



1. Call to Order
2. Approval of the March 8, 2018 Senate Minutes (Action)
3. Special Order: Presidential Briefing
4. Report of the Chair
5. Review of the Interim University of Maryland Web Accessibility Policy (Senate Document #17-18-22) (Action)
6. Review of the University of Maryland College Park Policies and Procedures Governing Faculty Grievances (Senate Document #17-18-13) (Action)
7. Undergraduate Admissions Procedures Related to Criminal Background (Senate Document #16-17-29) (Action)
8. New Business
9. Adjournment



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**CALL TO ORDER**

Senate Chair Falvey called the meeting to order at 3:20 p.m.

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**APPROVAL OF THE FEBRUARY 7, 2018 SENATE MINUTES (ACTION)**

Chair Falvey asked for additions or corrections to the minutes of the February 7, 2018, meeting; hearing none, he declared the minutes approved as distributed.

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**REPORT OF THE CHAIR**

Chair Falvey noted that the results from the elections for the 2018-2019 academic year can be found on the Senate website. He congratulated all of the newly elected Senators.

Chair Falvey noted that the Nominations Committee is in the process of generating slates of candidates to run for open positions on Senate-elected committees and councils, including next year's Senate Executive Committee, Senate Committee on Committees, University Athletic Council, Council of University System Faculty (CUSF), and Campus Transportation Advisory Committee (CTAC). The committee is looking for candidates to run for these prestigious positions. Falvey stated that not all positions require Senate membership, so he suggested that Senators consider encouraging colleagues to run, in particular for CTAC and CUSF. Additionally, all newly elected Senators from this year's elections are also eligible to nominate themselves. The Nominations Committee will consider candidates for placement on the slates for election. All candidates will submit a short candidacy statement for the ballot after spring break. Elections will be held in-person at our Transition Meeting on May 9<sup>th</sup>. Falvey encouraged Senators to visit the Senate website for more information.

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**PROHIBITION OF SYMBOLS OF HATE AND INTIMIDATION IN CAMPUS FACILITIES (SENATE DOCUMENT #17-18-11) (INFORMATION)**

Chair Falvey presented the Prohibition of Symbols of Hate and Intimidation in Campus Facilities (Senate Document 17-18-11) report and provided background information.

Falvey noted that in Spring of 2017, the Athletic Council banned symbols that incite, intimidate, or threaten members of the UMD community from athletic competitions and events. The Senate Campus Affairs Committee was asked to consider whether a similar ban should and could be broadly applied to the entire campus.

Falvey stated that the Campus Affairs Committee conducted a detailed review to determine whether a broad, campus-wide symbol ban was feasible. Members of the committee attended open forums to learn how these incidents affect members of the campus community; the committee had discussions with representatives from various offices on campus, including the Office of Diversity &

Inclusion (ODI), University of Maryland Police Department (UMPD), Office of Civil Rights and Sexual Misconduct (OCRSM); reviewed recent incidents involving hate symbols on our campus; studied the University's existing policies as well as similar policies at peer and Big 10 institutions; and undertook extensive deliberations on the legal considerations that would impact any potential policy.

Falvey stated that the Campus Affairs Committee ultimately concluded that it could NOT recommend a campus-wide prohibition of symbols. However, he noted that the Joint Inclusion & Respect Task Force would bring its more comprehensive set of recommendations on prevention and education programming, campus climate assessments, the University's response to hate/bias incidents, and how to address free/hate speech on our campus to the April 24<sup>th</sup> Senate Meeting.

Falvey stated that one Task Force activity that is relevant to the Campus Affairs Committee's report are efforts aimed at developing a conduct-focused policy that addresses intimidating or threatening behaviors motivated by hate or bias. While the Campus Affairs Committee could not recommend a blanket ban of specific symbols and objects on our campus, it recognizes the broader problems associated with these incidents and endorses the Task Force's work.

Falvey noted that because the committee had not made a recommendation, the report would not be an action item that the Senate would vote on. Therefore, there would be no formal presentation or discussion of the report but Senators could make comments or ask questions during New Business.

## **SPECIAL ORDER OF THE DAY**

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### **Mary Ann Rankin, Senior Vice President & Provost** ***Report on the 2016 Strategic Plan Update***

Mary Ann Rankin, Senior Vice President & Provost, provided a report on the actions taken since the approval of the 2016 Strategic Plan Update.

Provost Rankin provided an overview of major projects, opportunities for fundraising, educational initiatives, research & scholarship activities, MPower initiatives, new facilities, enhancing diversity, and administrative improvement efforts.

#### Revenue Generation

Rankin provided an overview of the strategies being considered to generate revenue in order to continue to transform the University. This includes increasing student enrollment, which means increasing capacity. New programs have been developed based on campus initiatives and input from deans, chairs, faculty, staff, and students, which has resulted in new resources from the state. The MPower initiative with UMB has created a strong strategic partnership and additional appropriations. The University of Maryland Center for Economic and Entrepreneurship Development (UMCEED) is a center created by the State that provides support to create academic and certificate programs in cyber security, data analytics, augmented and virtual reality, neuroscience, and general entrepreneurship. The State will provide \$6 Million in hard budget money over the next 3 years to support these programs. Another State program will provide \$8 million a year or up to \$2.2 million per institution, for endowments or money that could match endowment gifts in job relevant areas, which will allow expansion in faculty support through chairs and professorships. UMD leadership is also working with the University System of Maryland (USM) and the State to facilitate fund balance

utilization. The University also has an ongoing capital campaign goal, which has been increased from \$1.4 to \$1.5B.

### Clark Foundation Investment

The Clark Family Charitable Foundation Investment, which is primarily focused in engineering, also provides support for the general campus as well. The investment includes scholarships to select undergraduate students from underserved populations, tuition and substantive programming for transfer students \$30M in support for first-year graduate fellowships in Engineering. The investment also includes funds for faculty endowments in order to recruit and retain distinguished faculty members in the field of engineering from academia, government, or industry. Funding was also provided for an addition to the Jeong H. Kim Engineering Building and \$55M towards the construction of a new engineering building, which will be matched by the State. This fund frees up money for the University to renovate and update existing buildings and open up new facilities across the entire campus. The Clark Leadership Chairs Program will provide five \$2M endowed chairs to promote interdisciplinary research and learning in UMCEED fields. This will allow UMD to leverage the State for money from the innovation fund to match this program and would result in a total of 10 new endowed faculty chairs for the campus as a whole in areas of data analytics, cybersecurity, and virtual reality. The Clark Challenge for the Maryland Promise Program is a \$25M matching fund to establish an endowment targeted to be approximately \$100M, to provide need-based scholarships to undergraduate students from underserved populations.

The University's enhancement request to the State will result in additional job creation for teachers, nurses, computer science, engineering, and STEM fields. This 3-year deal will initiate new money in the upcoming years based on the input received from deans including requests for additional faculty, teaching assistants, and advisors in high demand areas on campus.

### Education

Provost Rankin stated that the University would continue to transform its educational environment through new approaches to teaching, course design, learning environment, early and continued career advising, and new experiential opportunities. The new Edward St. John Teaching and Learning Center (TLTC) has been a transformative new building that will facilitate new ways of teaching. The TLTC offered 90-minute workshops for over 820 people to learn how to use the new facilities and start designing the learning and teaching environment. The redesign fellows have redesigned their classes, increased orientations and retreats, and increased workshops for faculty on how to talk about diversity and inclusion in the classroom and how to act on these new initiatives. The MOOC program currently has 700,000 worldwide participants and will continue to expand. Eighty percent (80%) of the resident students take at least one online class so the University's delivery of education needs to incorporate more systematic methods. The new program for undergraduate peer mentoring includes 450 peer mentors and has impacted 8,200 students.

Rankin highlighted several educational initiatives including new minors and majors in areas of public policy, neuroscience, immersive media, real estate, and journalism. There will be new faculty hires in high demand areas of computer science and public health. In addition, a new classroom planning process will be implemented over the next several years and a new dorm will create a new space for the Honors College.

### Research & Scholarship

Rankin stated that for UMD to be "equal to the best" we must attract and retain the best faculty by creating environments that support world-class research. This requires state-of-the-art research buildings and core facilities. She highlighted several new facilities including the bioengineering

building, the Iribe Computer Science Building, the Cole research complex, and the new engineering facilities. The new Clark Hall for Engineering will enhance facilities for the entire campus. This building includes a vivarium floor, which will make animal research more effective and efficient and expand UMD's capabilities. The new public policy building will be placed next to the Lee Building and will enhance the public policy program and free up space in Van Munching Hall for the business school. The new Cole Field House will house a research clinic that enhances the University's core facilities in brain imaging and allows expansion for neuroscience studies. There is also current construction to rebuild the chemistry wing. The Division of Information Technology will be moving off campus, which will allow for available space at numerous locations on campus that can be used by academic programs. There has been a total of 120,000 square feet of additions or renovations on campus.

### Partnerships & Initiatives

Rankin noted that the partnership between UMD and UMB has allowed for expansion of collaborative opportunities across both campuses. There has been a \$9M deal to fund new initiatives and programs, which includes \$3M in seed grants and workshops to spur these collaborations. An additional \$3M will be split between both universities' new MPower projects, which will fund areas of virtual and augmented reality, shock trauma, opioid research, cochlear implants, police training, medical data analytics, and cryo-electron microscopy. Proposals from deans from all of the colleges were collected and reviewed by the Academic Planning Advisory Committee (APAC), which considered what areas are in high demand; if there was available UMCEED money; if this was an area of importance for the University; and did it result as an economic driver for the state. This panel review resulted in \$1.5M in base funding from the Provost's Office and \$1.8M in one-time funds with \$1.2M in base budget and \$750,000 in soft money from the deans. This money will fund 15 new faculty hires and a number of new programs, centers, and institutes in areas of neuroscience, artificial intelligence, data science, transportation, quantum science, cyber security, biomedical devices, and new undergraduate majors in neuroscience, real estate, immersive media, and media and public policy. Another MPower initiative considering the development of one Vice President of Research position and one tech transfer office between the two universities. The University also has a partnership with the Phillips Collection, which includes transportation, classes, and projects in Washington D.C. and musical evenings to create a positive and growing learning relationship. The University is also considering adding a gallery on Baltimore Ave to allow Prince George's county students to interact with first class modern art and a world-class museum.

### Enhancing Faculty Diversity

Rankin stated that there have been three initiatives that were launched in fall 2017 to enhance faculty diversity and enhance the use of evidence-based practices in faculty hiring. The Presidential Postdoctoral Fellowship Program (PPFP) is focused on faculty whose research, teaching, and service will contribute to diversity, inclusion, and equal opportunity in higher education at UMD. There were 54 eligible applicants for FY2018, which resulted in six successful appointments across four colleges. For 2019, there have been 75 eligible applicants, which will lead to six new fellows this fall. The Senior Targeted Hire Program focuses on attracting senior faculty who enhance the diversity of our faculty and are committed to diversity and inclusion at the University. In the first year of the program there were six proposals, which resulted in two successful hires in ARHU and CMNS. In the second year, there have been five proposals and three of those are being reviewed. The Inclusive Hiring Pilot Program focuses on enhancing the diversity of faculty applicant pools and hiring through evidence-based best practices. There are search committees that are working with various departments that should result in better practices of faculty hires and improve diversity in those hires.

### Administrative Improvements

Rankin stated that the University is working to modernize administrative processes. The Flagship 2020 working groups have made recommendations that are aimed at resolving structural issues with the campus budgeting process and develop broad-based efficiencies and enhancements that will generate savings and revenues and increase transparency. Over the last two years the University has developed implementation plans and teams based on some of the Flagship 2020 recommendations. This effort will continue for an additional 2-3 years to generate resources to help support the goals of the Strategic Plan Update. Areas that are being considered and addressed are travel, human resources, procurement, and the budget process. Travel enhancements will provide discounts for University as well as personal travel, and fleet management by using a rental car agency instead of maintaining our own cars. There is a plan to improve the University's information technology base with the use of Salesforce. The University is also looking to replace its enterprise software, which includes an upgraded system for human resources, the financial system, and student registration. The University is working on a budget model that is an ongoing collaborative and transparent planning process that is available to everyone. The cost of education analysis with Grant Thornton Consulting Firm is assessing how much it costs to teach various programs on campus, which will provide important data that can be taken to the State when asking for additional funds.

Provost Rankin stated that she is proud of the steps that the University has taken to find money, use money, continue to build programs on campus, change the University's processes, and build a greater College Park together.

Falvey thanked Provost Rankin and opened the floor to any questions or comments on the presentation.

### Q&A

Senator Joyce, faculty, College of Arts & Humanities emphasized the importance of maintaining the excellence of the faculty, graduate students, and undergraduates. He stated that although there is money coming in from capital campaigns, we see a budget crunch each year. He questioned whether the University should be adding new things without addressing of internal issues such as salary compression, graduate students living in poverty, and classroom sizes.

Rankin stated that graduate student salaries are a big concern so the administration is working on what can be done for the campus. She also stated that professional track faculty salaries and salary compression needs to be addressed. The Deans have been asked for proposals to address these issues. Rankin stated that there would be no merit this year but just a Cost of Living Adjustment (COLA). She emphasized that the University needs to identify specific faculty that need to be addressed and noted that the Academic Program Advisory Committee (APAC) has been asked to make salary compression a high priority. Rankin stated that the administration is considering some ideas about grad student housing. She also noted that the University needs to add faculty to address classroom sizes and use enhancement money to bring class size down in high demand areas.

Senator Joyce questioned when to stop doing new things and focus on the existing things.

Rankin stated that the University cannot stagnate and stop new things but that it needs to prioritize in order to be at the forefront of things.

Senator Seraj, graduate student, College of Computer, Mathematical, and Natural Sciences stated that the University is trying to find money by increasing enrollment but that raises concerns about decreasing quality or capacity for expanded class size.

Rankin stated that quality has not diminished and diversity and applicants has increased.

Senator Seraj questioned how class sizes could be limited when you cannot limit the majors that are chosen.

Rankin stated that classrooms limit class size but the University could add sections and faculty to teach additional students. She noted that the University is looking to hire more faculty.

Chair Falvey inquired about the cost of education analysis and whether the University would have programs locked into a particular level.

Rankin responded that the analysis would be updated every year. She stated that the analysis should not drive major budget decisions but noted that we need to be aware of the information.

Seeing no additional comments, Falvey thanked Provost Rankin for her presentation.

## **NEW BUSINESS**

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There was no new business.

## **ADJOURNMENT**

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



## Revision of the Interim University of Maryland Web Accessibility Policy

<b>PRESENTED BY</b>	William Bowerman, Chair, IT Council
<b>REVIEW DATES</b>	SEC – March 12, 2018   SENATE – April 4, 2018
<b>VOTING METHOD</b>	In a single vote
<b>RELEVANT POLICY/DOCUMENT</b>	<a href="#">VI-1.00(E) University of Maryland Web Accessibility Policy</a> , approved on an interim basis on September 12, 2017
<b>NECESSARY APPROVALS</b>	Senate, President

### ISSUE

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The Senate Executive Committee (SEC) and Senate Chair Falvey charged the University Information Technology (IT) Council to review the University of Maryland Web Accessibility Policy, approved by the President on an interim basis in September 2017 (Appendix 1). Specifically, the IT Council was asked to:

1. Collect input from members of the campus community affected by the new interim policy, especially staff who support unit websites and work on issues of technology accessibility.
2. Consult with the Research Council on the potential impact of the policy on websites that report results from grant-funded research projects.
3. Consult with a representative of the Office of Faculty Affairs.
4. Review similar web accessibility policies at Big Ten and other peer institutions.
5. Consider whether the interim policy should be revised.
6. Identify the best approach for campus-wide implementation of the policy to meet the required deadline for compliance.
7. Consider how best to communicate available resources to campus units that need to evaluate and revise their websites.
8. Consult with the university's Office of General Counsel on any proposed recommendations.

### RECOMMENDATIONS

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1. The IT Council recommends a revision of the interim policy as indicated on the revised UMD Web Accessibility Policy document. The recommendations hope to address the collective concerns related to effectiveness, unintended effects, equity, implementation costs, feasibility, and acceptability of this policy.
  - a. Summary of the main recommendations and rationale:
    - i. Replace the terms “Websites” and “Webpages” currently used in the policy with the term “Web-based information.” This will expand the scope to Web pages, Web content (hypertext, videos, documents, images, audio files, etc.), Web-based applications, online instructional content, services, and resources, including those developed by, maintained by, or offered through third-party vendors or open sources.
    - ii. Include language that redefines the scope of this policy to only newly adopted or redesigned Web-based information and services. This will increase the feasibility and decrease the financial burden to revise legacy Web-based information.

- iii. Remove implementation deadlines from the policy to align with the practice in place at Big Ten peer institutions.
  - iv. Review the “exceptions” section of this policy to include clear criteria.
  - v. Review the contact information to update roles and responsibilities and add available resources on campus.
2. Publish a website ([www.itaccessibility.umd.edu](http://www.itaccessibility.umd.edu)) to communicate available resources to the campus.

