00\[A\]\)](#)

NECESSARY APPROVALS Senate, President

ISSUE

In March 2019, the President approved revisions to the University of Maryland Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A]) on an interim basis, pending University Senate review. In September 2019, the Senate Executive Committee (SEC) charged the Campus Affairs Committee with reviewing the interim policy, consulting with a range of stakeholders, reviewing similar policies at Big 10 and peer institutions, considering whether the interim policy accurately reflects current practice and ensures sufficient oversight of research taking place in University facilities, and recommending changes, as appropriate.

RECOMMENDATIONS

The Campus Affairs Committee recommends that the interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A]) be revised as indicated in the policy document immediately following this report.

COMMITTEE WORK

The committee reviewed the interim policy, and over the course of fall 2019 consulted with a wide range of stakeholders. The committee identified issues with the current policy including, a cumbersome and inefficient review and approval process and a lack of meaningful oversight and accountability. The committee also investigated practices at Big 10 and peer institutions, but did not find any comprehensive policies that address the types of agreements covered by the policy. Over the course of spring 2020, the committee revised the policy to address the concerns it identified, emphasize key principles, clarify the responsibilities of both external users and the University, and align the policy's structure and language with University policy conventions. The most substantive revisions address the overarching concerns involving process and questions of oversight and accountability. The revisions were informed by extensive stakeholder consultation, particularly with representatives of the Division of Research; the Senior Vice President & Provost; the Department of Environmental Safety, Sustainability & Risk; and the Office of General Counsel. The revised policy was shared with the University Research Council, which proposed minor revisions that the committee incorporated.

After due consideration, the committee voted to approve the revised Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities by an email vote concluding on April 12, 2020.

ALTERNATIVES

The Senate could reject the proposed revised policy and the interim policy would remain in place. However, the University would lose the opportunity to improve and clarify an unwieldy process and better protect the University.

RISKS

There are no associated risks to the University in adopting this recommendation.

FINANCIAL IMPLICATIONS

There are no known financial implications for the University in adopting this recommendation.



Review of the Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities

2019-2020 Committee Members

Jo Zimmerman (Chair)
Yanne Chembo (Faculty)
Venkat Chintha (Graduate Student)
David Cronrath (Ex-Officio Provost's Rep)
Andy Fellows (Faculty)
Stacy Garza (Staff)
Melody Hashemi (Undergraduate Student)
Luke Jensen (Ex-Officio Chief Diversity Officer Rep)
Ireland Lesley (Ex-Officio SGA Rep)
Anne Martens (Ex-Officio VP Administration and Finance Rep)
Max McKittrick (Undergraduate Student)
Pamela McNally (Staff)
Annie Rappeport (Ex-Officio GSG Rep)

Joel Seligman (Ex-Officio VP University Relations Rep)
Anjali Sharma (Undergraduate Student)
Sue Sherburne (Ex-Officio Chair of Coaches Council Rep)
Elizabeth Warner (Faculty)
Elizabeth Wasden (Faculty)
Joshua Westgard (Faculty)
Carly Woods (Faculty)
John Zacker (Ex-Officio VP Student Affairs Rep)

Date of Submission

April 2020

BACKGROUND

In March 2019, the President approved revisions to the University of Maryland Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A]) on an interim basis, pending University Senate review. In September 2019, the Senate Executive Committee (SEC) charged the Campus Affairs Committee with reviewing the interim policy and related documentation; consulting with a range of stakeholders; reviewing similar policies at Big 10 and peer institutions; considering whether the interim policy accurately reflects current practice and ensures sufficient oversight of research taking place in University facilities; and recommending changes, as appropriate (Appendix 3).

CURRENT PRACTICE

The policy addresses the use of University facilities for research-related activities that are unrelated to the University's research mission, as well as other activities that support research that take place in a limited number of areas on or near campus. The policy encompasses research-related activities conducted by "non-University" or "external" users, but it does not address research activities undertaken by University faculty, staff, or students in connection with their own employment or studies. External users can be individuals, companies, or entities that have no affiliation with the institution, or, more commonly, faculty members who have created or are considering creating private companies. The research conducted by these faculty members must be kept separate from their University-related research and cannot involve University students.

The research-related activities covered by the policy primarily occur in two types of spaces. The first consists of incubators intended to encourage faculty to explore ways to commercialize their research. Incubators help faculty members identify potential markets for their innovations and support them through the process required to actually bring a product to market. The most significant of these

incubators is the Maryland Technology Enterprise Institute, or Mtech. Mtech is part of the Clark School of Engineering, and includes a range of spaces in the Rabin Building on campus as well as off-campus laboratory and office space. While incubator spaces are designed for purposes that align with this policy, the policy also enables the use of spaces within existing academic facilities that are typically used for University research. External users can use portions of laboratories or office spaces that are not currently in use, or can use them at particular hours when such use will not interfere with the normal activities of the University. The University has priority use of these spaces.

