



1. Call to Order
2. Approval of the April 4, 2018 Senate Minutes (Action)
3. Report of the Chair
4. PCC Proposal to Rename the PhD Program in “Human Development Education” to “Human Development” (Senate Document #17-18-23) (Action)
5. PCC Proposal to Rename the Master’s Program in “Human Development Education” to “Human Development” (Senate Document #17-18-24) (Action)
6. Revisions to the UMD Policy on Appointment, Promotion, and Permanent Status of Library Faculty (Senate Document # 16-17-28) (Action)
7. Inclusion and Respect at the University of Maryland (Senate Document #17-18-03) (Action)
8. New Business
9. Adjournment



## **CALL TO ORDER**

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Senate Chair Falvey called the meeting to order at 3:18 p.m.

## **APPROVAL OF THE MARCH 8, 2018 SENATE MINUTES (ACTION)**

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Chair Falvey asked for additions or corrections to the minutes of the March 8, 2018, meeting; hearing none, he declared the minutes approved as distributed.

## **SPECIAL ORDER: PRESIDENTIAL BRIEFING**

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Falvey invited President Loh to provide his Presidential Briefing. President Loh noted that this year is the 50<sup>th</sup> anniversary of Martin Luther King's assassination. He stated that there will be several speakers and events on campus during the month of April who will generate discussion about our fundamental values. The Robert H. Smith Business School is hosting a debate on Nationalism vs. Globalism between the former President of Mexico, Vicente Fox, and the former leader of the United Kingdom's Independence Party, Nigel Farage. He noted that this controversial debate would test the values that the country and the University stand behind especially with regard to allowing freedom of speech related to views that we profoundly disagree with. President Loh noted that additional upcoming speakers will include the grandson of Thurgood Marshall, Reverend Jesse Jackson, a distinguished panelist that will speak on social justice, and former Vice President Al Gore, who will speak at Commencement on the state of polarization and division in the country. He stated that bringing in various speakers will compel the campus community to think about our fundamental values. President Loh commented on his perspectives on the two parts of democracy, including both a hardware and a software part. He noted that the hardware part is being challenged as a result of allegations of hacking during the electoral process and the negative use of social media. The software part includes our defined values that we stand for including freedom of expression. President Loh noted the importance of freedom of expression and the need to listen respectfully to views that may be contrary to our own. He emphasized that the role of a University is to not make ideas safe for students but to make students safe to challenge divergent views.

## **REPORT OF THE CHAIR**

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### Committee Volunteer Period

Chair Falvey noted that the online system to sign up to serve on one of the Senate's ten standing committees this upcoming academic year was now open. He added that volunteers do not need to be a Senator to be a member of one of these committees. Senate committees address topics related to students, faculty, staff affairs, as well as educational and campus affairs. Falvey also noted that the deadline to volunteer is April 30th and that those interested could go to the Senate website to submit a volunteer statement and pick their top three committee choices. He stated that the Senate's Committee on Committees will be selecting volunteers to serve on each committee and will notify selected volunteers over the summer.

### Remaining Senate Meetings

Chair Falvey reminded Senators that there are two more Senate meetings this academic year. The next meeting will be held on April 24th. This will be the last business meeting of the semester for any

outgoing Senators. He noted that the Senate expected the report from the Joint President/Senate Inclusion and Respect Task Force to be presented at this meeting and emphasized the importance of a quorum in order to conduct business.

Chair Falvey stated that the May 9th Transition Senate Meeting would be for all continuing and incoming Senators and would be his last meeting as Senate Chair. On May 9th, Christopher Walsh will take over as Senate Chair, Senators will elect the next Chair-Elect, and vote for the elected committees of the Senate. He noted that the slates of candidates running for the various committees and their candidacy statements would be distributed on April 25th.

## **REVIEW OF THE INTERIM UNIVERSITY OF MARYLAND WEB ACCESSIBILITY POLICY (SENATE DOCUMENT #17-18-22) (ACTION)**

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William Bowerman, Chair of the Information Technology (IT) Council and Marcio Oliveria, Assistant Vice President in the Division of Information Technology (DivIT) and member of the IT Council presented the Review of the Interim University of Maryland Web Accessibility Policy (Senate Document #17-18-22) and provided background information on the proposal.

Falvey opened the floor to discussion of the proposal.

Senator Ming, exempt staff, questioned the possible risks to the University regarding legacy websites and removing the deadline from the policy.

Oliveria stated that the Division of Information Technology has scanned a lot of the web pages that are not accessible and noted that the risk that the University is facing is to create an alternative format for those pages to meet individual needs. Individuals can request an alternative format and the DivIT office has 10 days to respond. The DivIT office is taking the burden financially, working on a rapid timeline, and increasing staff to ensure that all pages are up-to-date and are fully accessible.

Chair Falvey called for a vote on the revised policy. The result was 95 in favor, 4 opposed, and 5 abstentions. **The motion to approve the revised policy passed.**

## **REVIEW OF THE UNIVERSITY OF MARYLAND COLLEGE PARK POLICIES AND PROCEDURES GOVERNING FACULTY GRIEVANCES (SENATE DOCUMENT #17-18-13) (ACTION)**

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Patricio Korzeniewicz, Chair of the Faculty Affairs Committee, presented the Review of the University of Maryland College Park Policies and Procedures Governing Faculty Grievances (Senate Document #17-18-13) and provided background information on the proposal.

Falvey opened the floor to discussion of the proposal.

Senator Kahn, faculty, College of Computer, Mathematical, and Natural Sciences, approved streamlining the proposal. He made a motion to amend the language in Section II.B. to clarify the timeline for submitting a grievance on a pattern of action or inaction. The language of the amendment is noted in **pink**:

Information about Procedures Section II.B.

**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, if the grievance is submitted within seventy-five (75) days from the most recent example of a pattern of action or inaction.**

The motion to amend the policy was seconded.

Chair Falvey opened the floor to discussion of the amendment.

Korzeniewicz stated that the proposal as written specifies that the latest grievable action in a pattern or series is the point at which the timeline of 75 days would begin.

Hearing no further discussion, Falvey called for a vote on the amendment. The result was 56 in favor, 33 opposed, and 12 abstentions. **The motion to approve the amendment passed.**

Senator Kahn proposed a revision to allow the Hearing Board to make recommendations to the President along with a finding on the merits of the case. He made a motion to amend Section II.B.3.d of the policy as noted in pink:

Page 10 Section II.B.3.d

The Board shall prepare a written report of its findings **as to the merits of the case**, including the reasons for the findings, ~~its recommendations~~, and any dissent. **At the Board's discretion it may additionally choose to include recommendations to the President on the disposition of the case, which would not be binding as they would necessarily be made in the absence of complete information.** 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.**

The motion to amend the policy was seconded.

Chair Falvey opened the floor to discussion of the amendment.

Korzeniewicz stated that the committee was not supportive of the proposed amendment because the Hearing Board should only determine a decision based on the merits of the case. It would not be appropriate for the Hearing Board to make any recommendations, remedies, or corrective actions since the Board does not have the authority or appropriate context to make those types of recommendations. For example, the Board would need an understanding of how a unit operates or the financial structure within a unit to make an informed recommendation on remedies.

John Bertot, Associate Provost for Faculty Affairs, stated that the role of the Board is to be an independent review of the facts in order to make a finding, which then goes to the President to make a final determination. He noted that grievances could go to outside venues, so some of the proposed recommendations could become a part of a legal process and have a negative impact on the University.

Senator Egan, faculty, School of Public Policy, stated that he sees no harm in the Board providing recommendations unless the primary concern is legal exposure.

Korzeniewicz stated that there are only a few cases that have been through this process in the past 3-4 years. The primary purpose of this mechanism is to bring a case to a final resolution after there have been several attempts of mediation to reconcile the parties involved.

Senator Bianchini, faculty, College of Arts & Humanities, asked for clarification on the basis of the President's determination and who he consults with if the Board is not a part of the remedy process.

Bertot stated that the President receives a complete report from the Board that includes all of the evidence, appendices, and all documentation that articulates the issues and questions raised as part of a particular grievance. The policy allows the President to consult with appropriate administrators such as the Office of General Counsel, Office of Faculty Affairs, the Provost, deans, chairs, etc. to consider other related policies that may be a factor.

Senator Kahn stated that the purpose of the proposed amendment is to help the University to come to a resolution and prevent the process from entering into a legal proceeding.

Senator Lau, faculty, College of Arts & Humanities, inquired about the purpose of the hearing board since they are not part of the recommendation process.

Korzeniewicz stated that the Ombuds role is to try and negotiate an agreement without determining who is at fault and the Board makes a finding based on all of the facts of the case. The Board makes a determination of whether or not the case has merit.

Hearing no further discussion, Falvey called for a vote on the amendment. The result was 43 in favor, 44 opposed, and 19 abstentions. **The motion to approve the amendment failed.**

Hearing no further discussion, Falvey called for a vote on the revised policy as amended. The result was 78 in favor, 14 opposed, and 14 abstentions. **The motion to approve the proposal as amended passed.**

## **UNDERGRADUATE ADMISSIONS PROCEDURES RELATED TO CRIMINAL BACKGROUND (SENATE DOCUMENT #16-17-29) (ACTION)**

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Philip Evers, Chair of the Academic Procedures & Standards (APAS) Committee, presented the Undergraduate Admissions Procedures Related to Criminal Background (Senate Document #16-17-29) and provided background information on the proposal.