## COMMITTEE WORK

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Since October 20, 2017, assigned DIT personnel and the IT Council completed the following work:

1. Hosted several public sessions, discussed the existing interim policy in various meetings, and invited individuals to electronically collaborate on a shared policy feedback document. Appendix 2 includes a list of all meetings, events, and campus information about the policy. Specifically, feedback, questions, suggestions, and concerns were collected from the following groups:
  - a. Members of the campus community:
    - Academic IT Directors
    - President’s Commission on Disability Issues (PCDI)
    - UMD Webmasters Community
    - UMD Communication Officers
    - UMD IT Accessibility Committee
  - b. Stakeholders:
    - Office of Faculty Affairs
    - Research Council
    - University's Office of General Counsel
2. Evaluated and compiled all feedback, questions, suggestions, and concerns for each section of the policy (Appendix 3).
3. Consulted with a representative of the Office of Faculty Affairs and requested Faculty Affairs to provide feedback directly to the policy in an electronically shared policy feedback document. Records of meetings, feedback, and memo from Faculty Affairs are in Appendix 4.
4. Consulted with the Research Council and requested the council to provide feedback directly to the policy in an electronically shared policy feedback document. Records of meetings, feedback, and memo from the Research Council are in Appendix 5.
5. Reviewed existing similar web accessibility policies at Big Ten and other peer institutions (Appendix 6).
6. Completed review of Interim UMD Web Accessibility Policy.
7. The IT Council met on March 5, 2018 and unanimously approved the revisions to the Web Accessibility Policy.

## ALTERNATIVE

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The current interim policy would remain official policy.

## RISKS

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The non-approval of this policy may result in civil penalties and damages and/or have a significant adverse impact on UMD’s mission, finances, or reputation.

## FINANCIAL IMPLICATIONS

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All recommended changes to the language of the policy aim to minimize the financial burden of all units, as they will have to identify financial resources to evaluate and/or revise their current and future Web-based information.



## Revision of the Interim University of Maryland Web Accessibility Policy

### 2017-2018 COMMITTEE MEMBERS

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**William Bowerman (Chair)**

Professor, College of Agriculture and Natural Resources

**Willie Brown**

Director, University Human Resources

**Helene Cohen**

Executive Director, Office of Innovations and Partnerships

**Michel Cukier**

Associate Professor, A. James Clark School of Engineering

**Ann Holmes**

Assistant Dean, College of Behavioral and Social Sciences

**Richard King**

Associate Professor, School of Music

**Hannah Ogden**

College of Computer, Mathematical and Natural Sciences

**Adam Porter**

Professor, College of Computer, Mathematical and Natural Sciences

**Derek Richardson**

Professor, College of Computer, Mathematical and Natural Sciences

**Andrew Smith**

College of Computer, Mathematical and Natural Sciences

**Ben Wallberg**

Manager, University Libraries

**Gregorio Zimmerman**

Undergraduate, A. James Clark School of Engineering

**Jeffrey Hollingsworth (Ex Officio)**

Interim CIO, Division of Information Technology

**Axel Persaud (Ex Officio)**

Interim Executive Director, Division of Information Technology

**Marcio A. Oliveira (Ex Officio)**

Assistant Vice President, Division of Information Technology

**Gerry Sneeringer (Ex Officio)**

Information Technology Security Officer, Division of Information Technology

**Submitted:** March 5, 2018

## BACKGROUND

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2. Consult with the Research Council on the potential impact of the policy on websites that report results from grant-funded research projects.
3. Consult with a representative of the Office of Faculty Affairs.
4. Review similar web accessibility policies at Big Ten and other peer institutions.
5. Consider whether the interim policy should be revised.
6. Identify the best approach for campus-wide implementation of the policy to meet the required deadline for compliance.
7. Consider how best to communicate available resources to campus units that need to evaluate and revise their websites.
8. Consult with the University's Office of General Counsel on any proposed recommendations.

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2. Evaluated and compiled of all feedback, questions, suggestions, and concerns for each section of the policy (Appendix 3).
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## RECOMMENDATIONS

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  - a. Summary of the main recommendations and rationale:
    - i. Replace the terms “Websites” and “Webpages” currently used in the policy with the term “Web-based information.” This will expand the scope to Web pages, Web content (hypertext, videos, documents, images, audio files, etc.), Web-based applications, online instructional content, services, and resources, including those developed by, maintained by, or offered through third-party vendors or open sources.
    - ii. Include language that redefines the scope of this policy to only newly adopted or redesigned Web-based information and services. This will increase the feasibility and decrease the financial burden to revise legacy Web-based information.
    - iii. Remove implementation deadlines from the policy to align with the practice in place at Big Ten peer institutions.
    - iv. Review the “exceptions” session of this policy to include clear criteria.
    - v. Review the contact information to update roles and responsibilities and add available resources on campus.
2. Publish a website ([www.itaccessibility.umd.edu](http://www.itaccessibility.umd.edu)) to communicate available resources to campus.

## APPENDICES

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- Appendix 1 – Charge
- Appendix 2 – List of Feedback Sessions
- Appendix 3 – Stakeholder Feedback By Policy Section
- Appendix 4 – Consultation & Feedback from the Office of Faculty Affairs
- Appendix 5 – Consultation & Feedback from the Research Council
- Appendix 6 – Review of Big Ten & Peer Institution Policies

**Revised University of Maryland Web Accessibility Policy**  
new text in blue (**example**), removed text in red/strikeout (~~example~~)

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**VI-1.00(E) UNIVERSITY OF MARYLAND WEB ACCESSIBILITY POLICY**  
([Approved by the President on an Interim Basis September 12, 2017](#))  
(Revisions approved by the IT Council on March 5, 2018)

**I. POLICY**

The University of Maryland is committed to creating and maintaining a welcoming and inclusive educational and working environment for people of all abilities and to ensuring equal access to information and services for all its constituencies. Web-based information and services delivery are the primary means by which the campus community and its visitors communicate and conduct business.

This policy sets minimum standards for the accessibility of all university ~~Web pages~~ **Web-based information** used to conduct university business and academic activities to ensure compliance with applicable state and federal regulations. ~~specifically, Sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990.~~

~~**A. Applicability**~~

~~This policy applies to all university Web pages used to conduct university business or academic activities. This policy does not apply to Web pages published by students, employees, or non-university organizations that are hosted by the university but are not used to conduct university business or academic activities.~~

**II. DEFINITIONS**

~~“University Web pages” are web pages used~~ **“Web-based information”** includes Web pages, Web content (hypertext, videos, documents, images, audio files, etc.), Web-based applications, online instructional content, services, and resources, including those developed by, maintained by, or offered through third-party vendors or open sources. ~~used to conduct university business and academic activities for all university constituencies. and that students, employees, or visitors must access in order to effectively participate in a program, service, or activity offered by the university. All Web pages published or hosted by units or programs reporting to the President or a Vice President are presumed to be included.~~

“**University business and academic activities**” refer to those activities that students, faculty, staff and/or visitors must perform in order to effectively participate in a program, service, or activity offered by the university.

“**Legacy Web-based information**” is any Web-based information or service created, adopted, or modified before the establishment of this policy.

“**Web pages**” includes both Web pages and websites used to conduct university business and academic activities. ~~including their design and any Web-delivered content or service.~~

### III. REQUIREMENTS

- A. All Web-based information newly adopted or redesigned by any university administrative, academic, or programmatic unit on or after the establishment of this policy must be in compliance with the World Wide Web Consortium’s [Web Content Accessibility Guidelines \(WCAG\) Version 2.0 AA conformance level](#). ~~All University Web pages must conform to the Web Consortium Accessibility Guidelines (WCAG) 2.0 level AA and the requirements set forth in this policy.~~
- B. ~~Within 90 days of the effective date of this policy:~~ Each university administrative, academic, and programmatic unit must establish priorities and timetables for [updating its legacy Web-based information](#).
- C. All university Web pages (newly designed, or legacy), must ~~should~~ contain the words “Web Accessibility” in the footer or any visible location and link to a common institutional Web page (<https://www.umd.edu/web-accessibility>) that contains the following statement: “*The University of Maryland is committed to equal access to Web content. If you need to request Web content in an alternative format or have comments or suggestions on accessibility, contact [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu). For more information about accessibility at UMD, visit the UMD Accessibility Hub.*”
- ~~C. All University Web pages must be compliant on or before December 31, 2020.~~
- D. The unit that owns and controls the [Web-based information](#) is responsible for [any remediation](#), for responding to requests to make content accessible, for replacing or modifying the original content, or for providing an equally effective alternative that communicates the same information and provides equivalent functions in a timely fashion (ideally within 10 business days).

### IV. EXCEPTIONS

~~If achieving compliance with standards set forth by the Web Consortium Accessibility~~

~~Guideline (WCAG) 2.0 Level AA is not possible by the deadline, an Accessibility Exception Request must be submitted. Exceptions will be granted through the Division of Information Technology (DIT). An approved exception request is not an exemption from making a Web page accessible. It documents a temporary delay in compliance that will be accomplished through remediation or discontinuation of use due to end of life.~~

- A. Any university administrative, academic, or programmatic unit may request an exception to the requirements of this policy on the basis that compliance with the World Wide Web Consortium's standard: (a) would result in a fundamental alteration to the content or functionality of any Web-based information, (b) would result in an undue burden (including financial or administrative burden), and/or (c) is not technically feasible.
- B. Units seeking an exception must submit an exception form found at <https://itaccessibility.umd.edu/> explaining in detail why the policy exception is being sought and how, if the requested exception is granted, the unit will provide equally effective alternative access and ensure, to the maximum extent possible, that individuals with disabilities will receive the same benefits or services as their nondisabled peers.

## ~~V. REMEDIATION~~

~~Remediation is the responsibility of the university administrative, academic, or programmatic unit that owns and controls the Web page and its content.~~

## V. REVIEW

The Division of Information Technology (DIT) IT Accessibility Specialist (or designee) in collaboration with the ~~IT Accessibility Committee managed by DIT~~ may American with Disabilities Act (ADA) Coordinator will initiate a review and necessary revisions of this policy and its associated standards ~~on a periodic basis~~ as needed.

## VI. RESPONSIBILITIES

### A. Division of Information Technology (DIT)

1. Provides documentation and resources about Web accessibility.
2. Provides campus-wide solutions ~~that enable the scanning of~~ to audit Web-based information for compliance with the standards of this policy.
3. Works with the ADA coordinator to initiate a review and necessary revisions of this policy and its associated standards as needed.
4. Consults with ~~ADS~~ the ADA Coordinator on complaints, equally effective alternatives, and exceptions to the required compliance.
5. Receives requests for exceptions and collaborates with the ADA Coordinator to

evaluate and make decisions on requests for exceptions to this policy.

6. Grants exceptions to this policy.

**B. ~~Accessibility and Disability Service (ADS) ADA Coordinator:~~**

1. Works with the DIT IT Accessibility Specialist (or designee) to initiate a review and necessary revisions of this policy and its associated standards as needed.
2. ~~ADS~~-Collaborates with DIT to resolve complaints for Web accessibility and assesses equally effective alternatives. ~~and grants exceptions to required compliance.~~
3. Advises the DIT IT Accessibility Specialist (or designee) on requests for exceptions to the policy.

**~~C. DIT Accessibility Committee~~**

- ~~1. Reviews the policy in collaboration with DIT, ADS the ADA Coordinator, and other offices, as appropriate.~~
- ~~2. Reviews Accessibility Exception Requests and makes recommendations to DIT.~~

**C. University Relations**

~~University Relations~~ Provides standards and guidelines for Web ~~sites~~ pages to the university.

**D. University Administrative, Academic, and Programmatic Units**

1. ~~These units will~~ Comply with the requirements of this policy.
2. Remediate complaints about Web-based information in order to meet the requirements of this policy.
3. Purchase and produce Web-based services, and resources that meets the requirements of this policy.

**VII. CONTACTS**

**A. Policy and Complaints**

DIT IT Accessibility Office | [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu)

**B. Web Accessibility Testing, Training, Resources, and Technical Assistance**

DIT IT Accessibility Office | [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu) | <https://itaccessibility.umd.edu/>

**C. ADA Coordinator**

[dissup@umd.edu](mailto:dissup@umd.edu) | 301.314.7682 | TTY/TDD: 301.314.7682

~~IT accessibility office~~  
~~[itaccessibility@umd.edu](mailto:itaccessibility@umd.edu)~~

## APPENDIX 1 - Charge

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UNIVERSITY SENATE

CHARGE | #17-18-22

Charged: October 20, 2017 | Deadline: March 30, 2018

### **Review of the Interim University of Maryland Web Accessibility Policy (Senate Document #17-18-22) Information Technology Council | Chair: William Bowerman**

The Senate Executive Committee (SEC) and Senate Chair Falvey request that the University Information Technology (IT) Council review the interim [University of Maryland Web Accessibility Policy \(VI-1.00\[E\]\)](#).

Specifically, we ask that you:

1. Collect input from members of the campus community affected by the new interim policy, especially staff who support unit websites and work on issues of technology accessibility.
2. Consult with the Research Council on the potential impact of the policy on websites that report results from grant-funded research projects.
3. Consult with a representative of the Office of Faculty Affairs.
4. Review similar web accessibility policies at Big Ten and other peer institutions.
5. Consider whether the interim policy should be revised.
6. Identify the best approach for campus-wide implementation of the policy to meet the required deadline for compliance.
7. Consider how best to communicate available resources to campus units that need to evaluate and revise their websites.
8. Consult with the University's Office of General Counsel on any proposed recommendations.

We ask that you submit a report to the Senate Office no later than **March 30, 2018**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office at 301-405-5804 or [reka@umd.edu](mailto:reka@umd.edu).

## APPENDIX 2 - List of Feedback Sessions

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### Summary of meetings:

Oct 4, 2017 | Presentation of Policy to President's Commission on Disability Issues (PCDI)  
Oct 5, 2017 | Presentation of Policy to the University Senate  
Oct 12, 2017 | Presentation of Academic IT Directors  
Oct 13, 2017 | DIT Web Accessibility Kickoff meeting  
Nov 1st, 2017 | Presentation to University Communicators  
Feb 1, 2018 - IT Accessibility Committee / Web Accessibility Sub-committee  
Feb 8, 2018 | Academic IT Directors meeting  
Feb 12, 2017 | Closed Feedback on Open Google Doc given to UMD Community

### Oct 4, 2017 | Presentation of Policy to President's Commission on Disability Issues (PCDI)

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- Ana Palla-Kane gave a brief presentation on interim policy and request for feedback
- [PCDI meeting agenda](#)

### Oct 5, 2017 | Presentation of Policy to the University Senate

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Colony Ballroom | [Agenda](#) | [Materials](#) | Summary ([Word](#), [PDF](#), [PPT](#))

Special Order: [Web Accessibility Policy](#)

- Marcio Oliveira, Assistant Vice President, Division of Information Technology, provided an overview of the [interim web accessibility policy](#) and the rationale for why it was necessary. He collected feedback from the Senate and noted that the IT Council would consider all feedback and submit the final policy for Senate approval later in the year.

Notes:

Next steps interim policy go to the IT council

1. Concern about accessibility of ELMS and course content.
  - a. Marcio: public-facing content should be priority. However, all web content needs to be accessible. We need to work towards making content accessible.
2. Is this include the frames for all sites or only content that can be edited in a website?
  - a. Marcio: It includes the entire websites including frames and content. Each unit will need to establish priorities
3. Do faculty need to update their sites?
  - a. Marcio: Yes. All websites used to conduct business are included.
4. What is the reason for doing the policy if Facebook doesn't need to comply?
  - a. Marcio: It is the law.
5. Comment received by email by Fuller Ming, who also spoke at Senate meeting.
  - Here are some additional thoughts regarding accessibility. Even though people naturally panic and there really is no way to avoid it, I think those leading this initiative should OVER communicate to the campus (especially the academic side), and make a few the points very, very clear:

1. Applies to public-facing web pages only
2. If people log in, the material AFTER the login doesn't have to comply (but recommend it

anyway)

3. The Accessibility Tool (siteimprove) will really help - it shows the problems and makes suggestions!
4. All you want right now is a loose plan for your department
5. ADA, and 504/508 of the Rehabilitation Act of 1973 is the law. UMCP can be fined if we are not compliant - after all, we do get federal funds!

## **Oct 12, 2017 | Presentation of Academic IT Directors**

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### [AITD Meeting Agenda](#)

Questions and concerns:

- DUO accessibility
- Caption requirements guidelines
- Legacy pages vs. new pages

Training for content creators

- How to make accessible content
- Create templates

## **Oct 13, 2017 | Campus-wide Web Accessibility Kickoff meeting**

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[Slides](#) | [Meeting Notes](#) | [RSVP list](#) | Attendance: About 100 people.

Meeting Led by Jeff Hollingsworth, Marcio Oliveira, Diane Krejsa and Ana Palla-Kane  
15 attendees by WebEx | WebEx recording.