To use such spaces, external users must sign a Facilities Use License. The current process for creating a license is outlined in an application form accompanying the policy, referred to as Exhibit A (Appendix 2), which is used to gather necessary information and which indicates mandatory meetings with various administrators and University oversight bodies before a license can be approved. Steps required by the review process include signatures by:

- the relevant department chair (or equivalent) and the relevant dean;
- the Department of Environmental Safety, Sustainability & Risk (ESSR);
- the Conflict of Interest Committee;
- the Senior Vice President & Provost;
- the Director of Facilities Planning;
- the Facilities Council; and
- the Vice President for Administration & Finance (in consultation with the Office of General Counsel, as necessary).

At present, the review and approval process involves transferring physical copies of applications between offices.

Facilities Use Licenses are established for one-year terms, with the possibility for renewal at the University's sole discretion. The policy does not establish any initial or subsequent reviews or inspections to ensure compliance with the terms of the Facilities Use License. To date, there have been relatively few licenses established under the interim policy, though their number will likely increase in response to the University's focus on entrepreneurship and increasing interest in licensing the University's intellectual property.

In March 2019, the policy was revised on an interim basis, pending Senate review. The revisions reflected in the interim policy were necessary to clarify the policy's provisions and definitions, align the policy with current practice, and more clearly indicate that users are responsible for disposing of hazardous materials upon the expiration of a Facilities Use License. The interim policy also introduced Exhibit A, a more extensive form used to gather the information necessary to consider an application and inform the creation of the Facilities Use License.

COMMITTEE WORK

The committee reviewed the interim policy and Exhibit A, and over the course of fall 2019 consulted with a wide range of stakeholders, including representatives of the following:

- A. James Clark School of Engineering
- Conflict of Interest Committee
- Department of Environmental Safety, Sustainability & Risk (ESSR)
- Division of Administration and Finance
- Division of Research

- Facilities Council
- Maryland Technology Enterprise Institute (Mtech)
- Office of General Counsel (OGC)
- Office of Technology Commercialization
- Office of the Senior Vice President & Provost

The committee identified concerns and questions that stakeholders indicated should be resolved, which fall under two general categories: process, and oversight/accountability.

The committee also investigated similar policies and practices at Big 10 and peer institutions. While institutions have policies governing the use of space and how such use is prioritized, most entrepreneurial work by faculty takes place in dedicated incubators rather than academic spaces, and the committee did not find any comprehensive policies that address the types of agreements covered by the interim policy. If the use of non-incubator spaces is permitted, there are agreements to use specialized equipment or space that are handled on an individual basis, and involve conflict of interest reviews and licensing agreements similar to the University's Facilities Use License.

Over the course of spring 2020, the committee revised the interim policy to address the concerns it identified. The committee reorganized and reworded the policy to align with University policy conventions, emphasize principles, and clarify the responsibilities of both external users and the University. The most substantive revisions address the overarching concerns identified in the course of the committee's review, which involve process and questions of oversight and accountability. The revisions were informed by extensive stakeholder consultation, particularly with representatives of the Division of Research, the Senior Vice President & Provost, ESSR, and the Office of General Counsel. The revised policy was shared with the Research Council, which proposed minor revisions that the committee incorporated. After due consideration, the committee voted to approve the revised Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities by an email vote concluding on April 12, 2020.

Key concerns identified by the committee's review and policy revisions that address them are described below.

Process

The committee found widespread frustration with the current system for considering and approving applications, particularly its reliance on paper materials. Applications have been delayed for weeks or even months since the current process of reviewing and approving applications is sequential. Through discussion, the committee and the Vice President for Research (VPR) agreed that the Division of Research should manage and maintain the application in order to reduce this frustration. The Division of Research intends to adopt an electronic approach that will eliminate the need for paper copies, allow for electronic signatures and parallel reviews, permit easy tracking of an application from submission to final approval, and create a more robust archive accessible to all the administrators involved in the review process. This application will be maintained and updated separately from the policy, which eliminates the need to retain Exhibit A.