Falvey opened the floor to discussion of the proposal.

Senator Callaghan, faculty, College of Arts & Humanities asked if the question regarding criminal convictions distinguished between violent and nonviolent crimes.

Evers stated that overall the committee discussed the differences between violent vs. nonviolent and concluded that it is hard to define or draw a distinction between the two. He also noted that the committee considered the notion of felonies vs. misdemeanors but stated that while felonies indicate a higher level of severity, there are some criminal charges such as sexual harassment, stalking, or domestic violence that are not felonies but are still relevant to the University. These charges could be

misdemeanors rather than felonies depending on the jurisdiction and the facts of the case, making it hard to clearly draw those lines.

Senator Huntley, undergraduate student, College of Agriculture & Natural Resources suggested that the Senate reject the committee's recommendations and approve an alternate motion that he planned to propose, that would remove all criminal/disciplinary background questions from the admissions application except for questions related to academic integrity. He spoke at length about how the criminal background questions could create a barrier for underrepresented minorities and emphasized that the mission of the University is to provide opportunities to all eligible students.

Chair Falvey introduced Shannon Gundy, Director of the Office of Undergraduate Admissions, to clarify the University's admission process. She stated that all admission decisions are made without consideration of the responses to the criminal background questions. She noted that the Office of Undergraduate Admissions works diligently to ensure students know that the questions are not a barrier to their admission to the University.

Senator Levermore, faculty, College of Computer, Mathematical, and Natural Sciences, inquired about all of the options that the committee discussed and the timing of the criminal background questions in the admissions process.

Evers stated that the committee discussed four options (removing the questions, moving the questions to be asked after the final admissions decision, modifying the text of the questions, and making no changes to the current questions) and ultimately decided that the questions should remain on the application but modified so the language was clearer. In addition to rephrasing some of the questions the committee is recommending that the question on arrest records/charges be removed and that a question regarding restraining orders be added.

Senator Barbarin, faculty, College of Behavioral & Social Sciences, stated that the admissions process should consider the time since the conviction occurred since there are many extenuating circumstances in each case.

Gundy explained the overall admissions process in greater detail. She stated that after a student is found to be academically eligible, the Office of Student Conduct (OSC), reviews the responses of all applicants that responded to the criminal background questions. OSC will reach out to the student and request that they provide additional information. If the responses are more egregious, then OSC investigates all aspects of the conduct including the seriousness of the infraction, the length of time it occurred, and the likelihood of it happening again. OSC makes a recommendation to the Office of Admissions, which then makes the final admissions decision.

Chair Falvey introduced Andrea Goodwin, Director of the Office of Student Conduct (OSC), to provide additional context. Goodwin explained that the OSC goes through an extensive process to speak with students, provide them with an opportunity to meet with her staff, and provide character recommendations. Examples of cases where students have been denied admissions include students who were recently expelled from another institution for sexual assault or students who have been recently suspended and have not served their time. She noted that OSC also gives students the opportunity to reapply at a later time.

Senator Borgia, faculty, College of Computer, Mathematical, and Natural Sciences, inquired about the rationale for asking these questions if students may not be honest and forthcoming.

Goodwin stated that generally students who are honestly interested in coming to the University will share all of the requested information and that the students who are not, do not provide any information.

Evers added that there is a disciplinary process after admission if the University determines that a student has lied on their application.

Senator Bigio, faculty, A. James Clark School of Engineering, questioned the basis of the committee's recommendations since the questions appear to be too broad and there does not seem to be data to support the need for the questions. He also asked if there were data-related cases that were safety concerns.

Evers stated that the APAS Committee has included a recommendation that the OSC and the Office of Undergraduate Admissions should consider collecting responses and storing the data. He noted that the State University of New York (SUNY) research study did not consider the reason why applicants stopped the application and noted that it could have been for any number of reasons.

Goodwin provided statistics from students that provided positive responses to the criminal background questions last year. Of the 100 applications last year that indicated some sort of criminal background, 69 applicants were cleared, 22 did not provide additional information, 5 were rejected due to being expelled or suspended from another institution, and 4 are pending.

Senator McKinney, faculty, Robert H. School of Business, raised concerns about removing past arrest records because of the impact on considering housing assignments and the overall safety of the student and University.

Senator Huntley explained that his alternative motion suggests that the criminal background questions be asked during the housing process.

Senator Callaghan made a motion to amend the criminal background question: Have you ever been convicted of a crime? to "Have you ever been convicted of a violent or sexual crime?"

The motion was seconded.

Chair Falvey opened the floor to discussion of the amendment.

Goodwin expressed concern that without a definition of a violent or sexual crime, students may get confused about what to disclose or may choose not to disclose anything.

Senator Lathrop, faculty, A. James Clark School of Engineering, expressed concerns about students involved in harassment and the legal issues that could arise if the question is limited in this way.

Hearing no further discussion, Falvey called for a vote on the amendment. The result was 28 in favor, 57 opposed, and 8 abstentions. **The motion to approve the amendment failed.**

Senator Callaghan made a motion to amend the criminal background question: Have you ever had a disciplinary action taken against you to "Have you ever been expelled?"

Goodwin explained that suspension should also be included since the term of suspensions is typically 1-2 years from an institution of higher education.

Senator Callaghan revised the amendment to the question to read: “Have you ever been suspended or expelled from any educational institutions you have attended?”

The motion was seconded.

Chair Falvey opened the floor to discussion of the revised amendment.

Senator Lathrop introduced Jordan Goodman, faculty, College of Computer, Mathematical, and Natural Sciences, to speak about the definition of educational institutions. He stated that the amended language should specify higher education institutions since students get expelled from high school all of the time.

Goodwin provided an example of a student who was expelled from a high school and the liability/safety conflict it caused for the University because that student had a history of stalking a current student at the University.

Callaghan withdrew her suggested amendment.

Chair Falvey opened the floor to discussion of the original proposal from the Committee.

Senator Barath, graduate student, School of Public Health, suggested that the University should revise the admissions application to link to definitions and examples what should be reported to serve as a resource for disadvantaged students who not fully understand that responding will not adversely affect their admission to the University.

Gundy stated that University representatives visit high schools all over the State of Maryland to encourage underrepresented minorities to apply to the University and to clarify that the criminal background questions would not prevent them from being admitted. She noted that the University is a member of the College Application Steering Committee, which focuses on reaching disadvantaged students.

Senator Stenson, exempt staff, made a motion to send the recommendations back to the committee for further consideration.

Chair Falvey stated that there would need to be a rationale for the motion to recommit such as a specific element that was not considered by the Committee in the original proposal.

Senator Stenson made a motion to recommit the recommendations back to the Committee for further review of the financial implications of the various options that the Committee considered.

Senator Huntley, undergraduate student, College of Agriculture & Natural Resources made a motion to extend the meeting by 15 minutes.

The motion was seconded.

Chair Falvey called for a vote on the motion to extend the meeting 15 minutes, which would require a 2/3 vote. The result was 58 in favor and 31 opposed. **The motion to extend the meeting by 15 minutes failed.**

Chair Falvey called for a second on the motion to recommit the recommendations back to the Committee.

The motion was seconded.

Chair Falvey called for a vote to recommit the recommendations back to the Committee. The result was 55 in favor, 26 opposed, and 6 abstentions. **The motion to recommit the proposal passed.**

## **NEW BUSINESS**

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There was no new business.

## **ADJOURNMENT**

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The meeting was adjourned at 5:00 p.m.



## PCC Proposal to Rename the Ph.D. Program in “Human Development Education” to “Human Development” (PCC Log #17040)

**PRESENTED BY** Dylan Roby, Chair, Senate Programs, Curricula, and Courses Committee

**REVIEW DATES** SEC – April 6, 2018 | SENATE – April 24, 2018

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** N/A

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

### ISSUE

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The Department of Human Development and Quantitative Methodology in the College of Education proposes to rename its current Ph.D. program in “Human Development Education” to “Human Development.” This proposal is to clean up the state of Maryland inventory of academic programs, which lists the UMD program as “Human Development Education,” even though the department has referred to the program as “Human Development” for many years and views the Maryland state listing as a mistake. There are no curriculum changes.

This proposal was approved by the Graduate School Programs, Curricula, and Courses committee on February 21, 2018, and was approved by the Senate Programs, Curricula, and Courses committee on March 2, 2018.

### RECOMMENDATION(S)

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The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this program name change.

### COMMITTEE WORK

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The committee considered this proposal at its meeting on March 2, 2018. The proposal was unanimously approved by the committee.

### ALTERNATIVES

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The Senate could decline to approve this program title change.

### RISKS

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If the Senate declines to approve this name change, the University will lose an opportunity to align the Maryland state inventory with how the department has referred to the program for many years.

## **FINANCIAL IMPLICATIONS**

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There are no financial implications with this proposal.