- Feedback and Q&A:
  - Open document shared: <https://go.umd.edu/policyfeedback>
  - Add comments directly to the document
  - Document will be open for feedback until Friday, October 20, 2017
    - Nikki Everett - web transformation - as inventory all ARHU sites
    - Grant related pages
    - Everything that goes to umd.edu needs to be fixed
    - Not hosted at UMD - but are for business at UMD needs to be compliant
    - NIH/NSF page for example
    - Greatpartnership.org -- partners need to be compliant
    - Post pages on Facebook (do not meet compliance currently) or Youtube
    - Videos need to be captioned for this
    - 3rd Party tools need to be held accountable
- Wix, weebly - content on those - have issues with accessibility and CSS errors
- General counsel reviews for Terms of Use
- Purchasing software - eprocurement system coming -- still away off
  - Departments have been purchasing on their own
- University Foreign Affairs - hundreds of international affairs - their website to comply with accessibility - link exchange agreement
- Community of Practice around Accessibility
- Stephane Payne-Roberts - STAMP - captioning service offers
  - Recording - captions
    - Human captioning
    - Automatically captioning
    - Kaltura - is the service can assist with this process

- Siteimprove - only can scan public sites
  - Do not use to scan websites are behind password/CAS
  - Live streaming - process
  - Work with vendors - intermediate process
  - Final product together
- School of Education - Drupal
  - Over the next three years
- Not necessarily meeting the 100%
- Student Affairs - web accessibility meetings
  - Changed the IT accessibility footer
  - Counseling center
- Disciplinary center
  - Faculty created flooding applications
- hosted website
  - Some professors have sites but has course information
  - Personal information - vacations and etc.
  - Give access to her and full charge of this
- Behind CAS - use ELMS
- Residential Life
  - Login to conduct transactions
  - Not to add publicly available
  - Forms accessible
- DIT Learning Center -
  - When to be sites to be crawled
  - Adding more and more sites - assigned to you
- University Banner
  - Not 100% accessible
  - Releasing a new version of the banner - by November 1st
  - When red is on black - colors
  - Design problem
  - UMD DIT site - redone and start from scratch
- Manage digital content from libraries
  - PDFs

## **Nov 1st, 2017 | Presentation to University Communicators**

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- Presentation by Ana Palla-Kane | [Slides](#)
- Feedback
  - Need for training on PDF remediation, train the trainer
  - Guidelines on:
    - HTML emails accessibility
    - Social media Accessibility
    - Live streaming and live captions requirement

## **Feb 1, 2018 - IT Accessibility Committee / Web Accessibility Sub-committee**

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- Meeting [Agenda](#)

## Feb 8, 2018 | Academic IT Directors meeting

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- Meeting [Agenda](#)
- Presentation on Human Caption proposed workflow using Kaltura
- Final request for Feedback on interim policy

## Feb 12, 2017 | Closed Feedback on Open Google Doc given to UMD Community

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Open from Oct 13, 2017 until Feb 16, 2018

- [Open public Google Document](#) from Oct 13-27th, 2017 (2 weeks)

Feedback included in document:

1. Some of the questions raised about content by other contributors to the Google document refer to details that may be too specific for this policy document but would be helpful to have clarified as we work on compliance issues in different environments (ELMS/Canvas) and for other content formats (PDFs, PPT presentations, video, etc.) that may be linked to Web pages or inserted into other external web applications such as social media sites. Sybille - EXT studies
2. Create accessibility link page distinct from umd.edu page. Vladimir - senate
3. Add ADS link to accessibility page. Lisa Carroll
4. Not enough time 90 days
  - a. We have two month (1 1/2 with the holidays) to get "web accessibility" on the bottom of those sites, run site improve on all sites, read all the reports, and come up with a priority schedule for unit site redevelopment. Wow....Monique "Nicky" Everette Director, Marketing and Communications - ARHU Tel 301.405.6714

## APPENDIX 3 - Stakeholder Feedback By Policy Section

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### Source of feedback collected by:

AITD - Academic IT directors  
BTAA-ITAG - Big Ten Academic Alliance IT Accessibility Subgroup  
Email - Email received by Marcio, Jeff H., Ana or [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu)  
ITAC - IT Accessibility Committee  
ITC - IT Council  
FA - Faculty Affairs  
KOM- Kickoff Meeting 10/13/2017 (Document open to all UMD community)  
PCDI - President's Commission on Disability Issues  
RC - Research Council  
Senate - Senate presentation  
UComm - University Communicators

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### VI-1.00(E) UNIVERSITY OF MARYLAND WEB ACCESSIBILITY POLICY (Approved by the President on an Interim Basis September 12, 2017)

#### I. POLICY

- A. Applicability

#### II. DEFINITIONS

#### III. REQUIREMENTS

#### IV. EXCEPTIONS

#### V. REMEDIATION

#### VI. REVIEW

#### VII. RESPONSIBILITIES

- A. Division of Information Technology (DIT)  
B. Accessibility and Disability Service (ADS)  
C. DIT Accessibility Committee  
D. University Relations  
E. University administrative, academic, and programmatic units

#### VIII. CONTACT

#### ADDITIONAL COMMENTS

### I. POLICY

The University of Maryland is committed to creating and maintaining a welcoming and inclusive educational and working environment for people of all abilities and to ensuring equal access to information and services for all its constituencies. Web-based information and services delivery are the primary means by which the campus community and its visitors communicate and conduct business.

This policy sets minimum standards for the accessibility of all university Web pages used to conduct university business and academic activities to ensure compliance

with applicable state and federal regulations, specifically, Sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990.

**Comments and Feedback:**

(ITAC/PCDI)

Remove specific citations of the Law as they may change overtime.

Need to better define "all university Web Pages". Suggestion to replace the terms "Websites" and "Webpages" currently used in the policy for the term "Web-based information." This will expand the scope to Web pages, Web content (hypertext, videos, documents, images, audio files, etc.) and functionality, Web-based applications, online instructional content, services, and resources, developed by, maintained by, or offered through third-party vendors or open sources.

(RC)

Since the requirements (Section III) are that Web pages must conform with WCAG guidelines, "minimum standards" should be replaced by "guidelines"

(ITC)

CAPTION. We need to be clear on the captioning issue. I am assuming that the captioning costs are going to need to be paid for by the creators/publishers of the content.

All promotional videos (including things like distinguished lecture series) should be captioned. Is this a requirement going back into video archives? We have stuff that goes back 10+ years <e.g. <http://www.isr.umd.edu/events/distinguished-lecturers>>. It should be but I suspect people may take down 10 year old video instead of having to pay to have it captioned.

It feels like academic lecture videos shouldn't need to be captioned unless there is a specific DSS request to do so. We should treat it like we do for in class DSS requests. The rough cost for captioning a 45 contact hour course is ~ \$2,700.

**A. Applicability**

This policy applies to all university Web pages used to conduct university business or academic activities. This policy does not apply to Web pages published by students, employees, or non-university organizations that are hosted by the university but are not used to conduct university business or academic activities.

**Comments and Feedback:**

(Senate)

- Does this policy applies to ELMS and course content?
- Does this policy includes all websites' frames or only content that can be edited in a website?
- Does this policy applies to all faculty websites?

(AITD, PCDI)

Make distinction between legacy pages vs. new and redesigned pages/websites.

(BTAA-ITAG)

- Add distinction between UMD newly and re-designed pages, and legacy
- Make clear how policy applies to legacy websites and websites newly published.

(KOM)

- Grant related pages?
- Everything that goes to umd.edu needs to be fixed?
- What about pages/sites not hosted at UMD - but are for business at UMD needs to be compliant? NIH/NSF page for example.
- Greatpartnership.org -- partners need to be compliant?
- Post pages on Facebook (do not meet compliance currently) or Youtube?
- Videos need to be captioned for this 3rd Party tools?
- Who will hold campus accountable?
- Web Tools? Wix, weebly - content on those - have issues with accessibility and CSS errors
- Applies to purchasing software?
- Departments have been purchasing on their own IT products/service

(KOM-Open Doc)

- How Policy applies to ELMS/Canvas pages
- What about social media sites like Facebook, Twitter, instagram, reddit, etc.?
- Does this include individual faculty/scholar websites/pages hosted/not hosted by UMD? With or without the umd.edu domain?

(RC)

The policy will need to specify whether web pages that are related to teaching/research at UMD that do not have "umd" in their url will be subject to these regulations (e.g., websites hosted by squarespace). As a corollary, is there a way to determine the number of websites affiliated with umd that do not have umd in their url?

(RC)

A definition of "university business" would be useful here so that faculty can get a better sense if they would be in violation by hosting their research web pages off site

## II. DEFINITIONS

**“University Web pages”** are web pages used to conduct university business and academic activities and that students, employees, or visitors must access in order to effectively participate in a program, service, or activity offered by the university. All Web pages published or hosted by units or programs reporting to the President or a Vice President are presumed to be included.

**“Web pages”** includes both Web pages and websites, including their design and any Web- delivered content or service.

### Comments and Feedback:

(Senate)

- Does this policy applies to ELMS and course content?
- Does this policy includes all websites' frames or only content that can be edited in a website?
- Does this policy applies to all faculty websites?

(FA)

Add language:

This includes the web pages used by faculty to deliver course content, as well as the course content itself.

- How does this policy apply to technologies used outside the University, e.g., social media?

(KOM-OpenDoc)

- I suggest that attachments be included and specifically stated. "These include but are not limited to PDF, PowerPoint slides, Excel spreadsheets, videos, audio files, and scripted applications."

- I also suggest that it should be specified that all images (except decorative ones) must include descriptive alt text.

- What is the measure to accessibility compliance? Are we seeking 100%?

- What is the Siteimprove score required?

### III. REQUIREMENTS

A. All University Web pages must conform to the Web Consortium Accessibility Guidelines (WCAG) 2.0 level AA and the requirements set forth in this policy.

B. Within 90 days of the effective date of this policy:

1. Each university administrative, academic, and programmatic unit must establish priorities and timetables for updating their Web pages to conform to the WCAG 2.0 level AA and requirements set forth in this policy, and
2. All University Web pages should contain the words "Web Accessibility" in the footer or any visible location that will link to a common institutional Web page that contains the following statement: "*The University of Maryland is committed to equal access to Web content. If you need to request Web content in an alternative format or have comments or suggestions on accessibility, contact [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu). For more information about accessibility at UMD, visit the [UMD Accessibility Hub](#).*"

C. All University Web pages must be compliant on or before December 31, 2020.

D. The unit that owns and controls the University Web page and its content is responsible for responding to requests to make content accessible, for replacing or modifying the original content, or for providing an equally effective alternative that communicates the same information and provides equivalent functions in a timely fashion (ideally within 10 business days).

#### Comments and Feedback:

(Email/KOM/PCDI)

Who should we send the report to?

Who/what office is enforcing the policy?

(KOM-Open doc)

Will there be a "point person," in case I have a question regarding a change I am implementing? Also (this is more hypothetical), what if my department still has our same outdated web template at this time? Will I be able to make the appropriate changes? See [iaa.umd.edu](http://iaa.umd.edu)

(KOM, email, ITA)

- Please provide template, and guidelines on how to establish priorities and timetable.
- Who do I send my report?

(KOM-OpenDoc)

We have two month (1 1/2 with the holidays) to get "web accessibility" on the bottom of those sites, run site improve on all sites, read all the reports, and come up with a priority schedule for unit site redevelopment. Wow....

This timeline is not feasible based on resources we have in our department.

(ITC)

Live events are another issue. Level AA of the standard requires captioning of live events. This will add quite a bit to the cost of streaming live events like graduation and lecture series. We just need to be clear about the requirements and the cost impacts.

(KOM, Senate)

- Create accessibility link page distinct from [umd.edu](http://umd.edu) page.
- Add ADS link to accessibility page. (Jo Ann doesn't agree, as she doesn't think as she believes will cause confusion)

(KOM-OpenDoc)

What is the timeframe for this "on demand" compliance? Through Dec 2020 or beyond? Can my plan say that I won't make all of my content (eg, video, pdf) compliant up front but I will for specific content demand? If I can say that would it be considered an exception or a valid plan?

(ITA, BTAA-ITAG)

Remove deadlines

- UMD policy is the only on BTAA policy includes deadline.
- Colleagues from BTAA made recommendation.
- The process of updating deadlines in final policy document after Senate Approval is very cumbersome.
- Suggestion to have separate document or memo coming from President's office including a roadmap with dates and deadlines to fulfill the terms of the policy.

KOM-OpenDoc

[Implementation guidelines/plan]

- Some of the questions raised about content by other contributors to the Google document refer to details that may be too specific for this policy document but would be helpful to have clarified as we work on compliance issues in different environments (ELMS/Canvas) and for other content formats (PDFs, PPT presentations, video, etc.) that may be linked to Web pages or inserted into other external web applications such as social media sites.

(RC. TA, PCDI)

How policy and its terms will this get enforced?

## IV. EXCEPTIONS

If achieving compliance with standards set forth by the Web Consortium Accessibility Guideline (WCAG) 2.0 Level AA is not possible by the deadline, an Accessibility Exception Request must be submitted. Exceptions will be granted through the Division of Information Technology (DIT). An approved exception request is not an exemption from making a Web page accessible. It documents a temporary delay in compliance that will be accomplished through remediation or discontinuation of use due to end of life.

### Comments and Feedback:

(ITA, AITD)

- Need better guidelines for exceptions.
- How do we manage archives?
- How do we address content that is public but is not being used?
- What constitutes an exception?
- How exceptions will be submitted?
- The law has

(Email) The unit is responsible for notifying the University's Accessibility and Disability Service of the complaint and actions taken to address the issue?

Comment: Does the unit notify ADS or IT at [itaccessibility@umd.edu](mailto:itaccessibility@umd.edu)? See section VII A&B.

- Need to better define process and review this session. (JA Hutchinson)

## V. REMEDIATION

Remediation is the responsibility of the university administrative, academic, and programmatic unit that owns and controls the Web page and its content.

## VI. REVIEW

The IT Accessibility Committee managed by DIT may initiate a review and necessary revisions of this policy and its associated standards on a periodic basis as needed.

## VII. RESPONSIBILITIES

### A. Division of Information Technology (DIT)

1. Provides documentation and resources about Web accessibility.
2. Provides enterprise solutions and services that enable the scanning of Web pages for compliance with the standards of this policy.
3. Consults with ADS on complaints, equally effective alternatives, and exceptions to the required compliance.

4. Grants exceptions to this policy.

**Comments and Feedback:**

(FA)

Seems like what is missing is services/resources to assist academic / campus units make their sites accessible.

(FA)

What about other solutions? This seems very narrowly crafted. Also, how does the mandate synch up with the web hosting services DIT offers campus? Might those need to be revisited in light of the accessibility issue?

(PCDI/KOM)

How can someone make a complaint about the policy?

\*\*Complaint procedures missing on policy.

See example on UMD Disability and Accessibility Policy:

[https://www.president.umd.edu/sites/president.umd.edu/files/documents/policies/VI-1.00D\\_3.pdf](https://www.president.umd.edu/sites/president.umd.edu/files/documents/policies/VI-1.00D_3.pdf)

**B. Accessibility and Disability Service (ADS)**

ADS collaborates with DIT to resolve complaints about Web accessibility - assesses equally effective alternatives and grants exceptions to required compliance.

**Comments and Feedback:**

(FA)

ADS only works with students. UHR focuses on staff, OFA faculty -- as per the Accommodation policy. It seems that the policy excludes key constituencies with this policy - unless the intent is to focus only on student accessibility issues regarding websites.

(ITA/BTAA reviews)

ADA coordinator should be listed vs. ADS, unless it is a request specific for content required by a student as part of their accommodations, which ADA coordinator will be able to advise.

**C. DIT Accessibility Committee**

1. Reviews the policy in collaboration with DIT, ADS, and other offices, as appropriate.
2. Reviews Accessibility Exception Requests and makes recommendations to DIT.

**Comments and Feedback:**

(ITC)

Why is this a DIT committee? Isn't this a campus issue?

#### **D. University Relations**

University Relations provides standards and guidelines for Web pages to the university.

#### **E. University administrative, academic, and programmatic units**

These units will comply with the requirements of this policy.

##### **Comments and Feedback:**

(FA) Add language to "E."

*Units will consult with DIT as needed to secure training and resources for faculty who must redevelop their course material websites.*

### **VIII. CONTACT**

IT accessibility office  
[itaccessibility@umd.edu](mailto:itaccessibility@umd.edu)

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### **ADDITIONAL COMMENTS, CONCERNS AND FEEDBACK ON INTERIM POLICY**

#### **Resources, Training, Services**

- Require training for content creators (AITD)
- Create website templates (work with Comm and Marketing) (KOM, AITD)
- Josh Harless stated that templates from University Relations are on the works. (KOM)
- University Banner (new version meets accessibility requirements) (KOM)

#### **Audit and report (ITA)**

- Web Content - Websites audit (ITA)
  - Recommendation to use template form for initial report and audit
- Web resources used to deliver course content (FA)
  - Academic units should conduct an inventory of web resources used to deliver course content. The units can then work with faculty to remediate any faculty web resources that need it. Without such an inventory, we will have no way to identify problems as an institution and we'll continue as reactive rather than proactive.

#### **Captioning Service (KOM, ITA, ITC, AITD)**

- Human captioning
- Automatically captioning
- Kaltura - adding service can assist with this process

## Web Accessibility Testing and remediation

- SiteImprove | Usage and training
  - Cannot be used to scan websites are behind password/CAS (KOM)
- WAVE and other tools
- Manual testing | Keyboard functionality testing

## Training

- Web Accessibility 101 training (ITA)
- Web Accessibility Training (ITA)
- Siteimprove training - Train the Trainer (ITA, KOM)
- Captioning (Kaltura) - DIY captioning (ITA)
- Document Accessibility (PDF, Word)
- Train the Trainer (UCom, ITA, PCDI)

## Guidelines

- Develop UMD Guidelines based on USM IT Accessibility Guidelines (ITA)
- Policy Implementation guidelines, including more explanation on how to prioritize and criteria for exceptions (ITA, BTAA meeting)
- Guidelines for Web Accessibility Testing (Siteimprove, Keyboard, others) (ITA, UCom)
- Closed Captioning and live Captioning Guidelines (FA, IC, ITA, UCom, AITD)
- Live Streaming Process (KOM)
- Online course content accessibility guidelines (KOM, ITA, PCDI)
- Procurement accessibility Guidelines (KOM, ITA)
- Social Media accessibility Guidelines (UCom, ITA)
- HTML email accessibility guidelines (UCom)
- How to make FORMS Accessible (KOM, ITA)
- Guidelines for Publishing Tools Accessibility (UCom)
- Video player accessibility (ITA)

## Communication strategies

- Create Community of Practice around Accessibility (KOM)
- IT Accessibility Website - <https://itaccessibility.umd.edu/> (under construction)
- Units points of contact (ITC, ITA, AITD)
- Other ideas: Siteimprove users, Google Group, Listserv, community of practice, lunch & learn (ITA)

(by Senate and by email by FM)

Even though people naturally panic and there really is no way to avoid it, I think those leading this initiative should OVER communicate to the campus (especially the academic side), and make a few the points very, very clear:

1. (Policy) Applies to public-facing web pages only
2. If people log in, the material AFTER the login doesn't have to comply (but recommend it anyway)
3. The Accessibility Tool (siteimprove) will really help - it shows the problems and makes suggestions!
4. All you want right now is a loose plan for your department
5. ADA, and 504/508 of the Rehabilitation Act of 1973 is the law. UMCP can be fined if we are not compliant - after all, we do get federal funds!