The structure of the interim policy has led to some uncertainty over what is involved in each stage of the review, and what precisely is being affirmed by each approval. For example, it is unclear to some stakeholders that the review conducted by the Department of Environmental Safety, Sustainability & Risk (ESSR) is limited to determining what materials or substances may be brought into a particular space. Through its consultations, the committee also learned that

the review and approval process may be too extensive. For instance, concerns that would be found in a review by the Director of Facilities Planning or the Facilities Council are typically also raised by others involved in the review process. The committee found that the current process is too rigid, and is not appropriate for some activities covered by the policy. For example, applications by external users who are interested in leasing a mailbox or standard office space go through the full review process, including review by ESSR, which is unnecessary. This is partly because the “research-related activities” covered by the policy are not defined.

The revised policy streamlines the review process by eliminating unnecessary stages and giving the VPR the ability to determine whether a review by ESSR is necessary for each application. The VPR is also given responsibility for overseeing the application review process, and for ensuring that all necessary approvals are obtained. The policy now identifies what each administrator is responsible for reviewing and verifying, and includes a definition of “research-related activity.”

Oversight/Accountability

The interim policy states that it is intended to “ensure compliance...with federal, state and local laws and regulations.” However, concerns were raised that the policy and its implementation do not adequately ensure such compliance due to a lack of oversight and accountability. This potentially endangers both members of the University community and external users, and could expose the institution to liability.

The committee found that the policy lacks an administrative owner, in that no office or officer is identified as responsible for administering the policy, overseeing the application review process, or verifying whether the terms of the Facilities Use License are being followed. While several stages involve the Division of Research, and while the Division of Research has typically assumed responsibility for shepherding applications through the review process, stakeholders indicated that there would be value in clarifying lines of authority and responsibility. The revised policy addresses these concerns by identifying the VPR as responsible for administering the policy. The VPR’s role will include.

- certifying that an application is complete and recommending whether it should be advanced to the licensing process;
- receiving and reviewing documentation of the external user’s compliance with any oversight requirements, both during the application process and during the term of the Facilities Use License;
- reviewing requests for renewal of a Facilities Use License; and
- overseeing the process of closing out expired or terminated licenses.

The committee also found that the policy does not clearly articulate the role and responsibilities of the “University Sponsor” who supports the proposed research-related activity. The role of the University Sponsor has now been more fully defined. Sponsors are responsible for ensuring oversight of the space being used for the research-related activity, and for participating in the closeout process.

The process for reviewing applications does not include extensive review of safety and regulatory compliance issues. Multiple stakeholders expressed concerns with the role of ESSR. ESSR’s responsiveness and its prompt review of applications was universally praised. However, its review does not involve the same assessments that it makes when considering the use of University facilities for University research activities. For external users, ESSR does not assess

whether an environmental health and safety program is necessary, and does not ensure that an external user has identified a qualified vendor to dispose of regulated waste. ESSR is also not involved in reviewing safety-related compliance prior to the renewal of a Facilities Use License. Without more extensive reviews and assurances that regulations are being followed, the University cannot ensure that risk and compliance issues are being adequately addressed. To address these concerns, the role of ESSR has been expanded. In the course of its review of an application, ESSR will now be responsible for recommending whether the external user should be required to employ or contract with a qualified environmental health and safety professional and/or develop a plan to dispose of any regulated waste. Any requirements identified by ESSR will be written into the terms of the Facilities Use License, and compliance with them verified prior to any license renewal.

The revised policy also addresses how Facilities Use Licenses are renewed and establishes parameters for how they are closed out upon expiration or termination. The policy gives the VPR responsibility for overseeing both processes. The renewal process involves a review by the VPR that parallels the initial application review but is tailored to the specific research-related activity. The policy now establishes elements of a closeout process involving the University Sponsor that ensures an external user has left the space in good and secure condition, disposed of any waste or hazardous materials, and generally fulfilled their obligations under the terms of the Facilities Use License.

RECOMMENDATIONS

The Campus Affairs Committee recommends that the interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A]) be revised as indicated in the policy document immediately following this report.

APPENDICES

- Appendix 1—Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A])
- Appendix 2—Exhibit A
- Appendix 3—Charge from the Senate Executive Committee



VIII-14.00(A) UNIVERSITY OF MARYLAND POLICY ON THE USE OF UNIVERSITY FACILITIES BY EXTERNAL USERS FOR RESEARCH-RELATED ACTIVITIES

(Approved by the President April 21, 2011; Amended and approved on an interim basis by the President March 1, 2019)

I. INTRODUCTION

The University of Maryland (the University) is a state educational institution with a broad mission of teaching, research, and public service. University facilities are reserved primarily for carrying out the University's instructional and research missions. In order to support its public mission, the University allows external use of its facilities to serve the citizens of the state of Maryland by developing new commercial ventures, including those based on University-held patents and technologies, and by engaging private sector companies that may be licensing University intellectual property. This policy ensures that such use aligns with the University's mission and purpose and is conducted in accordance with relevant University policies.