University of Maryland PCC  
Program/Curriculum/Unit Proposal

PCC Log No: 17040

Program: Human Development Education PhD Program

Department/Unit: Department of Human Development and Quantitative Methodology

College/School: College of Education

Proposal Contact Person (with email): Ann Battle (abattle@umd.edu)/ Geetha Ramani (gramani@umd.edu)

Type of Action (check one):

- Curriculum change (includes modifying minors, concentrations/specializations and creating informal specializations)
- Curriculum change is for an LEP Program
- Rename a program or formal Area of Concentration
- Establish/Discontinue a formal Area of Concentration
- Other: Program Name Correction
- Establish a new academic degree/certificate program
- Create an online version of an existing program
- Establish a new minor
- Suspend/Discontinue a degree/certificate program
- Establish a new Master or Certificate of Professional Studies program
- New Professional Studies program will be administered by Office of Extended Studies

*Italics indicate that the proposal must be presented to the full University Senate for consideration.*

Approval Signatures - Please print name, sign, and date. For proposals requiring multiple unit approvals, please use additional cover sheet(s).

1. Department Committee Chair [Signature] Donald J. Bricker 1/22/18
2. Department Chair [Signature] Kelly S. Mix 1/22/18
3. College/School PCC Chair [Signature] Denis Sullivan 1/25/15
4. Dean [Signature] Jennifer King Rice 1/26/18
5. Dean of the Graduate School (if required) \_\_\_\_\_
6. Chair, Senate PCC Dylan Roby [Signature] 3/14/18
7. University Senate Chair (if required) \_\_\_\_\_
8. Senior Vice President and Provost \_\_\_\_\_

Instructions:

When approved by the dean of the college or school, please send the proposal and signed form to the Office of the Associate Provost for Academic Planning and Programs, 1119 Main Administration Building, Campus-5031, and email the proposal document as an MSWord attachment to [pcc-submissions@umd.edu](mailto:pcc-submissions@umd.edu).

Summary of Proposed Action (use additional sheet if necessary):

The Human Development program is requesting that an error in the name of the program be corrected to its proper name. Specifically, the name of the program is Human Development. However, under the Maryland Higher Education Commission (MHEC), both the Master's Degree and the Doctoral program are listed as Human Development Education. As a result of this error, the incorrect name of the program is being listed on the students' diplomas. The correct name "Human Development" should be listed as the program name. No changes to the curriculum are being made at this time.

Unit Code(s) (to be entered by the Office of Academic Planning and Programs):



## **PCC Proposal to Rename the Master's Program in "Human Development Education" to "Human Development" (PCC Log #17041)**

**PRESENTED BY** Dylan Roby, Chair, Senate Programs, Curricula, and Courses Committee

**REVIEW DATES** SEC – April 6, 2018 | SENATE – April 24, 2018

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** N/A

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

### **ISSUE**

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The Department of Human Development and Quantitative Methodology in the College of Education proposes to rename its current master's program in "Human Development Education" to "Human Development." This proposal is to clean up the state of Maryland inventory of academic programs, which lists the UMD program as "Human Development Education," even though the department has referred to the program as "Human Development" for many years and views the Maryland state listing as a mistake. There are no curriculum changes.

This proposal was approved by the Graduate School Programs, Curricula, and Courses committee on February 21, 2018, and was approved by the Senate Programs, Curricula, and Courses committee on March 2, 2018.

### **RECOMMENDATION(S)**

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The Senate Committee on Programs, Curricula, and Courses recommends that the Senate approve this program name change.

### **COMMITTEE WORK**

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The committee considered this proposal at its meeting on March 2, 2018. The proposal was unanimously approved by the committee.

### **ALTERNATIVES**

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The Senate could decline to approve this program title change.

### **RISKS**

---

If the Senate declines to approve this name change, the University will lose an opportunity to align the Maryland state inventory with how the department has referred to the program for many years.

## **FINANCIAL IMPLICATIONS**

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There are no financial implications with this proposal.

**University of Maryland PCC  
Program/Curriculum/Unit Proposal**

**PCC Log No:** 17041

**Program:** Human Development Education Master's Program

**Department/Unit:** Department of Human Development and Quantitative Methodology

**College/School:** College of Education

**Proposal Contact Person (with email):** Ann Battle (abattle@umd.edu)/ Geetha Ramani (gramani@umd.edu)

**Type of Action (check one):**

- Curriculum change (includes modifying minors, concentrations/specializations and creating informal specializations)
  - Curriculum change is for an LEP Program
- Rename a program or formal Area of Concentration
- Establish/Discontinue a formal Area of Concentration
- Other: Program Name Correction
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- New Professional Studies program will be administered by Office of Extended Studies

*Italics indicate that the proposal must be presented to the full University Senate for consideration.*

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1. Department Committee Chair *[Signature]* Donald J. Biggee 1/22/18
2. Department Chair *[Signature]* Kelly S. Mix 1/22/18
3. College/School PCC Chair *[Signature]* Denis Sullivan 1/25/18
4. Dean *[Signature]* Jennifer King Rice 1/26/18
5. Dean of the Graduate School (if required) \_\_\_\_\_
6. Chair, Senate PCC Dylan Roby *[Signature]* 3/14/18
7. University Senate Chair (if required) \_\_\_\_\_
8. Senior Vice President and Provost \_\_\_\_\_

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**Unit Code(s) (to be entered by the Office of Academic Planning and Programs):**



## Revisions to the UMD Policy on Appointment, Promotion, and Permanent Status of Library Faculty

**PRESENTED BY** Patricio Korzeniewicz, Chair

**REVIEW DATES** SEC – April 6, 2018 | SENATE – April 24, 2018

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [II-1.00\(B\) – University of Maryland Non-Discrimination Policy & Procedures](#)  
[University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty II-1.00\(B\)](#)

**NECESSARY APPROVALS** Senate, President

### ISSUE

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In April 2017, the Senate Executive Committee (SEC) reviewed a proposal from the Library Assembly to revise the University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00(B)). The Library Assembly had undertaken an extensive review of the policy, beginning in October 2016, and had approved a revised version of the policy in February 2017. The SEC voted to charge the Faculty Affairs Committee (FAC) with reviewing the proposal and making recommendations on revisions to the policy if appropriate.

### RECOMMENDATION(S)

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The Faculty Affairs Committee recommends that the University of Maryland, College Park Policy on the Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00[B]) be amended as shown in the policy document immediately following this report.

### COMMITTEE WORK

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The FAC began reviewing its charge in September 2017. It reviewed the current policy as well as the University System of Maryland (USM) Policy, and reviewed similar policies for library faculty at Big 10 and other peer institutions. The FAC consulted with the Dean of the Libraries, representatives from the Library Assembly, the Associate Provost for Faculty Affairs, and the Office of General Counsel throughout its review.

During its review, the FAC worked closely with the University Libraries (referred to herein as “the Libraries”); the Libraries had recently gone through an extensive process to revise the policy prior to submitting it to the Senate for review and approval. Over the past few years, numerous problems with the policy were brought to the attention of the faculty within the University Libraries and the Libraries’ Appointment, Promotion, and Permanent Status Committee (APPSC). The most significant issue raised was that the policy was not in compliance with the USM policy, which requires a “review process leading to the granting of promotion and/or permanent status to occur no later than the sixth year of continuous full-time employment.” Additional concerns included a lack of

clarity regarding roles of the APPSC and Libraries Human Resources, outdated references to UMD and USM policies, and inconsistencies within the policy as well as between the policy and the Libraries' internal APPS Guidelines.

The FAC and the Libraries worked to address these concerns in the policy language during the review process. Many of the changes suggested by the Libraries and the FAC were technical in nature, including changes to nomenclature and naming conventions, and updating terminology. Revisions were made to align information on rank descriptions with those in the USM and UMD APT policies. Procedures for appointment were edited to clarify timelines. Procedures for promotion and permanent status review were revised to more clearly define roles and responsibilities. Policy language on time to promotion and/or permanent status was revised to put the emphasis on the years of experience, rather than the years at the University of Maryland.

The proposed revisions were approved by a vote of the Library Assembly in February 2018. The FAC voted to approve the revised policy on April 2, 2018.

## **ALTERNATIVES**

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The Senate could choose to not accept the proposed revisions to the APPS Policy. However, the current APPS Policy would remain and would continue to be out of alignment with USM and UMD policies.

## **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.



## Revisions to the UMD Policy on Appointment, Promotion, and Permanent Status of Library Faculty

### 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

**April 2018**

## BACKGROUND

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In April 2017, the Senate Executive Committee (SEC) reviewed a proposal from the Library Assembly to revise the University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00(B)). The Library Assembly had undertaken an extensive review of the policy, beginning in October 2016, and had approved a revised version of the policy in February 2017. The SEC voted to charge the Faculty Affairs Committee (FAC) with reviewing the proposal and making recommendations on revisions to the policy if appropriate (Appendix 1).

## COMMITTEE WORK

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The FAC began reviewing its charge in September 2017. It reviewed the current policy as well as the University System of Maryland (USM) Policy, and reviewed similar policies for library faculty at Big 10 and other peer institutions. The FAC consulted with the Dean of the Libraries, representatives from the Library Assembly, the Associate Provost for Faculty Affairs, and the Office of General Counsel throughout its review.