(RC)

[Testing with Screen Readers]

- During the meeting, the use of screen readers was discussed as a means by which to determine whether a website is accessible. Which unit will be responsible for reading the websites of faculty members, staff, etc, to ensure compliance? How will readers get distributed, particularly if they are not readily available/in limited quantities? Is this also an expense that will be accrued and who will be responsible for the cost of these?

(RC)

[Web Hosting] [Financial Burden]

- Will this policy cause many researchers to not host their website at umd and instead use others that they will design themselves to circumvent the policy? This could place an unnecessary financial burden, and “administrative” burden, on researchers if making their website compliant is not easily accomplished. I do not think this is the point of the policy, but it could be construed that way.
- The policy does not address costs vs benefits of adherence for each guideline. Moreover, while the goal is to promote greater accessibility, an unintended consequence is that many websites may be taken down or hosted elsewhere, thereby resulting in diminished accessibility.

(RC)

[Web Accessibility Guidelines-data manipulation]

- As a researcher who consistently has images with color in them, it will not be possible to replace the “red” in my images with another color, if, for example, one requirement of the web accessibility policy is to address issues of colorblindness. I do not think this type of requirement will be acceptable (i.e., data manipulation).

(RC)

[Who will pay for remediation]

As a faculty member from the Special Education program, I am obviously cognizant of accessibility issues and think it is really important (and the law). I just think it will be difficult to adhere to the same standards for different disciplines so the policy should be written in some way to allow for flexibility or ‘minimum compliance. If you can make that clear, maybe less websites will be taken down as I agree that could happen. Also, I do wonder about who will assist and pay for all this.

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## **APPENDIX 4 - Consultation & Feedback from the Office of Faculty Affairs**

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### **Meetings and Actions:**

- Nov 16, 2017 - Marcio and Diane Met with John Bertot, gave an overview of policy and request requested feedback on policy. [Emails to Faculty Affairs including request for feedback and memo.](#)
- [Faculty Affairs feedback on policy document](#)
- Feb 12, 2018 - [Memo received from Faculty Affairs - Dr. John Bertot](#) (PDF)
  - Picture available on next page.

February 12, 2018

To: Marcio A. Oliveira, Assistant Vice President  
Academic Technology & Innovation

Cc: Ana Pala Kane, Jeff Hollingsworth

From: John Bertot, Associate Provost for Faculty Affairs

Re: Comments on VI-1.00(E) Web Accessibility Policy



This policy is likely to be an effective first step to making university web-based resources accessible to all, as it is the university's first policy to acknowledge the web as an important tool for communication with the university community. As such, this policy reminds us that in order to be an organization that truly values diversity and inclusion, our communication must be accessible.

A potentially unintended effect of this policy implementation is that faculty who deliver course content without using resources available via ELMS are likely to need to adjust or rebuild their websites to bring them into compliance, or discontinue the use of them in favor of using University-provided online instructional resources and tools. This would include any archival course material housed on faculty sites. Further, it may be that faculty need to migrate content from current websites to University-provided online instructional resources and tools. The consequences of this are difficult to judge, as there is currently no inventory of the web resources used to deliver academic content or to conduct university business, nor an assessment of either the impact on instruction or level of effort required to migrate or modify content to comply with accessibility requirements. Therefore, we recommend that units conduct a review that a) builds an inventory of faculty non-ELMS instructional websites, and b) assesses the level of effort required to bring these sites into compliance before taking any other action regarding faculty websites.

Implementation of the policy is feasible. Among faculty, implementation is likely to be smoother with careful messaging of administrative support for the policy itself, the goals of the policy, and a compliance pathway that provides faculty with support in making their instructional content accessible.

We have added comments to the policy document that describe our concerns and recommendations. As it stands, the policy is acceptable, but it can be made more effective with more attention to the web-based communication by faculty.

## APPENDIX 5 - Consultation & Feedback from the Research Council

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### Meetings and Actions:

- Nov 14, 2017 - Marcio, Diane and Ana met with Eric Chapman (AVP for Research Development) and George Hurtt (Chair Research Council)
  - [Emails to Research Council requesting feedback on policy](#)
- Feb 2, 2018 - Marcio and Ana met with Research Council
- [Research Council Feedback on Policy Document](#)
- Feb 27, 2018 - [Memo from Research Council \(PDF\)](#)
  - Image of memo in next page



UNIVERSITY *of* MARYLAND  
**RESEARCH**

February 27, 2018

**MEMORANDUM**

**TO:** Marcio A. Oliveira  
Assistant Vice President Academic Technology & Innovation

**CC:** Jeff Hollingsworth, Interim Chief Information Officer  
Ana Palla-Kane, Professor, Department of Kinesiology

**FROM:** George Hurtt, Chair, Research Council

**SUBJECT:** Comments on University of Maryland Web Accessibility Policy

Thank you for briefing the Research Council on the Policy on Web Accessibility, and for providing a link to capture comments on the policy from Research Council Members.

As a public research institution, the University of Maryland (UMD) is broadly engaged in the discovery and dissemination of new knowledge. Online and web-based tools for communicating those discoveries help amplify the global reach of research, scholarship and teaching at UMD. The Policy reinforces that for UMD to be an organization that values diversity and inclusivity, our communication and dissemination of information must be broadly accessible and comply with Federal regulations.

In furtherance of that, however, Research Council members asked questions and raised several potential concerns about the policy. Council members questioned the amount of work involved, resources available to comply, and to what extent the policy may produce the unintended outcome of discouraging the use of university websites for research communication. It would be unfortunate if efforts to promote greater accessibility have the unintended consequence of resources being removed entirely from the public's access.

We encourage careful and deliberative steps to share information broadly about the policy itself and its goals as well as the most cost-effective pathway by which an acceptable level of compliance can be achieved. A number of the members of the Research Council have added comments to the policy document that further delineate their respective concerns. As a committee, we recognize the mandate, but also have concerns regarding implementation and urge you to consider mechanisms that might reduce the financial and administrative burden of implementation, particularly at the investigator page level.

Sincerely,

A handwritten signature in black ink that reads "George C Hurtt".

George Hurtt

## APPENDIX 6 - Review of Big Ten & Peer Institution Policies

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- Review of Big 10 Web Accessibility Policies was completed on Feb 2018 |
- Document with all [Big 10 policies](#) evaluation and comparison document.

Existing similar policies at Big Ten and other peer institutions (as of 2/5/2018).

University of Illinois	<a href="#">Illinois Information Technology Accessibility Act</a>
University of Iowa	<a href="#">University of Iowa Web Accessibility Policy</a>
Michigan State University	<a href="#">MSU Web Accessibility Policy</a>
University of Minnesota	<a href="#">UMN - Web Accessibility Policy</a>
Ohio State University	<a href="#">Ohio State Web Accessibility Policy</a>
Pennsylvania State University	<a href="#">Penn State Web Accessibility Policy</a>
Purdue University	<a href="#">Purdue Web Accessibility Policy</a>
Rutgers University-New Brunswick	<a href="#">Rutgers Web Accessibility Policy</a>
University of Wisconsin-Madison	<a href="#">Wisconsin Web Accessibility Policy</a>

- Recommendations based on review:
  - Remove deadlines from policy and create implementation plan/strategy with deadlines parallel from the policy.
  - Add statement on legacy websites. Distinguish Legacy vs. new/redesigned websites/pages
  - Best define responsibilities
  - Re-write criteria for exceptions to the policy



## **Review of the University of Maryland College Park Policies and Procedures Governing Faculty Grievances**

**PRESENTED BY** Patricio Korzeniewicz , Chair

**REVIEW DATES** SEC – March 12, 2018 | SENATE – April 4, 2018

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [II-4.00\(A\) – University of Maryland College Park Policies and Procedures Governing Faculty Grievances](#)

**NECESSARY APPROVALS** Senate, President

### **ISSUE**

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In September 2017, the Senate Executive Committee determined that the University of Maryland, College Park Policies and Procedures Governing Faculty Grievances (II-4.00[A]) were in need of revision. The policy was established in 1990 and had not been significantly revised since that time. The adjudication process within the policy is administered by the Executive Secretary and Director of the Senate, who reported to the Executive Committee significant concerns with the procedures and timelines within the document. In September 2017, the Senate Executive Committee (SEC) voted to charge the Senate Faculty Affairs Committee (FAC) with a comprehensive review of the policy and procedures.

### **RECOMMENDATION(S)**

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The Faculty Affairs Committee recommends that the University of Maryland, College Park Policies and Procedures Governing Faculty Grievances (II-4.00[A]) be amended as shown in the policy document immediately following this report.

### **COMMITTEE WORK**

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The Faculty Affairs Committee (FAC) began reviewing its charge immediately upon receiving it. The FAC consulted with the Associate Provost for Faculty Affairs, the Faculty Ombuds Officer, the Executive Secretary and Director of the Senate, and the Office of General Counsel (OGC) throughout its review. The FAC researched grievance policies at peer institutions and reviewed adjudication procedures within existing University of Maryland processes for comparison.

The grievance policy was established in 1990 to allow for peer review of a conflict to determine whether there had been a violation of a policy or established procedures. The types of complaints reviewable under the procedures can range from grievances about wrongful termination or salary inequities to interpersonal conflicts. The policy lays out a two-stage process for considering grievances. The informal resolution process involves a confidential attempt to review the grievance, formulate it in a way that could be actionable, and mediate between the parties involved in the

grievance. The Faculty Ombuds Officer manages the informal resolution process. Should mediation fail, the grievant may present a formal grievance to be heard by a panel of Faculty Senators.

Cases regularly go through the informal resolution process through the Faculty Ombuds Office. In the past ten years, only three grievances cases have gone through the formal process through the Senate, but each case has highlighted challenges in the policy that need to be addressed. The FAC identified key issues in the policy that cause administrative burden, as well as areas where technology could simplify the procedures. The FAC considered issues including but not limited to language on the finality of the decision; the grounds for a grievance; the role of legal counsel in the process; remedies available as a result of the process; whether grievants need to engage in the informal process before bringing a grievance forward to the Senate for review; provisions on confidentiality and necessary communication during the process; and the development and membership of the Faculty Grievance Hearing Board.

A subcommittee of the FAC developed a revised version of the policy for the committee in February, 2018, and after due consideration of the issues within the revision, the FAC voted to approve the revised policy via an email vote concluding on March 7, 2018.

## **ALTERNATIVES**

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The Senate could choose not to approve the revisions to the faculty grievance policy. However, it would lose the opportunity to clarify and streamline the grievance process that serves all faculty at the University of Maryland.

## **RISKS**

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There are no known risks to the University.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications.



## **Review of the University of Maryland College Park Policies and Procedures Governing Faculty Grievances**

### **2017-2018 Committee Members**

**Patricio Korzeniewicz** (Chair)  
**John Bertot** (Ex-Officio Provost's Rep)  
**Debabrata Biswas** (Faculty)  
**Marilena Draganescu** (Faculty)  
**Karol Dyson** (Faculty)  
**Michele Eastman** (Ex-Officio President's Rep)  
**Devin Ellis** (Faculty)  
**Timothy Hackman** (Faculty)  
**Stefanie Kuchinsky** (Faculty)  
**Nicole LaRonde** (Faculty)  
**Brooke Liu** (Faculty)  
**Karen McDonald** (Ex-Officio Director of Human Resources Rep)

**James McKinney** (Faculty)  
**Errica Philpott** (Exempt Staff)  
**Clara Montague** (Graduate Student)  
**Janice Reutt-Robey** (Ex-Officio CUSF Rep)  
**Aida Roige Mas** (Graduate Student)  
**Ellin Scholnick** (Ex-Officio Ombuds Officer)  
**Sacoby Wilson** (Faculty)  
*Vacant* (Undergraduate Student)

### **Date of Submission**

**March 2018**

## **BACKGROUND**

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In September 2017, the Senate Executive Committee determined that the University of Maryland, College Park Policies and Procedures Governing Faculty Grievances (II-4.00[A]) were in need of revision. The policy was established in 1990 and had not been significantly revised since that time. The adjudication process within the policy is administered by the Executive Secretary and Director of the Senate, who reported to the Executive Committee significant concerns with the procedures and timelines within the document. In September 2017, the Senate Executive Committee (SEC) voted to charge the Senate Faculty Affairs Committee (FAC) with a comprehensive review of the policy and procedures (Appendix 3).

## **COMMITTEE WORK**

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The Faculty Affairs Committee (FAC) began reviewing its charge immediately upon receiving it. The FAC consulted with the Associate Provost for Faculty Affairs, the Faculty Ombuds Officer, the Executive Secretary and Director of the Senate, and the Office of General Counsel (OGC) throughout its review. The FAC researched grievance policies at peer institutions and reviewed adjudication procedures within existing University of Maryland processes for comparison.

The grievance policy was established in 1990 to allow for peer review of a conflict to determine whether there had been a violation of a policy or established procedures. The types of complaints reviewable under the procedures can range from grievances about wrongful termination or salary inequities to interpersonal conflicts. The policy lays out a two-stage process for considering grievances. The informal resolution process involves a confidential attempt to review the grievance, formulate it in a way that could be actionable, and mediate between the parties involved in the grievance. The Faculty Ombuds Officer manages the informal resolution process. Should mediation fail, the grievant may present a formal grievance to be heard by a panel of Faculty Senators.

The procedures outline a cumbersome and unrealistic timeline and process for adjudicating the case through the Senate. For instance, at many stages of the process, the procedures give five days to convene a meeting of all individuals involved in the case to take an action, which is typically unrealistic given the schedule constraints of all involved. The procedures are also unclear on many aspects of the adjudication process, including: whether a faculty member can have legal representation, how many witnesses can be presented, how much flexibility the Hearing Board Chair has to determine procedural issues during hearings, and how the Hearing Board can communicate with the Faculty Ombuds Officer, among other issues. At the conclusion of the formal process, the panel makes a recommendation to the President, who makes a final determination on the case. The procedures are then unclear on the possible remedies or sanctions available, and whether the parties can seek further review by other offices or administrators if they remain unsatisfied with the status of their complaint.

Cases regularly go through the informal resolution process through the Faculty Ombuds Office. In the past ten years, only three grievances cases have gone through the formal process through the Senate, but each case has highlighted challenges in the policy that need to be addressed. The FAC identified key issues in the policy that cause administrative burden, as well as areas where technology could simplify the procedures.

In reviewing similar grievances processes at Big 10 and peer institutions, the FAC found that UMD's process is quite similar to that at peers (Appendix 1). All but one institution of fourteen included in the review have a process that has both an informal and a formal component, to allow for resolution to be pursued through mediation or a similar process prior to moving to a formal adjudication process. Three institutions required that all informal avenues be exhausted before a formal grievance can be filed, while five additional institutions have language strongly suggesting that the grievant should participate in the informal process. Most institutions have an Ombuds Officer or similar individual or committee, though only four institutions include Senators as Hearing Board members or otherwise include University Senate representation in the formal grievance process. Formal grievance committees at peers range in size from three to twelve members, with the average size being under five members. Eight institutions, more than half those reviewed, include some process for the grievant and the respondent to challenge, exclude, or choose Hearing Board members. In considering legal representation for the parties, six institutions allow legal counsel in an advisory capacity only, one institution prohibits legal representation, and four institutions allow legal counsel to represent the grievant during the proceedings.

The FAC also compared the grievance process to other UMD policies and procedures that focus on resolution of a complaint, such as policies on research and sexual misconduct, as well as with student grievance and conduct procedures (Appendix 2). The FAC determined that where appropriate, the faculty grievance policy should align with similar policies for resolution of different types of complaints, and it used language in other University policies as a guide when considering revisions to the policy language.

During its review, the FAC identified key concerns and principles that should be reflected in the policy, and formed a subcommittee to develop revised policy language. The subcommittee developed a revised version of the policy for the committee in February, 2018, and after due consideration of the issues within the revision, the FAC voted to approve the revised policy via an email vote concluding on March 7, 2018.

Key conclusions from the FAC's deliberations and policy revisions are included below.

## Finality of the Decision

During the FAC's review, concerns were raised that a grievant could go through the full grievance process and subsequently seek review under a different University process if they were not satisfied with the outcome of the grievance proceedings. Given that the policy includes three levels of review, including peer review and a review by the President, the FAC felt the policy should be final, though it acknowledged that the final decision through a University proceeding has no bearing on an individual's right to seek civil or other outside remedies. The FAC determined that a grievant should not be able to pursue remedy under another University policy once a final decision is made through these procedures, and that the policy should include language to address what happens when there is a pending criminal or civil suit. The FAC reviewed the undergraduate student grievance procedure and Sexual Misconduct Policy as it developed appropriate language.

## Grounds for a Grievance

The FAC reviewed the appropriate grounds for a grievance and determined that they should be clarified in the policy language. The policy currently allows an individual to grieve any action or inaction that is believed to be unfair, discriminatory, or improperly reached, though the definitions of each grounds were somewhat unclear.