II. DEFINITIONS

- A. "External User" means any individual acting outside the scope of their University responsibilities as an employee or a student, and/or any entity other than the University, including faculty start-ups and other privately owned companies.
- B. "Facilities Use License" means a legally binding agreement establishing terms and conditions for the use of a University Facility by an External User.
- C. "Facilities Use Application" means the application used to gather information necessary to consider and establish a Facilities Use License.
- D. "Hazardous Materials" include chemical, biological, and/or radioactive materials and hazard-generating equipment.
- E. "Regulated Waste" includes hazardous waste as defined in Title 40 of the Code of Federal Regulations (CFR) Part 261.3, and universal waste as defined in Title 40 CFR Part 273, which includes any of the following hazardous wastes that are subject to the universal waste requirements of part 273: (1) batteries as described in §273.2; (2) pesticides as described in §273.3; (3) mercury-containing equipment as described in §273.4; and (4) lamps as described in §273.5. The state of Maryland regulates additional materials as hazardous waste (e.g., PCBs) in COMAR 26.13 and 26.15).
- F. "Research-Related Activity" means a systematic investigation—including research and development, testing, and evaluation—designed to develop or contribute to generalizable knowledge, and activities that directly support that investigation.

- G. “University Facility” means any building owned or controlled by the University reserved primarily for educational and research use, including but not limited to classrooms, laboratories, incubator spaces, and other academic and related administrative space.
- H. “University Sponsor” means the unit head responsible for ensuring the oversight of the space used by the External User for the Research-Related Activity. The University Sponsor is also responsible for any necessary day-to-day communications with the External User.

III. POLICY

- A. The Vice President for Research is responsible for administering this policy.
- B. University Facilities are reserved primarily for University activities. When University Facilities are not required for University activities, they may be made available to External Users for Research-Related Activities.
- C. Use of University Facilities should be in compliance with any existing sponsored agreement, restrictive covenant, bond issuance, trust, indenture, regulations or any other existing agreement or document affecting the use of University Facilities, and all applicable policies, regulations, and laws, including the policies and procedures of the University.
- D. Use of University Facilities requires appropriate prior approvals and safeguards to limit risks to students, staff, faculty, visitors, and the environment.
- E. Priority for use of University Facilities should be given to University employees or students acting within the scope of their employment or studies.
- F. Prior written approval from the University is required for External Users to use University Facilities for Research-Related Activities. University Facilities may not be used without an approved and fully signed Facilities Use License.
- G. The External User that proposes to use University Facilities must demonstrate that such use aligns with the public, educational, and research missions of the University.

IV. RESPONSIBILITIES OF EXTERNAL USERS

- A. External Users must abide by the content of the completed Facilities Use Application, the terms of the Facilities Use License, and any documented guidance provided by University regulatory and oversight bodies, as applicable.
- B. External Users must comply with applicable University policies and procedures, as well as any operating policies and procedures of individual units, as specified in the Facilities Use License.
- C. External Users will be responsible for compliance with federal, state, and local laws and regulations.
- D. External Users are subject to the oversight of University regulatory bodies, as applicable.

V. FACILITIES USE APPLICATION

- A. External Users who are interested in using a University Facility and have the support of an appropriate University Sponsor may submit a Facilities Use Application to the Division of Research.
- B. The Facilities Use Application may include:
 - 1. the specific space requested for use and a description of the proposed Research-Related Activity;
 - 2. an indication of whether the proposed Research-Related Activity involves special equipment, Hazardous Materials, Regulated Waste, research subjects, or use of animals;
 - 3. an acknowledgement that the External User has reviewed the University's Conflict of Interest Policy and has obtained any necessary written approval from the University's Conflict of Interest Committee;
 - 4. any request for research affiliate status, as applicable; and
 - 5. a business plan for the proposed Research-Related Activity.
- C. Each submitted Facilities Use Application must be reviewed by the Vice President for Research, or designee.

VI. APPLICATION REVIEW PROCESS

- A. The Vice President for Research, or designee, will review the Facilities Use Application and ensure the Facility Use Application is complete and has been reviewed by the applicable administrators prior to the approval of a Facilities Use License.
- B. The following administrators are responsible for considering the elements of the Facilities Use Application that are relevant to their expertise, and for determining whether the proposed Research-Related Activity meets the requirements specified in this policy.
 - 1. The University Sponsor should indicate support for the Research-Related Activity. They should also indicate whether the space is available and sufficient to accommodate the Research-Related Activity being proposed.
 - 2. The Dean of the School or College in which the proposed space is located should verify that the space is available and that the Research-Related Activity will not disrupt normal University activities or conflict with existing agreements.
 - 3. The Vice President for Administration & Finance, or designee, should review the proposed space and verify that licensing the space would not compromise the University's financial obligations, including without limitation related bond issuances.
 - 4. If deemed necessary by the Vice President for Research, or designee, the Executive Director of the Department of Environmental Safety, Sustainability,

and Risk, or their designee, should:

- a) review the proposed Research-Related Activity and list of Hazardous Materials that the External User intends to use, and identify if any Hazardous Materials may not be used in the proposed space;
 - b) inform the Vice President for Research, or designee, on the scope of the Environmental Health & Safety Program required by the External User and indicate whether it is recommended that the External User be required to employ or contract with a qualified environmental health and safety professional; and
 - c) indicate whether the External User must develop a Regulated Waste disposal plan, obtain an EPA ID number, and identify a qualified Regulated Waste disposal company to dispose of any Regulated Waste.
5. As part of the application review process, the Vice President for Research, or designee, will:
- a) determine whether a conflict of interest mitigation plan has been approved by the Conflict of Interest Committee, if necessary;
 - b) determine whether regulatory oversight is required for the Research-Related Activity proposed by the External User; and
 - c) review any associated request(s) for research affiliate status and verify whether such a status is permitted by University policies and is consistent with relevant federal and state laws.
- C. The Vice President for Research will certify that the Facilities Use Application is complete and recommend whether the application should advance to the licensing process. If any of the above administrators decline to approve, the Vice President for Research will not submit the Facilities Use Application to the Senior Vice President and Provost.
- D. The Senior Vice President and Provost will verify that the Research-Related Activity supports the mission and purpose of the University, certify the use of the academic space for the proposed purpose, and approve the Facilities Use Application.
- E. The completed and approved Facilities Use Application should be forwarded to the Division of Administration & Finance to draft and complete the Facilities Use License.

VII. FACILITIES USE LICENSES

- A. The Vice President for Administration & Finance, or designee, is responsible for overseeing the completion and signing of the Facilities Use License and has final authority to approve and sign the license.
- B. The Division of Administration & Finance will work with the External User to finalize the Facilities Use License based on the standard University template. Facilities Use Licenses must be reviewed and approved by the Office of General Counsel.

- C. Facilities Use Licenses should incorporate all relevant terms and conditions for use of a University Facility by an External User.
- D. The initial term of the Facilities Use License shall be for one year. The term may be renewed for additional one-year terms at the sole discretion of the University, if the External User is in compliance with the Facilities Use License. The Senior Vice President & Provost and the Vice President for Administration & Finance will have final approval regarding renewals.

VIII. IMPLEMENTATION OF FACILITIES USE LICENSES

- A. Upon finalizing a Facilities Use License, and prior to occupancy of the space, the External User must provide the Vice President for Research and the Vice President for Administration & Finance with proof of compliance with the terms and conditions specified in this policy related to compliance and oversight.
- B. Any payments required to be made under a Facilities Use License should be deposited to a specified account established for each Facilities Use License by the Vice President for Administration & Finance.

IX. LICENSE RENEWAL PROCESS

- A. In accordance with the terms of the Facilities Use License, the External User must notify the University whether or not the user will seek a renewal of the Facilities Use License. The University has sole discretion on whether to renew a Facilities Use License.
- B. The Vice President for Research will oversee a review process to determine whether or not the renewal of the Facilities Use License is appropriate. The Division of Research may make renewal contingent upon the resubmission of a revised and/or updated Facilities Use Application.
- C. The Vice President for Research will recommend whether the renewal application should be submitted to the Senior Vice President and Provost and then proceed with the renewal process.
- D. The Senior Vice President and Provost will verify that the Research-Related Activity aligns with the mission and purpose of the University and approve the renewal of the Facilities Use Application.
- E. The completed and approved Facilities Use Application for renewal should be forwarded to the Division of Administration & Finance to draft and complete the Facilities Use License.
- F. The Vice President for Administration & Finance will have final approval authority for the renewal of an existing or revised Facilities Use License. The External User may not implement any changes until a renewal of the Facilities Use License is authorized.

X. EXPIRATION AND TERMINATION OF FACILITIES USE LICENSES

- A. The University will implement procedures to provide notice to the External User

- about the pending expiration of the Facilities Use License and ensure that any space occupied under a Facilities Use License is properly vacated at the end of the term in good and secure condition.
- B. The closeout and separation process to be completed by the External User, and supervised by the University Sponsor and the Division of Research, will involve, as necessary:
1. resolution of any financial obligations to the University;
 2. removal of all Regulated Waste or other Hazardous Materials;
 3. formal closeout of any University-regulated compliance protocols and/or clearances;
 4. inspection of University Facilities or equipment to identify any damage for which the External User is responsible; and
 5. any additional processes and procedures identified in the Facilities Use License.
- C. The University may elect to terminate a Facilities Use License for any violation of the terms and conditions of the Facilities Use License or for any reason it deems appropriate with adequate notice.