During its review, the FAC worked closely with the University Libraries (referred to herein as "the Libraries"); the Libraries had recently gone through an extensive process to revise the policy prior to submitting it to the Senate for review and approval.

The University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty was last updated in 2010. Since that time, numerous problems with the policy were brought to the attention of the faculty within the University Libraries and the Libraries' Appointment, Promotion, and Permanent Status Committee (APPSC). The most significant issue raised was that the policy was not in compliance with the USM policy, which requires a "review process leading to the granting of promotion and/or permanent status to occur no later than the sixth year of continuous full-time employment." Additional concerns included a lack of clarity regarding roles of the APPSC and Libraries Human Resources, outdated references to UMD and USM policies, and

inconsistencies within the policy as well as between the policy and the Libraries' internal APPS Guidelines.

In consultation with Libraries faculty, the Associate Provost for Faculty Affairs, and the Office of General Counsel, the FAC made additional revisions to the proposed revised policy, which were subsequently approved by a vote of the Library Assembly in February 2018. The FAC voted to approve the revised policy in an email vote concluding on April 2, 2018.

### *Summary of Policy Changes*

Many of the changes suggested by the Libraries and the FAC were technical in nature. Throughout the policy, nomenclature and naming conventions were updated for consistency, outdated terminology was replaced, and gender-inclusive language was substituted for gender-specific pronouns.

In section I of the policy, the rank descriptions for Librarian I, II, III, and IV were updated to align with USM policy. Language indicating that Librarian II-IV are equated with the ranks of Assistant Professor, Associate Professor, and Professor was added as well, and descriptions for Librarian Emerita/Emeritus titles were updated to align with definition in the University's APT Policy (II-1.00[A]).

In the section of the policy on criteria for appointment, promotion, and permanent status, the definition of Librarianship was edited to remove outdated language. The definition on Research, Scholarship, and/or Creativity was updated to align with language in the APT Policy, as well as to allow for librarian's research, scholarship, and/or creativity to be judged on a greater array of factors.

Procedures for appointment were edited to clarify timelines. Procedures for promotion and permanent status review were revised to more clearly define the role and responsibilities of the Advisory Subcommittee, particularly related to confidentiality, based on language from other University policies. Information on the conditions under which permanent status reviews can be delayed and on deadlines for completion of reviews were updated. Information relevant to candidates who are denied promotion was clarified in order to be consistent with USM and UMD policies, as well as with other sections of this policy. New language on reappointment reviews was also added to the policy.

### *Revisions Related to Review and Promotion Dates*

The most significant change in the proposed policy revisions concerns the deadlines by which candidates can or must apply for promotion and/or permanent status. The current APPS policy requires candidates to apply for promotion by the end of the fifth year of employment; anything else is considered an "early" application. However, the USM policy requires that "the review process leading to the granting of promotion to Librarian III and granting of permanent status shall be completed no later than the sixth year of continuous full-time employment." The USM policy also sets minimum years of experience for each Librarian rank (three years for Librarian II, for example.) Therefore, if a candidate will reach the minimum number of years of experience by the time promotion and/or permanent status would be granted, that candidate should be able to apply for the next rank, regardless of the number of years of continuous, full-time employment at the University of Maryland.

When a new Librarian I or II is hired, Libraries Human Resources has responsibility for setting the mandatory review date and for notifying the new Librarian of that date. The Librarian is responsible for making a decision on whether to apply for promotion before the mandatory date has been reached, based on their own years of experience. The Librarian may consult with the peer review committee, APPSC, and Libraries Human Resources, as needed, to calculate years of experience and determine if/when application for promotion is appropriate. If a Librarian II does not (or cannot, due to not reaching the required years of experience) apply for promotion and permanent status during the third year, that Librarian must undergo reappointment review. The goal of these changes is to ensure that the candidate is making sufficient progress toward promotion and permanent status. This change puts the emphasis on the years of experience, rather than the years at the University of Maryland, for determining the timeline for promotion and/or permanent status.

## **RECOMMENDATIONS**

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The Faculty Affairs Committee recommends that the University of Maryland, College Park Policy on the Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00[B]) be amended as shown in the policy document immediately following this report.

## **APPENDICES**

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Appendix 1 — Charge from the Senate Executive Committee

## II-1.00(B) UNIVERSITY OF MARYLAND POLICY ON APPOINTMENT, PROMOTION, AND PERMANENT STATUS OF LIBRARY FACULTY

(Revised by the Library Faculty Assembly on November 30, 2006; Approved by the President on March 15, 2007; Technical Amendments on August 1, 2008; Technical Amendment Section 5(B) July 1, 2009)

### Purpose of this Policy

Librarians at the University of Maryland (**UMD UM**) hold faculty status and as such are colleagues ~~with~~ **of** the academic teaching faculty in ~~the pursuit of fulfilling~~ the educational mission ~~within of~~ the University: by providing academic support for research and teaching, by **helping to move**~~moving~~ the university forward in the digital age, by making their own professional and scholarly contributions, and by providing public service to the state and the nation **in ways** embodying the best traditions of outstanding land-grant universities.

University of Maryland library faculty apply professional, scholarly, and disciplinary knowledge in a series of related functions: selecting, acquiring, and organizing scholarly information; teaching in both formal and informal settings; and providing organization and management of the staff and resources that facilitate access to scholarly information and library services for our users **according to** ~~within~~ the mission of the University Libraries.

The faculty have an obligation to remain professionally informed, to pursue the discovery of new knowledge related to their field of expertise, to disseminate the results of their scholarly work, and to seek opportunities for service to the Libraries, **the University**~~campus~~, the state, **the** nation, and **the** profession.

The **Policy on Appointment, Promotion, and Permanent Status of Library Faculty** exists to set the standards and procedures for appointment and promotion to the various librarian faculty ranks and to recognize and ~~to~~ encourage the achievement of excellence on the part of the library faculty members through the awarding of permanent status and through promotion within the library faculty ranks. **This policy is** ~~These policies are~~ derived from the "University of Maryland Policy **and Procedures** on Appointment, Promotion, and Tenure of Faculty" (BOR Policy II-1.00 [A]) but ~~is~~ **are** adapted ~~for~~ **to** library faculty. The **Guidelines for Appointment, Promotion, and Permanent Status of Library Faculty** (hereafter *Guidelines*) contain the procedures governing the preparation of dossiers and specific details of the review process.

### Section 1: Library Faculty Ranks

Each librarian within the **UMDUM** Libraries' organizational structure holds a functional position title based on **the librarian's**~~his or her~~ core assignment. In addition, each librarian holds a faculty rank commensurate with **the librarian's**~~his or her~~ level of professional experience and achievement. Each rank requires a master's degree from an American Library Association accredited program or a graduate degree in another field where appropriate. The master's degree is considered the terminal degree. Appointments to these ranks are for 12 months with leave and other benefits provided to twelve-month tenured/tenure track faculty members with the exception of terminal leave, sabbatical leave, and non-creditable sick leave (collegially supported).

Permanent status is an institutional commitment to permanent and continuous employment to be terminated only for adequate cause (for example, professional or scholarly misconduct, incompetence, moral turpitude, or willful neglect of duty), **affording due process, and** in accordance with **relevant USM and campus policies**~~applicable procedures~~ (See II-1.00 University System Policy on Appointment, Rank and Tenure of Faculty at II.A.1 and ~~III.C.56 through I.C.11~~, and I-1.00(A) University of Maryland Policy **and Procedures** on Appointment, Promotion, and Tenure of Faculty at **I.E, C-5**

~~through I.F.10, and I.F.C.12~~). Librarians at the rank of Librarian I and Librarian II are not eligible for permanent status. Permanent status is available for library faculty holding the rank of Librarian III and Librarian IV. Those candidates from within the University without permanent status applying for the rank of Librarian III and Librarian IV shall be considered concurrently for permanent status. Permanent status decisions will be based on the candidate's entire career. The candidate's record must demonstrate consistency of job performance, continuing development, significance of contributions, and potential for continued excellence and professional growth.

The following shall be the minimum qualifications for appointment or promotion to the library faculty ranks in use by the University of Maryland Libraries.

### **Librarian I**

This is an entry-level rank, assigned to librarians with **little or no** ~~less than three years of~~ professional library experience, **but who have been judged to have demonstrated an understanding of the basic tenets of librarianship and a potential for professional growth**. This rank does not ~~confer~~**carry** permanent status.