## Role of Legal Counsel

The FAC considered the role of attorneys in the proceedings, since the current policy indicates that grievants may have legal counsel but does not specify their role. Recent cases have shown that the process can be very contentious and adversarial due in part to the active role attorneys have been allowed to play in the process. The FAC noted a contradiction in policy and practice, in that the policy states that this is not a legal proceeding, but in practice attorneys have been allowed to participate actively on either side. Attorneys tend to present legal motions which are difficult for a Hearing Board composed of faculty to address. Similar UMD processes, such as processes for sexual misconduct, allow the parties to have an attorney present during all proceedings to provide confidential advice, but do not allow the attorney to speak on behalf of the party during the proceedings. The FAC determined that this role would be more appropriate in this case as well, to ensure that it remains a peer-driven review process and to align with other University processes. The FAC developed language to allow legal counsel to serve only in an advisory role.

## Remedies

The FAC also considered what remedies can be recommended by the Hearing Board at the end of the formal grievance. The policy currently allows the grievant to specify what remedy they wish to receive as a result of the process, and asks the Hearing Board to make recommendations on remedies in its final report to the President. However, recent cases have shown that there are few appropriate and impactful remedies that can come from a grievance review, and many remedies are outside of the Hearing Board's expertise or authority to recommend. For instance, the Hearing Board does not have the authority to recommend that a faculty member be reinstated. Since most remedies will require an understanding of how the unit operates and may have financial implications, the FAC determined that the President should determine the appropriate remedies, rather than the Hearing board. The FAC developed revisions to indicate that the Hearing Board's focus should be on the findings in the case, and the President should work with the Provost and appropriate administrators to determine a remedy if the finding of the Board is upheld. However, the

FAC retained language that allows the grievant to suggest a desired remedy in the grievance complaint, so that they can still have an impact on the remedy as appropriate.

### Informal Process

The current policy has three phases to the review process, including the negotiation, mediation, and adjudication phases. The FAC initially raised concerns that two phases of informal resolution may not be appropriate, and requiring a grievant to go through negotiation and mediation prior to the formal adjudication process may not be appropriate. Through discussion with the Faculty Ombuds Officer, the FAC learned the first phase, referred to as negotiation in the procedures, is typically focused on consultation between the Faculty Ombuds Officer and the grievant. The first phase gives an opportunity for the Faculty Ombuds Officer to assist the grievant in shaping their complaint and determining whether it could fit within the grounds for a grievance in the policy. It also is an opportunity for the grievant to understand and fully consider their rights and responsibilities under the policy, so that they can make an informed decision on whether they wish to pursue resolution under the procedures. The FAC agreed this first phase is critical to the grievance process, and developed significant revisions to the policy to more accurately reflect the purpose of this first stage.

### Confidentiality and Necessary Communication

Concerns were raised regarding the lack of information in the policy on confidentiality and necessary communication between administrators and offices facilitating the grievance process. The FAC felt strongly that the grievance process should be a confidential process, to the extent possible, and developed language to be clear that all individuals involved in the process, from the parties and their witnesses to the administrators involved in the process, are to maintain confidentiality during the review process and after the process has concluded.

However, the committee found significant concerns with the lack of information in the policy regarding the ability of administrators and those who facilitate the grievance process to communicate. For instance, the policy does not specifically allow the Ombuds Officer to communicate with administrators in order to pursue resolution of the complaint in the informal stage of the process. The Faculty Ombuds Officer may be better able to facilitate mediation or negotiation if they are able to consult with other administrators, in order to fully understand what is at issue or where there may be flexibility to find compromise. Whenever possible, the Ombuds Officer will not disclose the identity of the grievant and will discuss the issue using a “need to know” standard. The policy also has no provisions to allow the Faculty Ombuds Officer to notify the Executive Secretary and Director that a grievance may be coming forward to the Senate, or to allow the Associate Provost for Faculty Affairs to be notified that a grievance is being reviewed. The FAC determined that the policy should indicate that the Ombuds Officer should be able to communicate with others as appropriate to resolving the complaint and in compliance with all University policies and laws.

### Development of the Grievance Hearing Board

The current policy establishes a complex and administratively burdensome process for constituting a Hearing Board. In the current policy, all current Faculty Senators form a Faculty Grievance Panel, from which a Chair is chosen. The Chair of the Faculty Grievance Panel facilitates formation of each Faculty Grievance Hearing Board from the membership of the Panel. Seven Faculty Senators are selected as potential members, and after an organizational meeting, two members are dismissed and two members are selected as alternatives. The FAC felt this process is too complex for a process that is used infrequently and only on an as-needed basis. The FAC developed a

streamlined process, eliminating the Faculty Grievance Panel and its Chair, and relying on the Senate Chair-Elect to facilitate formation of the Hearing Board while giving the parties an opportunity to identify potential conflicts of interest among the pool of Senators.

The FAC considered broadening eligibility for service on Hearing Boards, to allow faculty who are not Senators to serve. However, the FAC could not determine a solution that would allow broader participation while limiting the administrative burden in creating the Board. Relying on Faculty Senators to serve simplifies the process and allows for a more efficient process for forming the board, since there is a defined and limited list of eligible faculty. Faculty Senators represent all Colleges and units on campus, so the pool of eligible faculty is already diverse in terms of discipline, and it includes both tenured and tenure track (T/TT) and professional track (PTK) faculty. Also, since the formal adjudication process is administered by the Executive Secretary and Director of the Senate and as the Senate Executive Committee has a defined role in the policy, the FAC determined it would be appropriate for the Board's membership to remain within the Senate.

## **RECOMMENDATIONS**

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The Faculty Affairs Committee recommends that the University of Maryland, College Park Policies and Procedures Governing Faculty Grievances (II-4.00[A]) be amended as shown in the policy document immediately following this report.

## **APPENDICES**

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- Appendix 1 — Faculty Grievance Processes at Peer Institutions
- Appendix 2 — University of Maryland Adjudication Process Comparison
- Appendix 3 — Charge from the Senate Executive Committee

## II-4.00(A) UNIVERSITY OF MARYLAND POLICIES AND PROCEDURES GOVERNING FACULTY GRIEVANCES

Passed by the Campus Senate, April 23, 1990, and approved by the President, December 13, 1990.  
Amended March 4, 2002. This procedure replaces all faculty grievance procedures previously in effect at all administrative levels of the University of Maryland College Park.

### I. INTRODUCTION

#### A. Purpose

Legitimate problems, differences of opinion, conflicts, or complaints sometimes arise in the relationship between the University, as an employer, and its faculty. Both the faculty member with a grievance and the University benefit when the University responds to grievances promptly and fairly. This grievance procedure attempts to handle grievances as informally as possible and at a level in the University structure that is accessible to faculty members. The procedure also attempts to handle grievances in a timely, consistent, and simple manner. ~~A faculty member may file a grievance under this code or under the Code on Equity, Diversity, and Inclusion, but the same grievance cannot be filed under both codes.~~

#### B. Who May File a Grievance?

All persons with faculty status irrespective of their administrative duties or assignments at the time of the action or inaction prompting the grievance may use this grievance procedure. The faculty members covered by the Grievance Procedures are all those whose titles are in the University of Maryland Policy on Appointment, Promotion and Tenure Policy II-1.00(A) ~~part I and~~ **or** in the University System Policy II-1.00, whether that person is full-time or part-time, as long as the faculty appointment is the person's primary position at the University of Maryland.

Grievances by more than one faculty member may be put together in a single grievance if each faculty member signs the grievance and the material actions or inactions and issues are substantially the same for each.

#### C. What is a Grievance?

Faculty members may file a grievance under this procedure for ~~any action or inaction by an academic administrator that they believe is unfair, discriminatory, or improperly reached.~~ **Grievance** issues include ~~ing~~ **ing** but ~~are~~ **are** not limited to academic freedom, salary, assignments, and the nature and conditions of a faculty member's work. Grievances cannot be filed against written campus and System policies, ~~per se~~. **Grounds for a grievance are limited to actions or inactions by an administrator or a faculty member that are believed to be:**

1. **Unfair, which shall mean arbitrary and capricious, lacking in justifiable cause or basis in official policy, inequitable with respect to treatment, or excessive in relation to what would be a reasonable and available alternative course of action;**
2. **Discriminatory, which shall mean that the action or inaction was made on the basis of a protected status (e.g., race, ethnicity, gender, age, religion, sexual orientation, etc.); or**
3. **Improperly reached, which shall mean the decision was reached either in violation of University policy or without the consultations or approvals**

required by departmental or college regulations prior to making such decisions.

#### D. Limitations

~~However, n~~No complaint shall be reviewed under these faculty grievance procedures if:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by any other System or institutional policy, **such as policies on sexual misconduct, non-discrimination, and research misconduct**;
2. The complaint pertains to an official policy, regulation, or procedure of the System or the institution; a decision or action by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with any such official policy, regulation, procedure, decision, or action;
3. The complaint pertains to broad ~~areas of the~~ fiscal management, ~~staffing~~**organization**, or structure of the University **System** of Maryland ~~System~~ or constituent institutions; or
4. The ~~resolution of the~~ complaint **pertains to an issue or proposes a remedy that** is not under the control of the institution and/or of the University System.

**A faculty member may not use any other University grievance procedure simultaneously or successively with respect to the same or substantially similar issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts. In addition, no other University grievance procedure may be used to challenge the actions, determinations, or recommendations of any person(s) or board(s) acting pursuant to these procedures. A faculty member who elects to use this procedure for the resolution of a grievance agrees to abide by the final decision arrived thereunder, and shall not subject this decision to review under any other procedure within the University System of Maryland.**

**A grievant may choose to pursue resolution under this process and pursue resolution through civil or criminal means, at their own initiation and expense. Administrative processes are separate from and have different standards than legal processes. Legal processes and the University's internal administrative process will proceed separately and independently.**

#### ~~DE~~. The Faculty Ombuds Officer

~~There shall be created at the~~ University of Maryland ~~at College Park the position of~~ **shall have a** Faculty Ombuds Officer, **who serves as** a neutral and impartial officer to provide confidential and informal assistance to faculty and administrators in resolving concerns related to their work. Operating outside ordinary administrative structure, the Faculty Ombuds Officer shall serve as a counselor, fact-finder, mediator, and negotiator, but not as an advocate for any party to a dispute.

The Faculty Ombuds Officer shall serve all faculty and academic administrators. ~~He or she~~ **They** shall attempt to resolve disputes informally before they enter formal grievance channels, and shall advise those who seek information about what constitutes a grievance and what the grievance procedures are. The Officer shall have access to suitable legal counsel, **and should** prepare ~~an annual yearly~~ report; and offer recommendations for policy change to the ~~Campus~~ **University** Senate and the President.

The Faculty Ombuds Officer shall to the extent possible respect the confidentiality and privacy of faculty pursuing resolution under this grievance procedure. However, the Faculty Ombuds Officer may communicate with others on a need to know basis, as is appropriate to facilitate the grievance process or to attempt to address a complaint.

The Faculty Ombuds Officer shall be appointed by the President following a search conducted by a committee jointly appointed by the ~~Faculty Grievance Panel~~ **Senate Executive Committee of the University Senate** and the President. Removal shall be by mutual consent of the President and a majority of the elected faculty members of the **Senate** Executive Committee ~~of the Senate~~.

## II. PROCEDURES

### A. Definitions

A *grievance allegation* is a ~~preliminary~~ **preliminary** informal statement of a grievable issue presented to ~~the Faculty Ombuds Officer~~ **the Faculty Ombuds Officer** ~~a respondent~~. It is based on the same standards as a grievance complaint, but seeks a remedy through the process of private discussion and ~~negotiation~~ **consultation** rather than formal grievance.

A *grievance complaint* is a formal written statement of a grievable issue using a prescribed form available from the Faculty Ombuds Officer. **The grievance complaint should clearly articulate the grounds and scope of the grievance as well as the desired remedy.**

**A formal grievance is the formal written statement that is submitted to begin the adjudication process, after the mediation phase has concluded.**

A *grievant* is the faculty member or members initiating a grievance allegation or grievance complaint.

The *respondent* is the person or persons **whose actions or inactions are the focus of the grievance allegation or grievance complaint** ~~responsible for making the decision about which the grievant is complaining.~~

~~An academic administrator is a vice president, dean, department chair, or director of an academic unit or designee.~~

~~Unfair in Section I.C. shall mean arbitrary, capricious, vindictive, lacking in justifiable cause or basis in official policy, discriminatory with respect to treatment accorded to equals, or excessive in relation to what would be a reasonable and available alternative course of action.~~

~~Discriminatory in Section I.C. shall mean disparate treatment on the basis of unacceptable criteria (e.g., race, ethnicity, gender, age, religion, sexual preference, etc.).~~

~~Improperly reached in Section I.C. shall mean the decision was reached without the consultations required by departmental or college regulations prior to the making of such decisions, or unilaterally without approval of higher administrators where such approval is required.~~

A *mediation agreement* is a formal written statement agreed upon by both the grievant and respondent that serves to resolve a grievance **complaint**.

~~The Faculty Ombuds Officer has central management responsibility for mediation and for the administration of these procedures (Section I.D.).~~

~~The Faculty Grievance Panel is composed of all faculty members of the College Park Senate, excluding ex-officio members.~~

**Bad faith** means an allegation that is knowingly false and/or is made or done with a knowing or reckless disregard for information that would negate the allegation.

**Retaliation** means an adverse action taken against an individual who has submitted a grievance and/or participated in the grievance process in good faith, where there is a clear causal link between the grievance and an adverse action. In determining whether retaliation has occurred, the individual needs to provide documentation supporting a claim of retaliation; the other party needs to articulate a legitimate reason for the adverse action.

Days in the calendar of complaint procedures shall mean **business calendar** days. **The grievance procedure calendar** excludes Saturdays, Sundays, and days on which the **Campus University** is officially closed, and the time period from the end of the spring semester to the start of the following fall semester.

## **B. Information about Procedures**

The Faculty Ombuds Officer is responsible for providing information regarding the **negotiation preliminary consultation**, mediation, and adjudication procedures and their relation to other policies and procedures of the University. This officer shall explain, in response to inquiries by faculty members, the conditions for using the various steps of the grievance procedure.

The grievance **process consists of three phases. The Preliminary Consultation phase will normally proceed over a period of fifty (50) days. Once it has been determined that the consultation cannot achieve a satisfactory result through informal discussion, the grievant will have fifteen (15) days to file a grievance complaint to enter mediation. The Mediation phase will normally last up to twenty-five (25) days, though it can be extended with the consent of both parties. The Adjudication phase may proceed after mediation concludes, and will move forward as expeditiously as possible.** ~~procedure calendar allows seventy-five (75) days in which to pursue a negotiated settlement and an additional seventy-five (75) days within which to file a grievance complaint. The grievance procedure calendar excludes the period from June 1 to August 16 because of the possibility that one of the parties to a grievance may go away for the summer.~~

**Faculty are expected to begin the grievance process within seventy-five (75) days of a grievable action or inaction, or within seventy-five (75) days of first learning of the action or inaction, whichever is later. Such action or inaction may be the latest in a long standing pattern or practice, in which case the pattern may be considered as part the grievance.**

Grievants will not be reprimanded or discriminated against in any way for initiating an ~~inquiry,~~ **legitimate** allegation, or complaint. **University administrators and faculty shall not engage in or threaten retaliation. Complaints of retaliation should be referred to the appropriate administrator, who would normally be the supervisor of the individual alleged to be engaging in retaliation, for review and any appropriate disciplinary action. Grievants who bring forward allegations that are found to be in bad faith may be subject to appropriate disciplinary actions.**

**The process for addressing a grievance set forth in these procedures is confidential.** ~~The same confidentiality accorded to peer review processes should be observed in the grievance~~

~~procedure. A "need to know" standard should apply to the confidentiality accorded to grievance procedures and those involved in such procedures who have a legitimate interest in resolving the grievance. The parties, witnesses, members of committees involved in the process, advocates, and administrators who are informed of the grievance on a need to know basis, are expected to preserve confidentiality at all stages of the process, including preliminary consultation, mediation, and adjudication.~~

~~1. **Negotiation Preliminary Consultation.** As a first step in seeking relief and before a grievance complaint is filed, the grievant has the option of attempting, either with or without the advice of the Faculty Ombuds Officer, to resolve the dispute through negotiation privately entered into with the respondent whose actions or inactions give rise to the allegation. If both parties agree, administrators higher in rank may be involved in the effort to resolve the dispute through informal discussion and negotiation. The negotiation preliminary consultation stage should normally proceed over a period not to exceed fifty (50 days), and is initiated by an informal grievance allegation brought to the Faculty Ombuds Officer. and may proceed over a period not to exceed seventy-five (75) academic calendar days after the action or inaction prompting the grievance occurs or after the faculty member first learns of such action or inaction, whichever is later. Such action or inaction may be the latest in a long standing pattern or practice, in which case the pattern may be considered as part of the evidence of the grievance. During this stage, the Faculty Ombuds Officer reviews the allegation with the grievant and the respondent, provides information and resources to the grievant, clarifies with the grievant the nature of the complaint, and counsels the grievant on their options for resolving the grievance as well as the process for engaging in mediation and adjudication should their allegation rise to the level of a formal complaint. In some cases, the grievant may have attempted to resolve the dispute privately prior to consulting with the Faculty Ombuds Officer, but such private attempts are not required in order to engage the assistance of the Faculty Ombuds Officer.~~