Appendix 1: Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A])



VIII-14.00(A) UNIVERSITY OF MARYLAND POLICY ON USE OF UNIVERSITY OF MARYLAND FACILITIES BY NON-UNIVERSITY USERS FOR RESEARCH-RELATED ACTIVITIES (Approved by the President April 21, 2011; Amended and approved on an interim basis by the President March 1, 2019)

I. USE OF UNIVERSITY FACILITIES

The University of Maryland is a state educational institution with a broad mission of teaching, research, and public service. This policy ensures that University facilities are reserved primarily for carrying out the University's mission including, but not limited to, instruction and research, while allowing non-University use only where such use supports the University's public mission.

II. PURPOSE AND SCOPE OF POLICY

A. The purpose of this policy is to:

1. Guarantee that University Facilities licensed to Non-University Users for research-related activities are used in accordance with the mission and purpose of the University and the University's policies.
2. Provide an incentive to support development of new commercial ventures based on University-held patents and technologies.
3. Encourage cooperation with private sector companies that are licensing University intellectual property.
4. Ensure that Non-University Users permitted to use University Facilities do so in compliance with all applicable federal, state and local laws and regulations, including without limitation the policies and procedures of the University, and with the appropriate approvals and safeguards to limit risks to student, staff, faculty and visitors.

B. This policy applies only to University Facilities, as defined in Section III herein.

III. DEFINITIONS

- A. "Facilities Use License" means a legally binding agreement providing for the terms and conditions for the use of a University Facility by a Non-University User.
- B. "Hazardous waste" means hazardous waste as defined in Title 40 of the Code of Federal Regulations (CFR) Part 261.3.

- C. “Non-University User” means any individual (other than University students or employees acting within the scope of their University studies or employment) or entity, except for the University or entities that are wholly owned or controlled by the University. Non- University Users must have a University Sponsor to request use of University facilities.
- D. “Research” means the systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. It includes basic research, an inquiry aimed at increasing scientific knowledge, and applied research, an effort aimed at using basic research for solving problems or developing new processes, products, or techniques.
- E. “Universal waste”, as defined in Title 40 CFR Part 273 and used herein, means any of the following hazardous wastes that are subject to the universal waste requirements of this part 273: (1) Batteries as described in §273.2; (2) Pesticides as described in §273.3; (3) Mercury-containing equipment as described in §273.4; and (4) Lamps as described in §273.5.
- F. “University” means the University of Maryland, College Park.
- G. “University Facility” means any building owned or controlled by the University, including but not limited to classrooms, laboratories and office space. Excluded, however, are off-campus commercial buildings owned by the University and leased to private companies unaffiliated with the University.
- H. “University Sponsor” means a University faculty or staff member who supports the Non-University User’s use of University facilities.

IV. GENERAL POLICY PROVISIONS

- A. Prior written approval from the University is required for Non-University Users to use University Facilities. The Non-University User, through its University Sponsor, must complete Exhibit A, Application for Use of University Facilities by a Non-University User, as amended from time to time.
- B. The Non-University User that proposes to use University Facilities must demonstrate that such use contributes to the public educational and research mission of the University.
- C. The use of University Facilities in connection with University incubator programs, such as those operated by the Maryland Technology Enterprise Institute (“Mtech”) and the Technology Advancement Program Building (“TAP Program”), will comply with the provisions of this policy.
- D. University Facilities shall not be used by Non-University Users except under circumstances where such Facilities are not required, in the short term, for the

University's public uses. Priority for use of University Facilities shall be given to University personnel and students acting within the scope of their University studies and/or employment.

- E. Once the application has been approved, the Non-University User of University Facilities shall be required to abide by the terms set out in a formal Facilities Use License Agreement, which will comply with policies and procedures of the University and incorporate the operating policies and procedures of its individual units. The Non-University User is not authorized to use University Facilities without a Facilities Use License Agreement signed by an authorized University representative.