### **Librarian II**

~~Appointment or promotion to this rank normally requires a minimum of three years of professional experience.~~ Librarians at this rank have demonstrated professional development evidenced by achievement of a specialization in a subject, service, technical, administrative, or other area of value to the library. **Normally, this rank requires a minimum of three years of professional experience, plus achievements in service, research, scholarship, and/or creativity befitting the rank.** This rank does not ~~confer~~**carry** permanent status<sup>1</sup>. **Librarian II is equated with the rank of Assistant Professor.**

### **Librarian III**

**Librarians at this rank have demonstrated a high level of competence in performing professional duties requiring specialized knowledge or experience. Normally, this rank**~~Appointment or promotion to this rank normally~~ requires a minimum of six years of professional experience, three of which must be at a level comparable to the rank of Librarian II, **plus achievements in service and research, scholarship, and/or creativity befitting the rank.** Librarians at this rank shall have ~~a high level of competence in performing professional duties requiring specialized knowledge or experience. They shall have served the Libraries, the campus, or the community in some significant way; shown evidence of creative or scholarly contribution; and~~ been involved in mentoring and providing developmental opportunities for their colleagues. ~~and~~**They** shall have shown promise of continued productivity in librarianship, service, and **research**, scholarship, **and/or** creativity. Promotion to this rank from within the Libraries confers permanent status; appointment to ~~this~~**the** rank from outside the Libraries may confer permanent status. **Librarian III is equated with the rank of Associate Professor.**

### **Librarian IV**

**Librarians at this rank have demonstrated superior performance at the highest levels of specialized work and professional responsibility. Normally, this rank**~~Appointment or promotion to this rank normally~~ requires a minimum of nine years of professional experience, **at least** three of which must be at a level comparable to the rank of Librarian III, **plus achievements in librarianship,**

~~show evidence of superior performance at the highest levels of specialized work and professional responsibility. They~~ **service, and research, scholarship, and/or creativity befitting the rank.** Librarians at this rank have shown evidence of and demonstrate promise for continued contribution in valuable service and significant creative **and/or** scholarly contribution. Such achievement must include leadership roles and have resulted in the attainment of recognition in the Libraries and at the campus, state, regional, national, or international level. This rank ~~confers~~**carries** permanent status. **Librarian IV is equated with the rank of Professor.**

### **Affiliate Librarian II, Affiliate Librarian III, and Affiliate Librarian IV**

These titles shall be used to recognize the affiliation with the Libraries of a university staff or faculty member from an academic or administrative unit to which ~~the staff~~**his** or ~~faculty member's~~**her** appointment and salary are formally linked. The nature of the affiliation shall be specified in writing, and the appointment shall be made upon the recommendation of the Appointment, Promotion, and Permanent Status Committee (APPSC). The rank of affiliation shall be commensurate with the appointee's qualifications or academic rank within ~~the~~**his or her** primary unit.

### ~~Librarian Emerita, Librarian Emeritus~~

The word emerita or emeritus after ~~the~~**an** academic title Librarian III or Librarian IV shall designate a library faculty member who has retired from full-time employment in the University of Maryland at the ~~academic~~ rank of Librarian III or Librarian IV after meritorious service to the University in the areas of librarianship, service, and **research, scholarship, and/or** ~~creativity~~. **The equivalent of a** At least ten years **full-time** employment **as a member of the faculty** at the University of Maryland is required for this rank. **Only in exceptional circumstances may faculty with fewer than the equivalent of ten years of full-time service to the institution be recommended for emerita/emeritus status.**

## **Section 2: Criteria for Appointment, Promotion and Permanent Status**

The criteria for appointment, promotion, and permanent status of library faculty reflect the University of Maryland Libraries' mission to provide access to and assistance in the use of scholarly information resources. These activities support the Libraries' primary role in serving the instructional, research, and public constituencies of the University. The factors to be considered in appointments, promotions, and permanent status decisions fall into three categories: (a) librarianship; (b) service; and (c) research, ~~scholarship~~**creative, and/or creativity**~~scholarly accomplishments~~. Candidates are expected first and foremost to demonstrate excellence in **librarianship in** their area of assigned responsibility~~in the context of a team-based organization~~. Each factor shall be considered in every decision,~~which are set forth in the Guidelines~~.

### **a. Librarianship**

Librarianship at the University of Maryland is defined as **selecting, acquiring,** ~~the duties of librarians carrying out their concomitant roles in developing, providing access to, managing, or preserving the Libraries' diverse collections~~ and **organizing**~~instructing students, faculty, and others in the use of~~ scholarly information; **teaching in both formal and informal settings; and providing organization and management of the staff and** resources **that facilitate access to scholarly information and library services for our users**. The candidate for appointment, promotion, or permanent status must demonstrate superior performance in ~~the~~**his or her** area of assigned responsibility and participation in the collaborative endeavors of librarianship.

## b. Service

**Librarians**~~The candidate~~ shall demonstrate committed service, beyond their assigned area of responsibility, to the Libraries and the University, and within the library profession or an academic discipline. A strong service profile at the local, regional, national, and international levels is highly valued among library faculty but service shall not substitute for librarianship or for achievement in research, scholarship, **and/or artistic** creativity. Service activity shall not be expected or required of library faculty who have not attained permanent status **to the point**~~such~~ that it interferes with the development of their librarianship.

## c. Research, Scholarship, and/or Creativity

**Librarians shall demonstrate sustained and effective engagement in research, scholarship, or, in appropriate areas, creative activities. Research, scholarship, and/or creative activities include the discovery, integration, transmission, and engagement of knowledge through systematic inquiry that advances the field/discipline and contributes to the public good. Scholarship includes original contributions to relevant disciplines, and may include newer forms such as engaged scholarship, public scholarship, entrepreneurial projects, and interdisciplinary research, regardless of the medium of publication or execution. Scholarship may also include work in fields that are not yet fully formed, such as attention to populations that have not been previously investigated or previously unexplored phenomena. For all research, scholarship, and/or creative activities, the work must call upon the faculty member's academic and/or professional expertise, and will be evaluated based on the Libraries' criteria for excellence, including: peer review, impact, significance, innovation, and/or contribution to the effectiveness of libraries.**

~~The candidate for promotion to higher rank shall demonstrate sustained and effective engagement in scholarship and creativity. These contributions must be of high quality and significance to the field of librarianship or another discipline related or complementary to the candidate's area of responsibility. A library faculty member's scholarship and creativity will be judged for its contribution to library effectiveness and expansion of the librarian's relationship to knowledge.<sup>2</sup>~~

## Section 3: Appointment, Promotion, and Permanent Status Committee

The Appointment, Promotion, and Permanent Status Committee (APPSC) is a standing committee of the Library Assembly, ~~whose~~ members **of which** are elected by the library faculty. The number of committee members and representation are detailed in **A Plan of Organization for the University of Maryland Libraries**. The APPSC has two major responsibilities. It is the sole faculty body **to make**~~making~~ recommendations on ~~assigning~~ rank ~~and status~~ for new faculty appointed to the Libraries at the rank of Librarian I, II, and ~~III~~**III** without permanent status and on the promotion of Librarian I to Librarian II. In addition, the APPSC is the body that coordinates all activities related to promotion and permanent status for Librarian III and **Librarian IV** ~~Librarian IV and serves as the faculty review committee (defined as the Internal Review Committee or IRC) for new appointments at the rank of Librarian III and IV.~~

## Section 4: Procedures for the Appointment of Library Faculty

All announcements for library faculty vacancies shall state that **applicants**~~candidates~~ are expected to demonstrate potential for and/or proof of accomplishments in the areas of librarianship, service, and scholarly/creative activities.

New full-time appointments to the rank of Librarian IV carry **immediate** permanent status. New full-time appointments to the rank of Librarian III may carry permanent status. **If immediate permanent status is not offered, such appointments shall be for an initial period of up to four years and shall terminate at the end of that period unless the appointee is notified in writing that permanent status has been granted. A** ~~When a~~ Librarian III **who** is appointed without permanent status, ~~the APPSC shall receive~~ **set a formal** ~~mandatory~~ review for permanent status. ~~that is no earlier than the review cycle that is two years from the anniversary of appointment and no later than the status review cycle that is three years from the anniversary of employment. The date for this mandatory review will be stated in the letter of appointment.~~ **The formal review must be completed** ~~No~~ later than one year prior to the expiration of the appointment, ~~the formal review must be completed,~~ and written notice must be given that permanent status has been granted or denied. **Appointments carrying permanent status may be terminated at any time as described under II-1.00(A), paragraphs III.C.5-10. A candidate who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances such as a successful appeal (Section 6), shall receive no further consideration for permanent status.**

~~The~~ APPSC ~~serves~~ **acts** as the ~~IRC~~ **faculty review committee (defined as the Advisory Subcommittee)** for **new appointments** ~~finalists for appointment~~ at the rank of Librarian III with permanent status; ~~the~~ **and** Librarian IV **members of** ~~The~~ APPSC **coordinate the creation of the Advisory Subcommittee (ASC) for new appointments at the rank of Librarian IV. The ASC evaluates the applicants' candidates' records and writes an evaluative report recommending a rank. Seventy-five percent** ~~A quorum of 75%~~ of the eligible faculty (~~Librarians~~ Librarian III ~~and/or IV~~ with permanent status **and/or Librarians IV)** **shall constitute a quorum for the meeting to recommend rank at appointment** ~~will vote on the rank.~~ A positive recommendation requires a two-thirds majority of those voting. The ~~ASC~~ APPSC will write a report summarizing the vote and the recommendation and submit the report to the Dean **of Libraries**. The Dean shall submit ~~his or her~~ recommendation to the Provost through the Office of Faculty Affairs. The Provost shall in turn submit ~~the~~ recommendation to the President. The evaluative report ~~and~~ recommendations **made** at each level, **and other elements of the dossier such as external letters** shall be forwarded for consideration by those at the next level, but otherwise shall remain confidential from the ~~applicant~~ **candidate** and others in order to best elicit candor and aid the University in making a fair and impartial assessment ~~of the candidate.~~

## **Section 5: Procedures for Promotion and Permanent Status Review**

Reviews for promotion and permanent status shall be conducted according to the duly adopted written policies and procedures of the University. These procedures shall be published in the *Guidelines*.