~~If through preliminary consultation with the parties, the grievance-in-negotiation allegation is settled to the satisfaction of all parties, no formal record need be filed with the Faculty Ombuds Officer, but a written record of such agreement may be so filed at the request of the grievant. If the grievance-in-negotiation allegation is not so settled through preliminary consultation, and the grievant wishes to proceed to mediation, he or she the grievant must file a grievance complaint with the Faculty Ombuds Officer before the timeframe for preliminary consultation ends in order to proceed to mediation. within seventy-five (75) days from the commencement of the grievance negotiation, and in any case not more than one hundred and fifty (150) days from the action or inaction that prompted the grievance, or one hundred and fifty (150) days after the faculty member first learns of such action or inaction, whichever is later.~~

~~The grievant is not required to attempt negotiation if he or she believes that it would prove fruitless. Thus the grievant may proceed directly to mediation, a step that must be taken within one hundred and fifty (150) days of the action or inaction prompting the grievance, or one hundred and fifty (150) days after the faculty member first learns of such action or inaction, whichever is later.~~

~~It is the responsibility of the Faculty Ombuds Officer to determine the essential nature of the dispute so that it can be resolved; the essential nature of the dispute may in fact differ from that described in the allegation. Following counsel with the Faculty Ombuds Officer, the grievant's allegation should be revised as appropriate during the development of the grievance complaint.~~

**2. Mediation.** Mediation begins when the grievant files the written grievance complaint with the Faculty Ombuds Officer. ~~The complaint need not conform to any precise pleading requirements but should express in factual terms what the basis of the grievance is and what the faculty member is unhappy about. It is the responsibility of the Faculty Ombuds Officer, as a mediator, to determine what the nature of the dispute is so that it can be resolved; the true nature of the dispute may in fact differ from that described in the complaint. Following counsel with the Faculty Ombuds Officer, the complaint may be revised. The complaint should follow a prescribed form.~~ The complaint shall contain ~~at a minimum~~ a **clear and** concise statement of the action(s) or inaction(s) giving rise to the grievance, including the date of the action(s) or inaction(s) and the name(s) of the respondent(s) responsible. Also, the complaint should specify the adverse effect that the action(s) or inaction(s) has had or may have on the faculty member, and the remedy sought. The complaint **should include the grievant's contact information.** ~~must state the grievant's address and telephone number at which he or she may be reached and the name of any legal representative, with address and telephone information. If the grievant's representative files the complaint, then it must be signed by the grievant.~~

~~The Faculty Ombuds Officer shall mediate the dispute by working with the parties to seek a solution satisfactory to both.~~

From the time that the ~~formal~~ grievance complaint is filed, the Faculty Ombuds Officer shall have twenty-five (25) days in which to conduct mediation. **If needed and by mutual consent of the parties,** ~~the~~ Faculty Ombuds Officer may take ~~an~~ additional **time fifteen (15) days** for mediation. ~~provided the grievant is notified of the need for such extension of time. By mutual consent, the parties may extend the mediation period for a reasonable time. The Faculty Ombuds Officer shall mediate the dispute by working with the parties to seek a solution satisfactory to both. All parties are expected to make good faith efforts at mediation. If mediation fails to produce a satisfactory solution, mediation may end unless both parties agree to continue.~~

If mediation results in a resolution of the conflict, a confidential written report and mediation agreement shall be forwarded to all parties to the dispute. The original copy of the report shall be retained by the Faculty Ombuds Officer.

The grievant may withdraw from **the grievance process at any point** ~~mediation~~ by giving the Faculty Ombuds Officer ~~signed appropriate written~~ notice. If the grievant withdraws from **the grievance process prior to the end of** mediation, the grievant ~~normally~~ may not proceed to adjudication.

~~If the mediation fails to produce a satisfactory solution, the grievant may submit the dispute to adjudication.~~ If, at any time during the mediation period, the Faculty Ombuds Officer believes the parties cannot reach agreement, **or if the mediation fails to produce a satisfactory solution after the initial mediation period of twenty-five (25) days and any additional time agreed to by both parties,** ~~the parties shall be so informed and~~ the mediation effort shall cease **and the grievant may submit the dispute to adjudication.** ~~, unless the parties agree to the contrary.~~

~~If, because of the cessation of mediation or because of its failure to resolve the conflict, the grievant is unsatisfied and has neither signed a mediation agreement nor has withdrawn from mediation during the time allowed, the grievant is eligible to proceed to adjudication.~~

**3. Adjudication:** Upon **receipt of** notice to the grievant by the Faculty Ombuds Officer of failure of the mediation process, the grievant shall have ~~ten~~ **fifteen (15)** days ~~after receipt of such notice~~ to **revise the grievance complaint and** submit the formal **grievance complaint filed earlier in the mediation process** to the Executive Secretary **and Director** of the **Campus University** Senate for adjudication. Within five days **(5)** of the receipt of ~~such a request~~ **the formal grievance**, the Executive Secretary **and Director** shall inform the respondent(s), **the Associate Provost for Faculty Affairs, and the Faculty Ombuds Officer** of the grievant's action and request ~~that of~~ the Faculty Ombuds Officer **provide** a summary statement of the mediation effort **and an assessment of whether the allegations within the grievance are within the jurisdiction of the grievance policy.** The Faculty Ombuds Officer shall submit the assessment within **ten (10) days of the Executive Secretary and Director's request.**

**a. Administration:**

The Office of the Executive Secretary **and Director** of the Senate shall be assigned responsibility for keeping a record of **the** grievance ~~actions~~, initial notification of persons involved, and monitoring compliance with procedures. The Executive Secretary **and Director** of the Senate shall serve as ~~secretary the~~ **coordinator** of **and advisor to** the Faculty **Hearing Board** ~~Grievance Panel~~. **A confidential complete record shall be kept by the Executive Secretary and Director of all hearings and documents referenced during the adjudication process for three (3) years following the end of the grievance process.**

**b. Forming The Faculty Grievance ~~Panel~~ Hearing Board**

**All elected Faculty Senators are eligible to serve on the Faculty Grievance Hearing Board. Hearing Boards should include a diverse group of tenured and tenure-track (T/TT) and professional track (PTK) faculty, whenever possible and as appropriate to the case. The Senate Chair-Elect is responsible for facilitating the formation of the Hearing Board.**

~~The Faculty Grievance Panel from which the faculty hearing board is chosen will be composed of all faculty members, excluding ex-officio members, currently serving on the College Park Campus Senate.~~

~~The elected faculty members of the Senate Executive Committee shall select a Panel Chair who shall take office at the beginning of the academic year and shall serve for one year. In a case in which the Chair of the Faculty Grievance Panel is perceived to have a conflict of interest in the grievance, the grievant may petition the Senate Executive Committee to appoint the Faculty Grievance Hearing Board.~~

~~c. Faculty Grievance Hearing Board~~

~~For each grievance sent forward for hearing, the Chair of the Panel shall select seven members for potential service on the faculty Grievance Hearing Board, being careful to exclude persons with an apparent conflict of interest.~~

~~The Chair of the Panel shall convene the seven potential members of the Hearing Board within five days of their having been selected, as well as the faculty member bringing the grievance and the respondent, to hear challenges, organize the Board, and set the hearing schedule.~~

~~Each party to the grievance may challenge the service of one potential member of the Hearing Board.~~

**Within fifteen (15) days of submission of the formal grievance, the Executive Secretary and Director shall send the list of elected Faculty Senators to the parties for review. The parties will have five (5) days to notify the Executive Secretary and Director of any elected Faculty Senators who may have a conflict of interest and should be ineligible to serve on the Hearing Board. The Executive Secretary and Director will promptly communicate any conflicts to the Chair-Elect.**

~~Following the initial meeting of potential members of the Hearing Board (3.4.1.2.), the~~ **The Chair-Elect of the Panel shall then within five days** appoint three voting members of the Hearing Board and two alternate members from the unchallenged potential members.

The five members of the Faculty Grievance Hearing Board (three voting and two alternates) shall elect, by majority vote, one voting member to chair the Hearing Board. If a voting member cannot serve to completion of the grievance hearing, an alternate shall then be appointed as a voting member by the Chair of the Hearing Board. **If an alternate member cannot serve to completion of the grievance hearing, the Hearing Board may proceed with one alternate.**

#### **dc. Faculty Grievance Hearing Board Procedures**

**A The** Faculty Grievance Hearing Board ~~convened pursuant to a faculty member's request~~ shall hear all arguments on substantive and procedural matters and shall make necessary written findings.

The ~~faculty member grievant~~ shall be responsible for demonstrating the merits of ~~his or her~~ **the** grievance. ~~He or she~~ **They** must demonstrate ~~by evidence~~ that the action or inaction ~~complained of~~ occurred; **and** that the action or inaction adversely affects ~~him or her~~ **them**; ~~and that a remedy is reasonable and proper.~~ The ~~faculty member grievant~~ shall have the right to ~~examine~~ **review** and use any legally available part of ~~his or her~~ **their** personnel files.

**The Executive Secretary and Director shall establish a schedule of hearings for the Hearing Board that will allow the body to complete its work as expeditiously as possible. ~~Before proceeding to the hearing itself, t~~The Hearing Board should first convene its members to review the formal grievance as well as the summary statement of mediation efforts and assessment of grievance grounds. The Hearing Board may decide to dismiss the case if all three voting members agree that the dispute is frivolous, ~~or~~ without merit, **submitted in bad faith**, or insufficiently related to the concerns of the academic community. **If the case is dismissed, the Executive Secretary and Director will notify the parties, the Faculty Ombuds Officer, and the Associate Provost for Faculty Affairs. If the case is not dismissed, the grievance will proceed.****

Both parties ~~to the grievance have the right to peer or legal counsel.~~ may choose to be assisted during the adjudication process by an advocate of their choice, who may be peer counsel or an attorney, at their own initiation

and expense. The advocate may provide advice and consultation to the party. If necessary, a party may request a recess during hearings in order to speak privately with an advocate. The advocate may not be an active participant; the advocate may not speak for the parties in person or in writing, serve as a witness, provide information or documentation in the case, cause delay, communicate with the Chair or Executive Secretary and Director on behalf of the party, or otherwise interfere with the process.

~~The Hearing Board~~ **a**At any step of the grievance procedure, **the Hearing Board** may request advice of ~~legal counsel~~ **the Office of General Counsel** on **procedural concerns** or significant legal issues raised in the grievance. A legal officer who has provided legal advice or service to the respondent may not provide legal advice or service to the Hearing Board.

~~Hearings shall be open unless one or both parties request that they be closed.~~

~~A complete record shall be kept of all proceedings and documents entered as evidence.~~

**At any point, the respondent may request that the Hearing Board dismiss the case based on issues related to the grievability of the action or inaction involved. The Hearing Board will review the request and can dismiss the case if all three voting members agree. If the case is dismissed, the Executive Secretary and Director will notify the parties, the Faculty Ombuds Officer, and the Associate Provost for Faculty Affairs. If the case is not dismissed, the grievance will proceed.**

~~The formal rules of evidence shall not apply to this grievance procedure. Each party or his or her counsel will have an opportunity to make an opening and closing statement, present written evidence, examine and cross-examine witnesses, offer personal testimony, and file objections, exceptions, motions, and post-hearing briefs. Motions raising the issues of standing or grievability may be raised at any time in the proceedings. If such a motion is upheld, the grievance shall be dismissed.~~

~~Motions raising the issue of timeliness must be made at the first stage of the proceedings following the time at which the moving party knew or reasonably could have known of the grounds for making the motion, or the issue shall be waived. If it is determined, following the raising of the issue of timeliness, that the requirements of timeliness are not met, the grievance shall be dismissed. In the case of lack of timeliness as to time limits other than those for the initial filing of the grievance and any appeals, the grievance may be dismissed at the discretion of the hearing authority if the untimeliness results in undue delay or prejudice to the other party.~~

~~The faculty member shall first present his or her case; the respondent will then present his or her response.~~

The Chair of the Faculty Grievance Hearing Board shall **be responsible for overseeing and facilitating the hearings** ~~make rulings on all questions concerning the course of the proceedings and the presentation of the evidence~~ and may order the proceedings in such manner as ~~he or she~~ **they** deems appropriate. **Hearings shall be closed. The Chair shall make determinations**

**on all questions concerning the course of the proceedings.** The Chair, ~~at his or her~~ **has the** discretion, ~~may to~~ set time limits for **statements, presentation of testimony, or other aspects of the hearings** and exclude redundant or irrelevant evidence **including witness testimony**.

**During the hearings, each party will have an opportunity to make an opening and closing statement. The grievant shall first make a brief opening statement outlining the grounds for the grievance as indicated in the formal grievance; the respondent will then make a brief opening statement in response. Each party will be given an opportunity to share information or documentation to support their case, and all documentation shall be shared with the other party.**

**Both parties have the right to call witnesses in pursuance of their cases. If the parties intend to call witnesses, they are expected to submit their names and relevance to the case in advance of the hearing. The Faculty Ombuds Officer cannot be called as a witness. The Hearing Board can neither compel witnesses to participate nor assure the presence of witnesses requested by either party.**

Members of the Hearing Board may **ask** questions **of** the grievant, respondent, and their witnesses. The Board may call witnesses **when relevant to the issues in the case** ~~as it deems necessary, but their testimony must be a part of the official hearing record.~~

~~Only evidence made part of the official hearing record shall be considered in the determination of the case.~~

~~The evidence used by the respondent must be available, in its entirety, to the grievant.~~

~~Both parties have the right to call witnesses, including members of the Campus staff, in pursuance of their cases. The Faculty Ombuds Officer cannot be called as a witness. The Hearing Board cannot assure the presence of witnesses requested by either party. However, either party may request in writing that the Hearing Board contact a witness or witnesses to request their appearance at the hearing; the Hearing Board may contact such witness or witnesses if in its judgment the request is reasonable and the testimony to be given by the witness or witnesses is demonstrably relevant to the issues raised by the grievance.~~

#### **ed. Findings of the Grievance Hearing Board**

**Only information discussed during the hearings that is determined by the Board to be relevant to the case shall be considered in the determination of the case. After review of the relevant information, ~~the~~ the Hearing Board shall make a determination on its findings ~~and recommendations based upon the by~~ a **majority** vote ~~of a majority of the voting members~~. **The Hearing Board's findings should include an assessment of whether the grievance has merit and whether the action or inaction that formed the basis of the grievance was justifiable.****

The Board shall prepare a written report of its findings, including the reasons for the findings, ~~its recommendations,~~ and any dissent. The report ~~of the~~

~~recommendation~~ shall be forwarded to the President **within ten (10) days after the conclusion of the hearing. Confidential** with copies **of the report shall be sent** to the grievant and to the respondent, **as well as to the Associate Provost for Faculty Affairs and the Faculty Ombuds Officer.** ~~whose actions or inactions form the basis of the grievance. The report shall be sent within ten days after the conclusion of the hearing.~~ **Adjudication of a faculty grievance is a confidential process. All parties are expected to maintain the confidentiality of the process, proceedings, and documentation except as otherwise compelled by law.**

#### **e. Resolution**

Within thirty (30) days, the President shall ~~report~~ **make a final determination** in writing **on the decision in the matter, and what remedy, if any, will be implemented.** **The President will normally consult with academic administrators in determining appropriate remedies. It is expected that the President will give great weight to the findings of the Hearing Board. However, if the findings of the Hearing Board are not accepted, in whole or in part, an explanation of this decision should be provided. Notification will be sent** to both parties to the grievance, to the Chair of the Hearing Board, and to the **Hearing Board Panel, as well as to the Executive Secretary and Director, the Associate Provost for Faculty Affairs and the Faculty Ombuds Officer.** ~~his or her decision in the matter, and what action, if any, will be taken. It is expected that the President will give great weight to the recommendations of the Hearing Board. However, if the recommendations are not implemented, an explanation of this decision should be provided to all of the aforementioned parties.~~

The decision of the President shall be final.

Should the President decide that the grievance is justified and a remedy ~~is to~~ **should be implemented awarded,** the grievant shall, before receiving any such remedy, ~~execute enter into~~ a written agreement recognizing the remedy to be satisfactory and waiving any claims to causes of action arising out of the grievance.