V. APPLICATION, REVIEW, AND APPROVAL PROCESS

- A. Non-University User wishing to use a University Facility must submit, through its University Sponsor, a written application requesting such use. The application is attached as Exhibit A to this policy and may be amended from time to time.
- B. The application shall be submitted to the University representatives, in the order set forth in the attached Application.
 - 1. The Department Chair (or equivalent) of the Department or Unit with which the Non-University User is cooperating and in which the proposed licensed space is located. As necessary, the Department Chair or other designated University representative shall notify any applicable University units (e.g., COI Committee, IACUC, IRB) about the submitted application.
 - 2. The Dean of the School or College in which the Department/Unit is located.
 - 3. The Executive Director, or his/her designee, of the Department of Environmental Safety, Sustainability and Risk (ESSR).
 - 4. The Vice President for Research or his/her designee.
 - 5. The Senior Vice President and Provost or his/her designee.
 - 6. The Director of the Department of Facilities Planning or his/her designee.
 - 7. The Facilities Council, as required.
- C. The University representatives shall indicate their approval for the Non-University User's use of University Facilities by signing the submitted application.
- D. Once the application is approved, the Vice President for Administration & Finance has final authority to approve the Facilities Use License Agreement, with respect to specific terms and conditions.

- E. Once approved by the University representatives, the Assistant Director of Space Planning and Leasing will be responsible for finalizing the Facilities Use License Agreement with the Non-University User. Any changes to the standard University Facilities Use License Agreement must first be reviewed and approved by the Office of General Counsel. The term of the License Agreement shall not exceed one year but may be renewed for additional one-year terms, in the University's sole discretion.
- F. Any changes to the approved application must be resubmitted as a revised application for review and approval in accordance with Section V.B. The Non-University User shall not implement any changes unless and until the revised application is approved by the University.

VI. ACCOUNTING AND OVERSIGHT ISSUES

- A. Any payments required to be made under a Facilities Use License Agreement shall be deposited to a specified account established for each Facilities Use License Agreement by the Vice President for Administration & Finance.
- B. In finalizing the Facilities Use License Agreement, special care shall be taken to minimize tax consequences to the University. If the requested space is located in a building built (or renovated) in whole or in part using tax exempt bonds that remain outstanding, the licensed space (combined with any other building space dedicated to a private use in that building) shall not exceed more than five percent (5%) of the total building, unless otherwise approved by the Vice President for Administration & Finance.
- C. Prior to entering into a Facilities Use License Agreement, the University shall exercise due diligence to determine that the proposed use does not cause the University to breach any existing grant agreement, covenant, bond trust indenture, or any other existing agreement, policy, or law governing the use of the University Facility.

Appendix 2: Exhibit A

EXHIBIT A APPLICATION FOR USE OF UNIVERSITY FACILITIES BY NON-UNIVERSITY USER

This Facility Use Application (“FUA”) is the first step to obtaining a Facility Use License (“FUL”). In order to use University facilities, a non-University entity must have a signed FUL in place.

Applicant Information	
UMD Requester Name:	Date:
UMD Sponsor Name (dept. chair):	
Non-University User Name:	
Contact Name & Title:	
Address:	
Phone:	Email:

Space Requested	
Building Name:	Room Number(s):
Proposed Activity: (Or attach written proposal and/or provide additional details for consideration)	

Special Requirements	
Use of Specialized Equipment: <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable, attach a list of specialized equipment (<i>e.g.</i> , specialized utility and Heating, Ventilation, Air Conditioning (HVAC) requirements to be supplied by the applicant) and source of original purchasing funds.	
Export Control: <input type="checkbox"/> Yes <input type="checkbox"/> No Will your company be developing or working with technologies listed on the Commerce Control List of the Export Administration Regulations, 15 CFR Part 774 (<i>i.e.</i> military/commercial use technologies), or the US Munitions List of the International Traffic in Arms Regulations 22 CFR Parts 120-130 (<i>i.e.</i> military technologies)?	
Use of Hazardous Materials: <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable, attach a detailed inventory of proposed chemical, biological, and/or radioactive materials to be stored and their proposed maximum quantities and storage locations, along with a detailed waste disposal plan. This includes all flammable, toxic, corrosive, and reactive materials and compressed gases. (NOTE: Some types of materials are subject to significant regulation and restrictions including, but not limited to: DHS Chemicals of Interest, Select Agents, Biosafety Level 3 Agents, explosives, pyrophorics, cryogenics, fireworks, highly toxic gases, DEA controlled substances, elemental mercury, PCBs, and asbestos.)	
Regulated Wastes: <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable, attach a list of all regulated wastes to be disposed and/or discharged via sanitary sewer and/or released to the air. Indicate maximum quantities and frequencies and provide a detailed waste disposal plan. If applicable, provide EPA ID number. The University is not permitted to remove this waste.	
Use of animal subjects: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide IACUC protocol number:	Use of human subjects: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide IRB protocol number:

Conflict of Interest

I have reviewed and am in compliance with the University's Conflict of Interest Policy.