Faculty review committees (defined as **Advisory Subcommittees** ~~Internal Review Committees~~ or **ASCs** ~~IRCs~~) are a part of the review process. Review committees and administrators at all levels shall impose the highest standards of quality, ensure that all candidates receive fair and impartial treatment, and be responsible for maintaining the integrity and ~~the~~ confidentiality of the review and recommendation process. The APPSC shall assign **an Advisory Subcommittee for** ~~te~~ each application for permanent status and/or promotion to Librarian III **or** ~~and~~ Librarian IV **an IRC**. Normally, each **Advisory Subcommittee** ~~IRC~~ will have three members consisting of one librarian who is familiar with the work of the candidate, one librarian in a related field, and **one librarian from anywhere in the Libraries** ~~at large member~~. Each **Advisory Subcommittee** ~~IRC~~ should reflect sufficient seniority in membership to **ensure** ~~insure~~ familiarity with the procedures and knowledge of the Libraries' goals and standards. The APPSC may appoint additional outside members to an **Advisory Subcommittee** ~~IRC~~ (i.e. academic faculty in a relevant department) where appropriate. ~~Members of an IRC must follow the~~

~~requirements for confidentiality.~~ If there are fewer than three eligible faculty members, the Dean shall appoint eligible faculty members from related departments to ensure that the review committee ~~shall~~ contains three persons.

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

In decisions on permanent status and/or promotion to Librarian III and Librarian IV, **library faculty** eligible ~~to vote~~~~faculty~~ are those librarians with permanent status at or above the rank for which the ~~candidate~~~~individual~~ has applied. Eligible faculty members are bound by the same requirements for confidentiality required of **Advisory Subcommittees**~~IRCs~~ and the APPSC, **and will also adhere to equity guidelines as prescribed in the University APT Manual (see "Equity and Fairness in the Review Process")**.

The following procedures and sequence of operations are to be followed by all candidates and by all committees. The procedures have been established to promote consistency from one year to the next and to guarantee full and fair hearings for all candidates.

#### **A. Applications for Promotion to Librarian II**

A library faculty member holding a full or part-time, non-temporary, non-contractual appointment at the University of Maryland Libraries at the rank of Librarian I must apply for promotion no less than three months prior to the third year anniversary of ~~his or her~~ initial appointment. The timing of this mandatory review depends on the date of initial appointment and does not follow the fixed calendar for promotion to higher ranks. The letter of appointment for each Librarian I will state the date of the mandatory review. **A candidate may request a delay of a promotion application for personal or professional circumstances or for the birth or adoption of a child, in accordance with University policy II-1.00(D).** Requests to delay the promotion review must be submitted in writing to the APPSC and the Dean of Libraries by the deadline for the mandatory review. Extensions will be determined by the APPSC in consultation with the Dean of Libraries. Librarians who choose not to apply will have their appointments terminated at the end of their contract period. ~~Early promotion will be considered only in cases of clearly exceptional accomplishment where the applicant has shown superior performance and extraordinarily rapid professional development.~~ Review for promotion to Librarian II, like review of initial appointments to the ranks of Librarian I and Librarian II, is conducted by APPSC. Promotion to the rank of Librarian II becomes effective on July 1 of the next fiscal year following the completion of the review. Applications shall consist of the elements described in the *Guidelines*.

The application will be shepherded through the review process by a committee member assigned by the chair of the APPSC. The APPSC's recommendation is added to the dossier and forwarded to the Dean for the final decision on the application.

Before the beginning of the next fiscal year, the Dean will review the material in the dossier and send written notification to the candidate indicating the Dean's final decision. **An appointee who has been notified that promotion to Librarian II has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, such as a**

**successful appeal (Section 6), shall receive no further consideration for promotion or permanent status.** Copies of the Dean's written notification to the candidate regarding the final decision will be provided to the APPSC and the ~~Libraries' Office of~~ **Libraries** Human Resources. Following the decision, the ~~candidate's dossier and all evaluative reports and recommendations~~ **documentation related to the review** shall be forwarded to the Dean's Office; **all evaluative reports and recommendations** ~~where they~~ shall remain confidential from the candidate and others.

#### **B. Applications for Promotion to Librarian III, for Promotion to ~~or~~ Librarian IV, and for Permanent Status at the Rank of Librarian III**

The deadline for the initiation of the review for promotion to Librarian III is mandatory. Review for promotion to Librarian IV is neither mandatory nor automatic. Promotion to Librarian III from within confers permanent status. In accordance with the University System Policy on Appointment, Rank, and Tenure of Faculty (**II-1.00(A)**), the review process leading to the granting of promotion to Librarian III and granting of permanent status shall **be completed** ~~occur~~ no later than the sixth ~~(6th)~~ year of continuous **full-time** employment. ~~An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for permanent status.~~ Permanent status can be awarded only by an affirmative decision based upon a formal review. ~~The APPSC will assign a mandatory promotion review date to all newly hired librarian faculty appointed at the rank of Librarian II, and the Library Human Resources Office will communicate that date via the letter of appointment.~~ **Libraries Human Resources will communicate the mandatory promotion review date via the letter of appointment or promotion, as established in the Office of Faculty Affairs guidelines on tenure review dates.** ~~The letter will state that the application~~ **Candidates** for promotion to Librarian III **and candidates for** ~~must be made no later than the start of the status review cycle that is after the fifth anniversary of employment (the 6th year).~~ ~~Applicants for promotion to and/or~~ permanent status at the rank of Librarian III must submit their materials or inform the APPSC and the Dean of Libraries, in writing, of their intent to resign by the beginning of the fiscal year in which the review is mandated. For information related to delaying the promotion review process, see Section **ED**.

To be considered for promotion and/or permanent status, the library faculty member **ordinarily will** have the required minimum years of professional experience, **plus a corresponding record of service and research, scholarship, and/or creativity**, and must initiate the review process by submission of an application to the chair of the APPSC by the announced deadline. Credit for years of professional experience (**defined as** post-masters or equivalent professional employment) is counted as of the start of ~~and~~ is calculated back from the ~~current~~ fiscal year **in which promotion and/or permanent status would be granted**, and can include relevant experience at other institutions. If granted, promotion becomes effective on July 1. ~~of the next fiscal year. Early promotion (i.e., promotion to the next level before the required number of years of professional experience has been reached) will be considered only in cases of clearly exceptional accomplishment where the applicant has shown superior performance and extraordinarily rapid professional development. Ordinarily, librarians denied promotion are not eligible for promotional review in the next review cycle.~~ Applications should consist of the elements described in the *Guidelines*.

**In April** ~~Prior to the start of the fiscal year,~~ the chair of the APPSC will announce the deadline for submission of applications, ~~usually on or about July 1. The chair will use that opportunity to remind all librarians of reviews due within that cycle.~~ **APPSC will notify all candidates with mandatory review dates in the upcoming fiscal year, and will call for non-mandatory candidates to declare their intention to apply.**

The **Advisory Subcommittee** ~~IRC~~ appointed for a candidate will request letters of reference, other supporting documentation, and where appropriate, verify the authenticity of documentation supplied by the candidate. There must be a minimum of six letters from external referees (outside the University of Maryland), three and at most one-half of the letters **from referees** chosen by the candidate and at least three **from referees** chosen by the **Advisory Subcommittee** ~~IRC~~.

The **Advisory Subcommittee** ~~IRC~~ will review the documentation collected and prepare a Summary Statement of Professional Achievements, a factual and objective, not evaluative, summary of the **candidate's** ~~applicant's~~ accomplishments in relation to the factors. The purpose of the Summary Statement is to set forth the candidate's work in the context of the field. The APPSC will send a copy of the Summary Statement to the candidate for review and comment. The candidate must certify receipt of the Summary Statement by signing and returning the Summary Statement. The candidate has the option of submitting a response that corrects or amends the Summary Statement. The candidate's response is due to the APPSC two weeks after receipt of the Summary Statement. The Summary Statement of Professional Achievements and optional candidate's response both become part of the candidate's dossier.

The **Advisory Subcommittee** ~~IRC~~ will decide on its recommendation and prepare an evaluative report that addresses each factor and discusses whether the candidate meets the requirements for promotion. If a member of the **Advisory Subcommittee** ~~IRC~~ disagrees with the majority opinion expressed in the evaluative report, **the member** ~~he or she~~ may prepare a minority report. The evaluative report(s) become part of the dossier.

The APPSC will call a meeting of eligible library faculty, allowing sufficient time for the faculty members to review the documentation. A quorum consisting of **75% seventy-five percent** of the eligible faculty must be in attendance. A candidate may not attend a meeting where **the candidate's own** ~~his or her~~ application is under consideration. The Dean of Libraries may attend the meeting but does not vote. The faculty must maintain absolute confidentiality in their consideration of the cases.