Appendix 1 -- Faculty Grievance Processes at Peer Institutions

	<b>Informal Process Required?</b>	<b>Hearing Board Size</b>	<b>Hearing Board Membership</b>	<b>Challenges to Board Membership?</b>	<b>Role of legal counsel</b>	<b>Links &amp; Info</b>
<b>University of Iowa</b>	No (expected to participate in informal)	3	Senate membership not required; essentially any faculty that isn't an administrator may serve	no	Yes, can represent	<a href="https://opsmanual.uiowa.edu/human-resources/faculty-dispute-procedures">https://opsmanual.uiowa.edu/human-resources/faculty-dispute-procedures</a>
<b>Indiana University</b>	No	7	Senate membership not required; majority must be tenured faculty	no	Yes, can represent	<a href="http://vpfaa.indiana.edu/policies/bloomington/governance-review/grievance-review-faculty.shtml">http://vpfaa.indiana.edu/policies/bloomington/governance-review/grievance-review-faculty.shtml</a>
<b>University of Illinois-Urbana Champaign</b>	No (prefers participation in informal)	9	Senate membership not required; must be tenured and not administrator to serve	no	Not addressed	<a href="http://www.fac.illinois.edu/articlesofprocedure/10artproc.pdf">http://www.fac.illinois.edu/articlesofprocedure/10artproc.pdf</a> <a href="http://www.fac.illinois.edu/">http://www.fac.illinois.edu/</a>
<b>University of Michigan</b>	No (encouraged to participate in informal)	3	Senate membership not required; must be tenured to serve	yes	Yes, but may not participate	<a href="https://www.provost.umich.edu/faculty/fac_grievance_proc_sept_2010.pdf">https://www.provost.umich.edu/faculty/fac_grievance_proc_sept_2010.pdf</a> <a href="https://facultysenate.umich.edu/faculty-grievances-procedure/">https://facultysenate.umich.edu/faculty-grievances-procedure/</a> Each College has its own procedures. <a href="https://hr.umich.edu/working-u-m/my-employment/academic-human-resources/faculty-grievance-procedures">https://hr.umich.edu/working-u-m/my-employment/academic-human-resources/faculty-grievance-procedures</a>
<b>Michigan State University</b>	Yes	5	Senate membership not required; T/TT & PTK; only tenured faculty on tenure/reappointment grievances	yes	Yes, can ask questions	<a href="https://fgo.msu.edu/">https://fgo.msu.edu/</a> policy office; policy: <a href="https://hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/grievance_policy.html">https://hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/grievance_policy.html</a>
<b>University of Minnesota</b>	Yes	3	Senate membership not required; can include staff, as well	yes (can reject hearing officer once, allowed to pick panelists)	yes, can represent (if petitioner has attorney, U provides respondent one)	<a href="https://policy.umn.edu/hr/conflictresolution">https://policy.umn.edu/hr/conflictresolution</a> ; <a href="https://policy.umn.edu/hr/conflictresolution-proc01">https://policy.umn.edu/hr/conflictresolution-proc01</a>
<b>University of Nebraska</b>	No	6	Senate membership not required; must be tenured (or equivalent) and not administrator to serve	no	Not addressed	<a href="https://www.unl.edu/facultysenate/committees/ARRCprocedures.pdf">https://www.unl.edu/facultysenate/committees/ARRCprocedures.pdf</a> <a href="https://www.unl.edu/facultysenate/committees/ARRCpage.html">https://www.unl.edu/facultysenate/committees/ARRCpage.html</a>
<b>Northwestern University</b>	No (should participate in informal)	5	Senate membership REQUIRED; no T/TT requirement	yes	Yes, but to advise only	<a href="http://www.northwestern.edu/provost/faculty-resources/shared-governance/faculty-handbook.html">http://www.northwestern.edu/provost/faculty-resources/shared-governance/faculty-handbook.html</a>

<b>Ohio State University</b>	No	3, 7 (for certain cases)	Fac Hearing Committee: Senate membership not required; must be tenured to serve Academic Freedom & Responsibility: 6 "tenure-track" and 1 PTK, 4 must be Senators	yes	Yes, but to advise only	<a href="http://ombudsman.osu.edu/">http://ombudsman.osu.edu/</a> <a href="https://senate.osu.edu/3335-5-48-9-committee-on-academic-freedom-and-responsibility/">https://senate.osu.edu/3335-5-48-9-committee-on-academic-freedom-and-responsibility/</a> <a href="https://senate.osu.edu/faculty-hearing-committee-rules/">https://senate.osu.edu/faculty-hearing-committee-rules/</a> <a href="https://trustees.osu.edu/rules/university-rules/chapter-3335-5-faculty-governance-and-committees.html">https://trustees.osu.edu/rules/university-rules/chapter-3335-5-faculty-governance-and-committees.html</a>
<b>Penn State University</b>	No	3	Senate membership not required; faculty and 1 dean	yes	Yes, but to advise only	<a href="https://policy.psu.edu/policies/ac76">https://policy.psu.edu/policies/ac76</a>
<b>Purdue University</b>	Yes	3	Senate membership not required; T/TT & PTK included	yes (can exclude potential members)	Not allowed	<a href="http://www.purdue.edu/policies/academic-research-affairs/ib1.html">http://www.purdue.edu/policies/academic-research-affairs/ib1.html</a> <a href="http://www.purdue.edu/provost/documents/informal-grievance-status-report-form.pdf">www.purdue.edu/provost/documents/informal-grievance-status-report-form.pdf</a>
<b>University of Wisconsin</b>	No (no official "informal" process)	3-5	Senate membership REQUIRED; must be tenured	no	n/a	<a href="https://secfac.wisc.edu/governance/faculty-legislation/fpp_ch_8/#8.15">https://secfac.wisc.edu/governance/faculty-legislation/fpp_ch_8/#8.15.</a> <a href="https://kb.wisc.edu/ohr/policies/page.php?id=53384">https://kb.wisc.edu/ohr/policies/page.php?id=53384</a> Faculty Policies & Procedures: <a href="https://secfac.wiscweb.wisc.edu/wp-content/uploads/sites/50/2017/12/FACULTY-POLICIES-AND-PROCEDURES_2017_December.pdf">https://secfac.wiscweb.wisc.edu/wp-content/uploads/sites/50/2017/12/FACULTY-POLICIES-AND-PROCEDURES_2017_December.pdf</a> <a href="https://docs.legis.wisconsin.gov/code/admin_code/uws/6">https://docs.legis.wisconsin.gov/code/admin_code/uws/6</a>
<b>UC - Berkeley</b>	No (expected to participate in informal)	3	2 members of boards must be part of Senate committee; All faculty are Senators	no	Yes, can represent	<a href="https://academic-senate.berkeley.edu/bylaws/24-pt">https://academic-senate.berkeley.edu/bylaws/24-pt</a> <a href="http://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html#bl334">http://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html#bl334</a>
<b>University of North Carolina-Chapel Hill</b>	Yes	12	Senate membership not required; T/TT & PTK included	yes	Yes, but to advise only	<a href="https://facultygov.unc.edu/faculty-code/article-4/#4-8">https://facultygov.unc.edu/faculty-code/article-4/#4-8</a> <a href="https://facultygov.unc.edu/procedures-for-the-faculty-grievance-committee/">https://facultygov.unc.edu/procedures-for-the-faculty-grievance-committee/</a> <a href="http://www.northcarolina.edu/apps/policy/index.php?pg=dl&amp;id=4436&amp;format=pdf&amp;inline=1">http://www.northcarolina.edu/apps/policy/index.php?pg=dl&amp;id=4436&amp;format=pdf&amp;inline=1</a>

## Appendix 2 -- University of Maryland Adjudication Process Comparison

	<b>Faculty Grievance Policy</b>	<b>Sexual Misconduct (Faculty Procedures)</b>	<b>Interim Research Misconduct Policy</b>	<b>Parallel to Student Processes</b>
<b>Hearing board composition</b>	Faculty Grievance Panel made up of all Faculty Senators, Panel Chair is elected by the elected faculty members of the SEC. Panel Chair will select 7 members for service on Grievance Hearing Board. 3 voting members and 2 alternate members will be selected from these 7 members.	Standing Review Committee (reviews the finding of the investigator and approves or rejects it) - 3 members, with at least one member from the constituency of each party (at least 1 faculty). SRCs composed of members who have been trained to review such cases.	Inquiry Committee - composed of at least 3 people, appointed by Research Integrity Officer to conduct an Inquiry.  Investigation Committee - composed of at least 3 people, appointed by Provost to conduct an Investigation.  Both will typically be composed of faculty, but may include other persons with expertise.	
<b>Process for challenging board members</b>	Panel Chair convenes a meeting of the 7 members, the respondent, the grievant. Senate Director & any legal counsel are included at the meeting. At the meeting, each party to the grievance may challenge the service of one potential member.	SRC members are obligated to disclose to the OCRSM any known conflicts prior to participating in any specific SRC review. Conflicts or familiarity with the parties will automatically disqualify an individual SRC member from participating.	Both the Respondent and the Complainant may challenge a committee member, but only on the basis of asserted Conflict of Interest. A Respondent or Complainant who wishes to file an objection must do so in writing, with accompanying rationale, within five (5) days of receiving notice. The objection shall be submitted to the RIO. The RIO must respond to the challenge in writing within five (5) days, either accepting it and taking appropriate action, or rejecting it for stated cause.	
<b>Role of legal counsel</b>	Both parties may have peer or legal counsel. The Hearing Board may also ask for legal counsel from OGC. In practice, legal counsel is allowed to participate in proceedings on behalf of the party.	Each party may be assisted by an attorney (called an Advisor). The attorney may not participate, cannot be a witness, cannot provide evidence. Each party must speak for themselves. A party may call a recess to speak privately with the attorney. The attorney may not delay or otherwise interfere with the University's process.	The parties have the right to be advised by Counsel in all Misconduct Proceedings - advised by counsel but they are not active in the process. they can advise the party outside of the regular proceedings.  The Office of the General Counsel provides legal advice when needed to the RIO, the Responsible Administrator, the Inquiry Committee, the Investigation Committee, an Appeals Committee, and the Provost.	The role of attorneys in student procedures has been closely reviewed lately. The Student Conduct Committee is proposing a change to the Code of Student Conduct to ensure that the role of attorneys is limited and is consistent across all conduct-related processes. The Code of Academic Integrity and the Sexual Misconduct Policy ensure a limited role for attorneys, where they can advise their client but cannot speak for their client during university procedures. The student can ask for a recess to speak with their attorney and the attorney can be present.
<b>Confidentiality</b>	The same confidentiality accorded to peer review processes should be observed in the grievance procedure. A "need to know" standard should apply to the confidentiality accorded to the grievance procedures and those involved in such procedures who have a legitimate interest in resolving the grievance.	No clear statement on expectations for SRC members to keep deliberations confidential.	To the extent possible consistent with a fair and thorough review of an Allegation, disclosure of an Allegation and the resulting Misconduct Proceedings should be limited to those who need to know about them. Members of committees involved in the process and all administrators involved in the process shall make diligent efforts to preserve confidentiality.	
<b>Communication between Offices</b>	No discussion of how Ombuds, OFA, Senate Director, and other key offices might communicate when needed to provide context in the process.	Offices with formal roles in the process or who are notified during the process: OCRSM, Provost's Office, the Office of Faculty Affairs, department/unit head and/or Dean's Office. Notification occurs after the SRC stage, once a finding has been reached. However, there are also provisions to allow flexibility to contact Office of Faculty Affairs and/or other offices/administrators upon receipt of a report, in order to assess risk of harm and facilitate Interim Protective Measures.	Offices with formal roles in the process or who are notified during the process: Research Integrity Officer, Provost, Office of General Counsel. However, there are also provisions that allow flexibility for additional contact/notification in defined cases where immediate action is necessary.	

<b>Remedies &amp; Sanctions</b>	The policy is unclear on what types of remedies and sanctions can be given as a result of this process (in the recommendations from the Hearing Board or decision by the President).	Remedies may include: workplace modifications and other administrative changes, no-contact orders, denials of access (to campus or a location), schedule changes, counseling, and/or referral to outside agencies.  Disciplinary action can range from written reprimand up to and including termination of employment. Other administrative or non-disciplinary measures may also be imposed (change in duties or work locations, no-contact orders).	Sanctions can include disciplinary action at the University, degree revocation, sanctions from federal funding sources.	
<b>Connection to other policies/processes</b>	No discussion of whether review by this policy means can't ask for review in other policies/places.	Policy notes that the SM policy supersedes the Non-Discrimination Policy and all sexual misconduct issues will be adjudicated under this policy. The policy also prohibits any retaliation because an individual has filed a report or asked for an investigation - retaliation claims would be pursued by OCRSM as well.	Review of an Allegation under these Procedures shall precede all other internal University proceedings against a Respondent that relate to or arise out of the alleged Misconduct, including, without being limited to, disciplinary, antidiscrimination, and grievance proceedings.	Undergraduate Grievance Procedure has section on limitations that clarifies that no other University grievance procedure may be used simultaneously or consecutively with this procedure with respect to the same or substantially same issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts. Also, no other University grievance procedure may be utilized to challenge the actions, determinations, or recommendations of any person(s) or board(s) acting pursuant to these procedures. The policy also states "Any student who elects to use this Policy agrees to abide by the final disposition arrived thereunder, and shall not subject this disposition to review under any other procedure within the University System of Maryland."
<b>Appeal rights</b>	The process does not provide for an appeal route.	Appeals of the finding after the investigation are heard by an SRC Appellate Body consisting of 3 members, with at least 1 faculty member. Grounds limited to: substantial procedural error, new evidence.	Appeals of the finding are heard by the Provost, who may appoint a faculty member or administrator to review the record and make a recommendation to the Provost. Additional information can be sought during the appeal consideration. In addition, there is a process for bringing to light new evidence after the process has concluded.	
<b>Connection to civil/criminal processes</b>	The policy does not discuss connection to civil or criminal processes.	Civil or Criminal suits: Administrative process is separate from and has different standards than legal processes. Complaints of Sexual Misconduct and related internal University processes may occur prior to, concurrent with, or following criminal proceedings off campus.	In general, University review of an Allegation under these Procedures may occur in parallel with criminal processes. If an Allegation is also the subject of a criminal investigation or proceeding and the pertinent governmental authority advises the University that the University's review of the Allegation under these Procedures may prejudice or interfere with that investigation or proceeding, the Provost shall have authority to stay any Misconduct Proceeding until the criminal investigation or proceeding is complete.	



**Review of the University of Maryland College Park Policies and Procedures  
Governing Faculty Grievances  
(Senate Document #17-18-13)  
Faculty Affairs Committee | Chair: Patricio Korzeniewicz**

The Senate Executive Committee (SEC) and Senate Chair Falvey request that the Faculty Affairs Committee review the [University of Maryland, College Park Policies and Procedures Governing Faculty Grievances \(II-4.00\[A\]\)](#).

Specifically, we ask that you:

1. Consult with a representative of the Office of Faculty Affairs.
2. Consult with the Faculty Ombudsperson to better understand the Ombudsperson's role in the adjudication process.
3. Consult with the Executive Secretary & Director of the University Senate.
4. Review similar faculty grievance policies and procedures at Big Ten and other peer institutions.
5. Review the adjudication process outlined in the UMD faculty grievance procedures.
6. Review similar adjudication processes in other university policies (i.e. research misconduct and Title IX).
7. Consider whether the university's adjudication processes should address the following:
  - Restrictions on the type of remedies that are permissible within the grievance process;
  - The timeline for the adjudication process including the various procedural elements involved;
  - The role of legal representation for the parties involved in the grievance process and the faculty hearing board;
  - Limitations on the consideration of the same grievance through multiple university processes;
  - The role of the Ombudsperson in the mediation and grievance procedures;
  - Requirements for confidentiality of the proceedings and findings of a grievance process;
  - Administrative sharing of grievance information between University offices;
8. Consider whether the University's policy should be revised.
9. Consult with the University's Office of General Counsel on any proposed recommendations.

We ask that you submit a report to the Senate Office no later than **March 30, 2018**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office at 301-405-5804 or [reka@umd.edu](mailto:reka@umd.edu).



## **Undergraduate Admissions Procedures Related To Criminal Background**

**PRESENTED BY** Philip Evers, Chair

**REVIEW DATES** SEC – March 12, 2018 | SENATE – April 4, 2018

**VOTING METHOD** In a single vote

**RELEVANT  
POLICY/DOCUMENT** NA

**NECESSARY  
APPROVALS** Senate, President

### **ISSUE**

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In February 2017, the Senate Executive Committee discussed the questions in the University's undergraduate admissions process related to criminal and disciplinary history. Concerns were raised that the questions could disproportionately discourage students with arrest records from applying to the University. The SEC considered whether there might be unintended consequences to asking such questions, and determined that further review was needed. The SEC charged the Senate Academic Procedures & Standards (APAS) Committee with considering the implications of asking applicants to disclose criminal history in the admissions process.

### **RECOMMENDATION(S)**

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The APAS Committee recommends that the University should continue to ask Judicial Information questions on its undergraduate admissions application. The APAS Committee recommends that the current questions be revised as noted in the report. The questions should continue to be answered with a yes or no answer, and if an applicant answers yes to any of the questions, they should continue to be asked to provide a detailed description on the situation and its resolution.

The APAS Committee also recommends that the text that precedes the questions on the application be revised to more strongly indicate the University's commitment to ensuring educational opportunities for those who may have a criminal background and to more clearly articulate the process for reviewing the responses to the questions on the application. The committee suggests text in the report to be considered as a replacement for the current text.

The APAS Committee recommends that the Office of Undergraduate Admissions and the Office of Student Conduct should consider how data regarding criminal background responses should be collected and kept.

The APAS Committee recommends that the Office of Undergraduate Admissions and the Office of Student Conduct should consider strategies for ensuring that students are given appropriate information on the University services and resources available to them after they enroll.

## **COMMITTEE WORK**

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The APAS Committee consulted with representatives from the Office of Undergraduate Admissions, the Office of Student Conduct, and the Office of General Counsel throughout its review. APAS reviewed the current application questions, considered proposed questions from the Coalition for Student Success, gathered information on practices at Big 10 and other peer institutions, and reviewed research related to the impact criminal history can have on the ability to access educational and social opportunities.

In reviewing the application, APAS found that the questions are broad and ask applicants to disclose nearly any disciplinary action or criminal offenses they have ever been charged with. The responses to these questions are reviewed separately from the rest of the application. An application is first reviewed to assess academic eligibility. If the applicant is academically eligible, the Judicial Information responses are assessed by the Office of Student Conduct. Less than 1% of applicants answer yes to one or more of the questions in the Judicial Information section, and it is very rare for academically eligible applicants to be denied admission.

The APAS Committee had difficulty identifying a clear problem that needs to be addressed by a change in practice. While there is certainly a perception that questions on the application could pose a barrier to entry to higher education, there is no indication that UMD's questions or process have a negative impact on prospective applicants. Due to data collection limitations, APAS could not assess how many applicants respond affirmatively to the Judicial Information questions but choose not to submit the application. There is no clear indication that the process is causing difficulty or concern for applicants.