I have reviewed and have no conflicts. *I have reviewed and have/may have a conflict.*

If you have a potential or actual conflict, attach written approval from the University's Conflict of Interest Committee.

Institutional Conflict of Interest

I have reviewed and am in compliance with the University's Institutional Conflict of Interest Policy.

Yes *No* *N/A*

If you disclosed an institutional conflict, attach any written approvals from the University's Institutional Conflict of Interest Committee.

Affiliate Status or Non-Paid University Appointment

I am requesting University Affiliate status.

Yes *No*

If you are requesting affiliate status, select the requested status. Note that Research Affiliate status requires separate MOU with the Division of Research. Access to laboratories and specialized equipment requires Research Affiliate status.

- Basic Affiliate – may need Directory ID, no other campus-based privileges
- Regular Affiliate – Directory ID plus access to other campus-based privileges (parking, library, etc.)
- Research Affiliate – Directory ID plus access to other campus-based privileges *and* laboratories or specialized equipment
- M-Square Affiliate – access to campus-based privileges per Policy VI-28.00(A)
- Employee Designee Affiliate – access to campus-based privileges per Policy VI-27.00(A)
- Non-Paid Appointment, U.S. national or permanent resident
- Non-Paid Appointment, foreign national

Business Plan & Existing Agreements

(1) Attach a brief business plan for the proposed use of University Facilities and demonstrate your connection to the public educational and research mission of the University.

(2) Attach agreements with the University Office of Technology Commercialization, Office of Research Administration, and/or Mtech, if any, or check the following box for *None*:

Certificates of Insurance

I understand that certificates of insurance need to be delivered with the signed License Agreement.

Yes *No*

Required Intake Meeting with Division of Research, Facilities Planning, ESSR

Prior to routing this Facility Use Application for signatures, the UMD Requester and Non-University User must meet with Academic Affairs, Division of Research, Facilities Planning, and Environmental Safety, Sustainability, and Risk (ESSR). You may schedule this meeting via email to cronrath@umd.edu. Have you completed this meeting? *Yes* *No*

(Review and Approvals Summary follows on the next page.)

Review and Approvals		
<p><i>Department Chair, as sponsor, <u>must attach a written justification and approval for use of space by the Non-University User, along with copies of notices sent to applicable University units (e.g., COI Committee, IACUC, IRB).</u></i></p> <p>Approval of this application is not approval to use University facilities. Non-University User must have a signed Facilities Use License (“FUL”) prior to using University resources and/or facilities.</p>		
REQUIRED SIGNATURES (obtain in the order listed):		
Department Chair <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Dean <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Executive Director, ESSR <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
VP Research <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Provost <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Director of Facilities Planning <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Facilities Council <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
VP Admin & Finance <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:

**Attach a list of conditions that must be met before the application can be approved.*

Final Determination on Application

APPROVED: _____ DENIED: _____ DATE: _____

Approved Application Submitted to Institutional Conflict of Interest Committee (coi@umd.edu)

BY: _____

DATE: _____



**Review of the Interim Policy on Use of University of Maryland Facilities by Non-University Users
for Research-Related Activities
(Senate Document #18-19-32)
Campus Affairs Committee | Chair: Jo Zimmerman**

The Senate Executive Committee and Senate Chair Lanford request that the Campus Affairs Committee review the interim University of Maryland Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities.

Specifically, the Campus Affairs Committee should:

1. Review the interim University of Maryland Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities ([VIII-14.00\[A\]](#)).
2. Review [Exhibit A](#) - Application For Use of University Facilities by Non-University User associated with the interim policy (VIII-14.00[A]).
3. Review similar policies and facilities use agreements at Big 10 and other peer institutions.
4. Consult with a representative of the Division of Research.
5. Consult with a representative of the Office of the Senior Vice President & Provost.
6. Consult with the University Research Council.
7. Consult with a representative of the Department of Environmental Safety, Sustainability and Risk (ESSR).
8. Consult with a representative of the Department of Facilities Planning.
9. Consider whether the interim policy appropriately reflects current practice.
10. Consider whether the provisions in the interim policy and Exhibit A clearly outline the expectations of non-Universities entities in accordance with all applicable federal, state, and local laws, as well as University policies and procedures.
11. Consider whether the policy should include provisions on roles and responsibilities for the oversight of non-University entities to ensure accountability and compliance with all applicable federal, state, and local laws and regulations, as well as University policies and procedures.
12. Consider whether any of the content, responsibilities, and/or institutional oversight elements that are expressed or implied in Exhibit A should be incorporated into the policy language.
13. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
14. If appropriate, recommend whether the interim policy should be revised.

We ask that you submit a report to the Senate Office no later than **January 15, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.