The APPSC will call for a vote of eligible faculty. A two-thirds majority of those **voting** ~~present~~ is required **for** a positive recommendation for permanent status and/or promotion. **If the vote of the eligible faculty is not unanimous, dissenting faculty members may prepare a minority report, which will be forwarded to the Dean.**

A member of the APPSC will prepare a written report stating the faculty's vote and recommendation on whether or not to grant permanent status or promotion and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussion. ~~Any dissenting faculty member(s) may prepare a minority report.~~ The report(s) will be forwarded to the Dean along with the **Advisory Subcommittee** ~~IRC~~ summary statements, evaluative reports, and candidate's dossier.

The Dean will review the documentation and recommendation of the faculty and forward a recommendation to the Provost. The Provost and the President shall confer about the case, and the Provost shall transmit ~~his or her~~ recommendation and a written justification to the President. The President will send written notification to the candidate and provide a copy of the notice to the Dean, the APPSC, and **the Libraries Human Resources** ~~the Libraries' Office of Human Resources~~. **An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, such as a successful appeal (Section 6), shall receive no further consideration for permanent status.** Following the decision, the ~~candidate's~~ dossier and all ~~evaluative reports and recommendations~~ **documentation related to the review** shall be forwarded to the Office of the **Vice**

~~President for Academic Affairs and~~ Provost; **all evaluative reports and recommendations where they** shall remain confidential from the candidate and others.

### **C. Reappointment Review**

**A Librarian II who does not apply for promotion by the third year of full-time employment shall apply for reappointment. Each year, the Appointment, Promotion, and Permanent Status Committee (APPSC) will notify the Librarians II without permanent status in a permanent status track position of their obligation to submit an application for reappointment to the APPSC.**

### **D. Withdrawal**

**Candidates**~~Applicants~~ for promotion and/or permanent status may voluntarily withdraw from the review process at any time. When a library faculty member without permanent status withdraws at the time of mandatory review, **the faculty member**~~he or she~~ is entitled to **an additional terminal** ~~a period of six-month appointment at the individual's current rank months before the termination of employment.~~ **This terminal appointment does not apply when a candidate withdraws an application for early permanent status or promotion to Librarian IV.** Depending on where the application is in the process, **a candidate who seeks to withdraw from the review process should promptly notify** the chair of the APPSC, the Dean, or the Office of the Associate Provost for Faculty Affairs~~should be notified promptly.~~

### **E. Extension of Time for Permanent Status Review Due to Personal and Professional Circumstances**

Any library faculty member may request an extension of time for promotion and/or permanent status consideration based on personal or professional circumstances. Extension requests shall be governed by the UMCP Policy on Extension of Time for Tenure Review **Due to Personal and Professional Circumstances** (II-1.00 D).

### **F. Notification to Candidates for Promotion and/or Permanent Status**

Within two weeks of the date of forwarding the decision to the Provost, the Dean will inform the candidate whether the recommendations made by the eligible faculty and the Dean were positive or negative (including specific information on the number of faculty who voted for promotion and/or permanent status and the number who voted against) and prepare a letter that will summarize in general terms the nature of the considerations on which those decisions were based. The APPSC shall review the summary letter prepared by the Dean in order to ensure that it accurately summarizes the considerations regarded as relevant by the eligible faculty. The APPSC shall be provided access to the Dean's letter to the candidate in order to ensure that the summary accurately reflects the recommendation and rationale provided to higher levels of review. In addition, the letter shall be made available in the Office of the Dean for review by any member of the eligible faculty. In the event that the APPSC and the Dean are unable to agree on the appropriate language and contents of the summary letter, each shall write a summary letter to the candidate. A copy of all materials provided to the candidate shall be added to the promotion or permanent status file as the case proceeds through higher levels of review.

## **Section 6: Appeals Procedure**

The appeal process described in this section is derived from the "University of Maryland Policy **and**

**Procedures** on Appointment, Promotion, and Tenure of Faculty” (BOR II-1.00 [A], Section V. The Appeals Process) and adapted for library faculty.

## **A. Appeals Committees**

When appropriate, the Provost shall appoint a special three-member Appeals Committee. This committee shall consist of three non-library faculty, one of whom shall be a member of the University Library Council and shall serve as chair. The non-librarian faculty members represented must be tenured and at or above the relevant rank of the appellant, and they should not have participated in the original review of the appellant.

## **B. Guidelines and Procedures for Appeals**

### *1. Mandatory and Non-Mandatory Reviews*

When a candidate for promotion and/or permanent status receives notification from the President or Dean of Libraries that promotion or permanent status was not awarded, the candidate may appeal the decision by requesting that the President submit the matter to a specially appointed Appeals Committee for consideration. The request shall be in writing and be made within sixty (60) days of notification of the negative decision. If the request is granted, all documentation to be filed in support of the appeal must be submitted to the Appeals Committee not later than one hundred and twenty (120) days after notification unless otherwise extended by the President because of circumstances reasonably beyond control of the candidate. In writing the letter requesting appeal, the appellant should be aware that this letter and any other documentation submitted to support the appeal ~~serve~~ **serves** as the evidentiary basis for the investigation of the validity of the appeal and should the President determine that the appeal is properly made in accordance with this section and refer the appeal to the Appeals Committee appointed by the Provost, these materials shall be shared by the Appeals Committee with the parties against whom allegations are made and any other persons deemed necessary by the Committee for a determination of the issues.

### *2. Grounds for Appeal*

The grounds for appeal of negative promotion and permanent status decisions shall be limited to: (1) violation of procedural due process and/or (2) violation of substantive due process. A decision may not be appealed on the ground that a different review committee, Dean or Provost exercising sound academic judgment might, or would, have come to a different conclusion. An appeals committee will not substitute its academic judgment for the judgment of those in the review process.

Violation of procedural due process means that the decision was negatively influenced by a failure by those in the review process to take a procedural step or to fulfill a procedural requirement established in relevant promotion and permanent status review procedures of the Libraries and the Board of Regents. **There must be a reasonable basis for believing that the** ~~The~~ procedural error ~~should have reasonably~~ affected the outcome of the ~~decision~~ **vote**.

Violation of substantive due process means that: (1) the decision was based upon an illegal or constitutionally impermissible consideration; e.g. upon the candidate's gender, race, age, nationality, handicap, sexual orientation, or on the candidate's exercise of protected first amendment freedoms (e.g., freedom of speech) or (2) the decision was arbitrary or capricious, i.e., it was based on erroneous information or misinterpretation of information or the decision was clearly inconsistent with the supporting materials.

### 3. *Standard of Proof*

An appeal shall not be granted unless the alleged grounds for appeal are demonstrated by a preponderance of the evidence that the procedural error **reasonably** affected the outcome of the **decision**~~vote~~.

### 4. *Responsibilities and Powers of the Appeals Committee*

The Appeals Committee shall notify the relevant administrators and APPSC chair in writing of the grounds for the appeal and meet with them to discuss the issues. The Appeals Committee shall meet with the appellant to discuss and clarify the issues raised in the appeal.

The Appeals Committee has investigative powers. The appeals committee may interview persons in the review process whom it believes to have information relevant to the appeal. Additionally, the Appeals Committee shall examine all documents related to the appellant's promotion or permanent status review and may have access to such other Libraries' materials as it deems relevant to the case. Whenever the committee believes that a meeting could lead to a better understanding of the issues in the appeal, it shall meet with the appropriate party (with the appellant or with the relevant academic administrator and APPSC Chair).

The Appeals Committee shall prepare a written report for the President. The report shall be based upon the weight of evidence before it. It shall include findings with respect to the grounds alleged on appeal and, where appropriate, recommendations for corrective action. Such remedy may include the return of the matter back to the stage of the review process at which the error was made and action to eliminate any harmful effects it may have had on the full and fair consideration of the case. No recommended remedy, however, may abrogate the principle of peer review.

The President shall attach great weight to the findings and recommendations of the committee. The decision of the President shall be final. The decision and the rationale shall be transmitted to the appellant, the Dean, the chair of the APPSC and the Provost in writing.

### **C. Implementation of the President's Decision**

1. When the President supports the grounds for an appeal, the Provost has the responsibility for oversight of the implementation of the corrective actions the President requires to be taken. Within 30 days of receipt of the President's letter, the Provost shall request the Dean of Libraries to formulate a plan and a timeline for implementing and monitoring the corrective actions. Within 30 days after receipt of this letter, the Dean of Libraries must supply a written reply. The Provost may require modification of the plan before approving it.

2. The Provost shall appoint a Provost's Representative to participate in all stages of the implementation of the corrective actions specified in the approved plan for the re-review, including participation in the meeting or meetings at which the eligible library faculty members discuss, review, or vote on its recommendation for permanent status and/or promotion for the appellant. The Provost's Representative shall be a senior member of the faculty with no previous or potential involvement at any level of review or appeal pertaining to the consideration of the appellant for permanent status and/or promotion except for the participation as Provost's Representative as defined in this paragraph. The Provost's Representative shall participate in all corrective action activities but shall not have a vote.