APAS agrees that there is a perception that these questions pose a barrier to entry, but acknowledged that the institution has to balance the openness of its application process with the safety of the campus community. The APAS Committee determined that the University should continue to ask questions regarding criminal and disciplinary history in the undergraduate admissions process. However, during its review, it found that the University's current questions are too broad and require applicants to disclose information that should not be considered. APAS also determined that the University could do more to communicate to applicants how the information provided will be considered. APAS developed revised questions and proposed revisions to the application text for consideration.

## **ALTERNATIVES**

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The Senate could choose not to accept the recommendations. However, it would lose the opportunity to revise the questions and provide more clarity to applicants, and the current questions and process would remain.

## **RISKS**

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There are no known risks to the University.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications.



## **Undergraduate Admissions Procedures Related To Criminal Background**

### **2017-2018 Committee Members**

**Philip Evers** (Chair)  
**Tahirah Akbar-Williams** (Faculty)  
**Michael Ambrose** (Faculty)  
**Kate Carter** (Undergraduate)  
**William Cohen** (Ex-Officio Provost's Rep)  
**Linda Coleman** (Faculty)  
**Adrian Cornelius** (Ex-Officio University Registrar)  
**Jacob Fishbein** (Undergraduate)  
**Jeffrey Franke** (Ex-Officio Graduate School Rep)  
**Susan Hendricks** (Faculty)  
**Agisilaos Iliadis** (Faculty)  
**Anjali Kalaria** (Undergraduate)  
**Lisa Kiely** (Ex-Officio Undergraduate Studies Rep)

**Byung-Eun Kim** (Faculty)  
**Maria Cristina Layana** (Graduate Student)  
**Marilee Lindemann** (Faculty)  
**Celina McDonald** (Faculty)  
**Britt Reynolds** (Ex-Officio Rep for Director of Undergraduate Admissions)  
**Michael Sparrow** (Exempt Staff)  
**David Straney** (Faculty)  
**Elizabeth Warner** (Faculty)

### **Date of Submission**

**March 2018**

## **BACKGROUND**

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In February 2017, the Senate Executive Committee discussed issues related to the questions in the University's undergraduate admissions process on criminal and disciplinary history. Concerns were raised that asking such questions could disproportionately discourage students with arrest records from applying to the University. The SEC considered whether there might be unintended consequences to asking such questions, and determined that further review was needed. The Senate Executive Committee (SEC) voted to charge the Senate Academic Procedures & Standards (APAS) Committee with considering the implications of asking applicants to disclose criminal history in the admissions process and with making recommendations if appropriate (Appendix 2).

## **CURRENT PRACTICE**

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The current University of Maryland (UMD) undergraduate admissions application is hosted by a third-party application through the Coalition for Student Success. The application asks a series of questions regarding an applicant's criminal and disciplinary background. The application text and questions in the Judicial Information portion of the undergraduate application can be seen in Appendix 1. The text preceding the application explains that the questions are asked as part of an effort to provide a safe campus and learning environment, and that an affirmative response to the questions does not automatically result in a denial of admission. The application asks whether the applicant: has had disciplinary action initiated against them at any institution attended; has ever been charged with, pleaded guilty to, or been found guilty of any criminal offense for which charges have not been expunged; has criminal charges pending against them; or has ever received formal disciplinary action or a dishonorable discharge from any branch of the military. If the applicant responds affirmatively to any of these questions, they are asked to provide detailed information on the situation and its resolution.

## COMMITTEE WORK

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The Academic Procedures & Standards (APAS) Committee began reviewing its charge immediately upon receiving it in spring 2017. APAS consulted with representatives from the Office of Undergraduate Admissions, the Office of Student Conduct, and the Office of General Counsel throughout its review. APAS reviewed the current application questions, considered proposed questions from the Coalition for Student Success, gathered information on practices at Big 10 and other peer institutions, and reviewed research related to the impact criminal history can have on the ability to access educational and social opportunities.

The APAS Committee reviewed the current admissions questions and the text preceding the questions carefully. The committee noted that the questions are broad, and ask applicants to disclose any disciplinary action or criminal offenses they have ever been charged with, except for minor traffic violations or incidents that have been expunged from an applicant's record.

In consulting with representatives from the Office of Undergraduate Admissions and the Office of Student Conduct (OSC), APAS learned that there has been a process in place for considering disciplinary history for many years. When an application is submitted, Undergraduate Admissions initiates a review for academic eligibility. This review is completed without consideration of responses on the Judicial Information portion of the application. A preliminary determination is made as to whether the applicant would be academically eligible for admission. If an applicant would be academically eligible, Undergraduate Admissions assesses the Judicial Information responses to determine if they need further review. If the applicant has responded affirmatively to any of the criminal or disciplinary history questions, Undergraduate Admissions asks the OSC to review the information provided and make a recommendation on whether the applicant should be cleared for enrollment from a conduct perspective.

When the OSC reviews the Judicial Information responses, it can ask for additional information or documentation from the applicant, conduct in-person or phone interviews, and take other steps to fully consider the relevant circumstances. The OSC typically contacts the applicant and asks them to provide more information about the nature of the incident or conduct; how the incident impacted them, their community, and their family or support system; how they learned from the incident; and information about their conduct since the incident. For low-level violations, the OSC reviews the information and typically moves forward with a recommendation to clear the applicant for admission without an exhaustive review. In cases where the type of conduct described could pose a higher risk to the University community, or in cases where the conduct described would typically lead to a sanction involving suspension or expulsion if the conduct occurred at the University of Maryland, the OSC may ask for additional information or offer the applicant the opportunity to have an interview to discuss the incident further before the OSC makes a final recommendation to Undergraduate Admissions. Applicants may be asked to provide supporting documentation to OSC to facilitate the review process. After review, the OSC will make a recommendation to Undergraduate Admissions, which then makes a final determination on whether to admit an applicant based on the totality of the information they have about the applicant. The final determination is then communicated to the applicant.

APAS learned that a very small number of applicants to the University give an affirmative response to any of the questions in the Judicial Information section of the application; typically, less than 1% of applicants answer yes to one or more of the questions. For academically eligible applicants, after review of the Judicial Information responses and any additional information collected by the OSC, it is very rare for students to be denied admission, though some applicants are not given a positive

recommendation by the OSC because they failed to respond or provide requested additional information. The vast majority of responses reviewed by the OSC involve minor violations or are cases of students who apply to reenroll after they were dismissed from UMD or from another institution for conduct-related issues.

APAS reviewed the processes and questions at Big 10 and other peer institutions, with the assistance of existing Big Ten Academic Alliance networks. Information was provided to the committee for nine institutions. Of those who responded to the request for information, six institutions ask criminal and/or disciplinary history questions in the application, two do not ask such questions, and one asks such questions after an admissions decision has been communicated, as a requirement prior to enrollment. Institutions that ask these questions typically do so in the interest of maintaining a safe learning environment, and review the responses with the health and safety of the campus community in mind. Institutions vary on the types of questions asked; some institutions ask focused questions about criminal convictions or specific types of criminal history such as history of sexual misconduct charges, where others ask broader questions that cover any charges the applicant has ever had against them. Most institutions ask questions regarding past academic or non-academic disciplinary action in educational environments. In most cases, the responses to the questions are reviewed either by a committee or by staff members who have training or expertise relevant to campus safety.

In its efforts to understand the problem underlying its charge, APAS reviewed available research related to undergraduate admissions and criminal records to consider whether there is evidence that shows that prospective applicants are discouraged. Limited research exists about this topic. A 2009 [survey](#) of higher education practices in this area conducted by the American Association of Collegiate Registrars and Admissions Officers in collaboration with the Center for Community Alternatives indicated that a majority of institutions collect some information regarding criminal backgrounds, and self-disclosure through applications is the most common source of information. [Further research](#) by the Center for Community Alternatives on criminal background questions in the State University of New York (SUNY) system found a “felony attrition rate” in the SUNY System, where two out of every three applicants who responded affirmatively to a question on criminal background did not submit the application. The study estimated that a large percentage of applicants are denied admission because they do not complete the application process and therefore cannot be considered.

In addition to reviewing peer institutions practices and recent research, the APAS Committee considered the legal framework on this issue in the State of Maryland. While APAS was considering this charge, the Maryland General Assembly introduced and approved legislation related to criminal history in the undergraduate admissions process ([HB0694/SB0543](#), Maryland Fair Access to Education Act of 2017). The legislation’s purpose was to limit the use of criminal history information in the admissions process. The legislation indicated that an institution of higher education should not use any information about a student’s criminal history to automatically or unreasonably restrict a student’s admission. With passage of this legislation, the General Assembly intended to promote the admission of students with criminal records, including formerly incarcerated students, to provide them with the opportunity to obtain the knowledge and skills needed to contribute to the State’s economy. The legislation was approved in April 2017, vetoed by the Governor in May 2017, and the veto was overridden by the General Assembly in January 2018. Institutions that create and manage their own application are not allowed to include criminal history questions on the application. Institutions that use a third-party application may include criminal history questions, but should include information on their website that clarifies that criminal history does not disqualify applicants

from admission. The University of Maryland uses a third-party application, hosted by the Coalition for Student Success, which can include criminal history questions.

As the APAS Committee considered the issues and concerns raised by the Senate Executive Committee, it had difficulty identifying a clear problem that needs to be addressed by a change in practice. While there is certainly a perception that questions on the application could pose a barrier to entry to higher education, there is no indication that UMD's questions or process have a negative impact on prospective applicants. APAS found it was limited in its capacity to assess this question, in part because it did not have data to guide its consideration. The University does not have access to statistics or data from the vendor who provides the application; and the data collected by the University is limited to data regarding applicants who submit the completed application. As a result, APAS could not assess how many applicants respond affirmatively to the Judicial Information questions but choose not to submit the application. Undergraduate Admissions has not received inquiries or questions from applicants, their families, or high school counselors regarding these questions on the application, and thus has no indication that the process is causing difficulty or concern for applicants.

APAS agrees that there is a perception that these questions pose a barrier to entry, but acknowledged that the institution has to balance the openness of its application process with the safety of the campus community. The committee discussed the importance of the review by the OSC, which considers patterns of behavior that could be problematic to the campus community. While most applicants with judicial history are forthcoming with information and sincerely trying to move on from a prior incident, some applicants may display a pattern of egregious conduct that would pose a risk to the UMD community. UMD has had many instances of students with criminal convictions or past incarcerations who have become successful and meritorious students at the University, and the APAS Committee is encouraged by the very low numbers of students who are denied admission after review by the OSC.

As it considered the legislation from the General Assembly, the APAS Committee considered the suggestion within that institutions could continue to ask these questions at a point after the admissions application. For instance, the University could ask criminal history questions prior to allowing students to register for housing or enroll in specific programs. However, APAS found there would likely be unintended consequences with such a system and felt it would be difficult to identify an access point that would reach all incoming undergraduate students. Since the undergraduate admissions process is currently the only access point that serves as a gateway for all incoming students, the University would need to devise a new system and procedure for asking these questions, which would be cost prohibitive and administratively burdensome, given the decentralized nature of this University.

The APAS Committee determined that the University should continue to ask questions regarding criminal and disciplinary history in the undergraduate admissions process. However, during its review, it found that the University's current questions are too broad and require applicants to disclose information that should not be factored into decisions on conduct clearances. The current questions require an applicant to disclose disciplinary action that has been "initiated against" them, which could include actions that were dropped or dismissed, as well as criminal charges that did not result in a conviction. With the current questions, arrest records would need to be disclosed. The committee agreed that questions focused on criminal charges and disciplinary action that was taken against an applicant would be more narrowly tailored to the information the University needs to make an assessment.

APAS also determined that the University could do more to communicate to applicants how the information provided will be considered. UMD's review process clearly separates review for academic eligibility and review of the Judicial Information responses, but that may not be apparent to applicants when they are responding to the questions. APAS suggests that applicants may be more likely to complete the application if they understand how the information provided will be reviewed, and if it is made clear that a positive response to the questions does not disqualify an applicant from admission.

APAS developed revised questions and proposed revisions to the application text for consideration. APAS also developed recommendations related to data collection and tracking, so that future efforts to address this question can be informed by data to the extent possible, as well as on ensuring that students who are admitted after a conduct clearance have access to services on campus that could be useful to them. In its review, the committee learned that applicants who go through the conduct clearance process are occasionally given information on campus resources they could access if they were to enroll; the committee felt enhancing information available to applicants could be a useful tool in ensuring their success once they join the University community. After due consideration, the APAS Committee voted to approve its recommendations on March 5, 2018.

## **RECOMMENDATIONS**

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The APAS Committee recommends that the University should continue to ask Judicial Information questions on its undergraduate admissions application. The APAS Committee recommends that the current questions be revised to ask the following questions:

- Have you ever been convicted of a crime?
- Do you have criminal charges pending against you?
- Have you ever had disciplinary action (academic or non-academic) taken against you at any educational institutions you have attended?
- Have you ever had disciplinary action taken against you by any branch of the military?
- Do you have a restraining order pending against you?

The questions should continue to be answered with a yes or no answer, and if an applicant answers yes to any of the questions, they should continue to be asked to provide a detailed description on the situation and its resolution.

The APAS Committee also recommends that the text that precedes the questions on the application be revised to more strongly indicate the University's commitment to ensuring educational opportunities for those who may have a criminal background and to more clearly articulate the process for reviewing the responses to the questions on the application. The committee suggests the following text should be considered as a replacement for the current text:

The University is committed to providing equal educational opportunities. The University also strives to ensure a safe campus and learning environment. Therefore, while the University asks questions about disciplinary and criminal history, a positive answer to these questions does not automatically disqualify an applicant for admission.

In the admission process, applications are reviewed for academic eligibility without consideration of whether the applicant answered yes to any of these questions. After an applicant is determined to be academically eligible, a separate review of disciplinary history is conducted prior to a final determination on admission. All relevant circumstances will be considered. The University reserves the right to request further information from the applicant

to verify the information disclosed. In addition, applicants who are admitted may be required, as a condition of participation in certain programs, to complete a criminal history consent form, and agree to a criminal background check.

When answering the questions below, please note that you are not required to report information related to minor traffic violations or records that have been expunged.

Please note: You are required to update the Office of Undergraduate Admissions at [ApplyMaryland@umd.edu](mailto:ApplyMaryland@umd.edu) (please use the subject line “Disciplinary Update”) should a situation take place that would cause your answer to one of the below questions to change. This includes, but is not limited to, any criminal convictions or disciplinary actions taken against you after the time of application submission through the start of classes of your first semester at the University.

The APAS Committee recommends that the Office of Undergraduate Admissions and the Office of Student Conduct should consider how data regarding criminal background responses should be collected and kept.

The APAS Committee recommends that the Office of Undergraduate Admissions and the Office of Student Conduct should consider strategies for ensuring that students are given appropriate information on the University services and resources available to them after they enroll.

## **APPENDICES**

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- Appendix 1 — 2017-2018 Application Text and Questions on Judicial Information
- Appendix 2 — Charge from the Senate Executive Committee

## Judicial Information

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The University of Maryland strives to provide a safe campus and learning environment. The University thus asks questions about an applicant's criminal history. An affirmative response to any of these questions will not result in an automatic denial of admission or enrollment. All relevant circumstances will be considered. The University reserves the right to request further information from the applicant to verify the information disclosed. In addition, applicants who are admitted may be required, as a condition of participation in certain programs, to complete a criminal history consent form, and agree to a criminal background check.

**Please note:** You are required to update the Office of Undergraduate Admissions at [ApplyMaryland@umd.edu](mailto:ApplyMaryland@umd.edu) (please use the subject line "Disciplinary Update") should a situation take place that would cause your answer to one of the below questions to change. This includes, but is not limited to, any criminal convictions or disciplinary actions taken against you after the time of application submission through the start of classes of your first semester at the University.

\*Has disciplinary action been initiated against you at any of the institutions attended, including the University of Maryland?

Yes

No

\*Have you ever been charged with, pleaded guilty to, or been found guilty of any criminal offense, other than a minor traffic violation, for which charges have not been expunged?

Yes

No

\*Do you currently have criminal charges pending against you, excluding minor traffic violations?

Yes

No

\*Have you ever received formal disciplinary action or a dishonorable discharge from any branch of the military?

Yes

No

\*If you have answered yes to any of the questions above, please include a detailed statement describing the situation and its resolution.



**University Senate  
CHARGE**

<b>Date:</b>	March 10, 2017
<b>To:</b>	Philip Evers Chair, Academic Procedures & Standards
<b>From:</b>	Jordan A. Goodman Chair, University Senate 
<b>Subject:</b>	Undergraduate Admissions Procedures Related to Criminal Background
<b>Senate Document #:</b>	16-17-29
<b>Deadline:</b>	February 9, 2018

The Senate Executive Committee (SEC) requests that the Academic Procedures & Standards (APAS) Committee consider issues related to asking potential undergraduate applicants to report criminal history in the admissions process.

Specifically, we ask that you:

1. Review any questions related to criminal background on the University of Maryland undergraduate admissions application.
2. Review undergraduate admissions applications questions and related procedures at peer institutions and other Big 10 institutions to understand their processes for reporting of criminal background information during the admissions process.
3. Consult with a representative from the Undergraduate Admissions Office to understand the current admissions process.
4. Consult with a representative from the Office of Student Conduct to understand its role in evaluating applicants who report past criminal history.
5. Consider whether including a question related to criminal background could discourage prospective students from applying to the university.
6. Consider the potential impact of this type of question on applicants from underrepresented minority groups.
7. Consult with the University's Office of General Counsel on any proposed changes.

8. If appropriate, recommend whether the current admissions processes should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than February 9, 2018. If you have any questions or need assistance, please contact Reka Montfort in the Senate Office at [301-405-5804](tel:301-405-5804) or [reka@umd.edu](mailto:reka@umd.edu).

JAG/rm