After the review is completed by the Libraries, the Provost's Representative shall prepare a report on all of the elements of corrective action specified in the approved plan, and this report will be included with the complete dossier to be reviewed at higher levels within the University.

3. The Provost's request and the Dean of Libraries' approved plan of implementation must be included in the dossier from the inception of the re-review. Re-reviews begin at the level of review at which the violation(s) of due process occurred and evaluate the person's record at the time the initial review occurred unless otherwise specified by the President. The Dean of Libraries, in addition to evaluating the candidate for promotion, must certify that each of the corrective actions has been taken and describe how the actions have been implemented. Re-reviews must proceed through all levels of evaluation including Presidential review. The Provost's review of the dossier will include an evaluation of compliance with the requirements imposed in the President's decision to grant the appeal. If the Provost discovers a serious failure by the Libraries to comply with the corrective actions required, the Provost shall formulate and implement a new plan for corrective action with respect to the appellant. In addition, the Provost shall inform the Dean of Libraries in writing and shall take appropriate disciplinary action.

#### **D. Extension of Contract**

In the event that the appellant's contract of employment will have terminated before reconsideration can be completed, the appellant may request the President to extend the contract for one additional year beyond the date of its normal termination, with the understanding that the extension does not in itself produce a claim to permanent status through length of service.

#### **Notes:**

1. Individuals who were granted permanent status under BOR VII-2.15, "Policy on Librarians," which was superseded by the "University System Policy on Appointment, Rank, and Tenure of Faculty" (BOR ~~III-4.00~~), shall retain permanent status. See Section II. Faculty Ranks, Promotion, Tenure, and Permanent Status, A. General Principles, 1. ~~The existing policy may be located at <http://www.usmh.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionII/II100.html>.~~

~~2. W. Bede Mitchell and Bruce Morton, "On Becoming Faculty Librarians: Acculturation Problems and Remedies," *College & Research Libraries* 53:381-392 (September 1992).~~

# Appendix 1 - Charge to the Faculty Affairs Committee



**UNIVERSITY SENATE**

**CHARGE**

Charged: September 8, 2017 | Deadline: March 30, 2018

## **Revisions to the UMD Policy on Appointment, Promotion, and Permanent Status of Library Faculty (Senate Document #16-17-28) Faculty Affairs Committee | Chair: Patricio Korzeniewicz**

The Senate Executive Committee (SEC) and Senate Chair Falvey request that the Faculty Affairs Committee review the proposed revisions to the UMD Policy on Appointment, Promotion, and Permanent Status of Library Faculty (Senate Document #16-17-28).

Specifically, we ask that you:

1. Review the University System Policy on Appointment, Rank, and Tenure of Faculty (II-1.00).
2. Review the University of Maryland, College Park Policy on Appointment, Promotion, and Permanent Status of Library Faculty [\[II-1.00\(B\)\]](#).
3. Review the proposed revisions to the policy in the attached proposal.
4. Review similar policies for library faculty at Big Ten and other peer institutions.
5. Consult with the Chair of the Libraries Assembly.
6. Consult with a representative from the University's Office of Faculty Affairs.
7. Consult with the Dean of the Libraries.
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, 2017**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



## University Senate PROPOSAL FORM

<b>Name:</b>	Kelsey Corlett-Rivera, Library Assembly Chair, on behalf of University Libraries faculty
<b>Date:</b>	February 24, 2017
<b>Title of Proposal:</b>	Revisions to the UMD Policy on Appointment, Promotion, and Permanent Status of Library Faculty
<b>Phone Number:</b>	301-405-9116
<b>Email Address:</b>	<a href="mailto:Kcr1@umd.edu">Kcr1@umd.edu</a>
<b>Campus Address:</b>	4119A McKeldin Library
<b>Unit/Department/College:</b>	Libraries
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Faculty
<b>Description of issue/concern/policy in question:</b>	<p>The University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty was last updated in 2010. Since that time, numerous problems with the policy have come to the attention of the Libraries' faculty and the Libraries' Appointment, Promotion, and Permanent Status Committee (APPSC). The most glaring is that the policy does not comply with University System policy (II-1.00 University System Policy on Appointment, Rank and Tenure of Faculty, II.A.1, p. 7) which requires a "review process leading to the granting of promotion and/or permanent status to occur no later than the sixth year of continuous full-time employment." Additional problems include a lack of clarity regarding roles of the APPSC and Libraries Human Resources, outdated references to UMD and USM policy, and inconsistencies both within the policy and between the policy and the APPS Guidelines.</p>
<b>Description of action/changes you would like to see implemented and why:</b>	<p>See amended policy with tracked changes, attached. This policy was amended by a special committee of the Library Assembly, reviewed by the Library Assembly Advisory Council, and approved by a unanimous vote of the Library Assembly. The changes address the issues listed above, bring the policy in line with USM policy, and streamline the document for greater clarity. The amended policy will ensure that we are complying with USM policy and enable us to recruit, retain, and promote talented Libraries faculty.</p>

<b>Suggestions for how your proposal could be put into practice:</b>	The Senate Executive Committee should refer this proposal to the Senate Faculty Affairs Committee and charge it with reviewing the proposed revisions to the UMD policy.
<b>Additional Information:</b>	

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

## **APPS Special Committee Summary Report February 24, 2017**

The APPS Special Committee was charged by the Library Assembly on October 13, 2016 to “update the University of Maryland Policy on Appointment, Promotion, and Permanent Status of Library Faculty II-1.00(B) to bring it into compliance with the University of Maryland and University System of Maryland policies and bylaws.”

The Special Committee convened from October 2016 to January 2017 to complete its work. As instructed, it consulted superseding policies from the University System of Maryland and University of Maryland, and 2015 changes to the UMD Appointment, Promotion, and Tenure process. It also consulted the APPSC Special Committee Report of 2011 and policies and procedures of other USMAI libraries. The Committee’s charge did not include review or revision of the APPSC Guidelines, which are derived from the policy.

Per its charge, the Special Committee hereby delivers an updated version of UMD Policy II-1.00(B). The major changes proposed by the Special Committee are as follows:

### Section 1: Library Faculty Ranks

- Replaced rank descriptions for Librarian I, II, III, and IV with language directly from superseding USM policy, thus removing potentially conflicting information between these two policies. Added language to descriptions for Librarian II, III, and IV to clarify that years of experience must also be accompanied by appropriate achievements in service and research, scholarship, and/or creativity to qualify for the rank.
- Aligned language for Librarian Emerita/Emeritus with definition from UMD Policy II-1.00(A) G.1 (p. 35)
- Affiliate Librarian II, Affiliate Librarian III, Affiliate Librarian IV: sentence 2, “The nature of the affiliation...” is currently contradicted by APPSC guidelines. The Special Committee recommends keeping the policy as-is, and rewriting the guidelines to reflect the policy.

### Section 2: Criteria for Appointment, Promotion, and Permanent Status

- A. More broadly defined Librarianship to include activities beyond collection management and instruction
- C. Research, Scholarship, and/or Creativity: Edited last sentence to allow for librarian’s research, scholarship, and/or creativity to be judged on a greater array of factors

### Section 4: Procedures for the Appointment of Library Faculty

- Paragraph 2: Added explanation to “barring exceptional circumstances” and reference to Section 6.

### Section 5: Procedures for Promotion and Permanent Status Review

- Added new paragraph (paragraph 3) defining Advisory Subcommittee’s responsibilities re: confidentiality, with language derived from UMD policy.
- Added language to end of paragraph 4 requiring eligible faculty to adhere to equity guidelines per new UMD APT manual: <https://faculty.umd.edu/policies/documents/APTManual.pdf>

- A. Applications for Promotion to Librarian II
  - o A. Paragraph 1: Replaced references to specific dates with “by the mandatory review date,” which will be established by LHR according to the Office of Faculty Affairs’ Tenure Clock Policy and communicated via appointment letter.
  - o A. Paragraph 1: Added language re: conditions of tenure delay and link to UMD policy II-1.00(D)
  - o A. Paragraph 1: Defined “early promotion” as “promotion to the next level before the required number of years of professional experience has been reached.” See discussion of review and promotion dates, below.
  - o A. Paragraph 3: Added sentence re: candidates denied promotion, for consistency with other parts of the policy
- B. Applications for Promotion to Librarian III, for Promotion to Librarian IV, and for Permanent Status at the Rank of Librarian III
  - o B. Paragraph 1: Clarified deadline for completion of review, to bring into alignment with USM policy. See discussion of review and promotion dates, below.
  - o B. Paragraph 1: Libraries Human Resources is responsible for determining and communicating mandatory review date, in accordance with Office of Faculty Affairs’ Tenure Clock Policy. Streamlined language here re: dates so that candidates must apply by “announced deadline” each year, rather than by a specific month/day.
  - o B. Paragraph 1: Defined “early promotion” as “promotion to the next level before the required number of years of professional experience has been reached.” See discussion of review and promotion dates, below.
  - o B. Paragraph 2: Removed sentence: “Ordinarily, librarians denied promotion are not eligible for promotional review in the next review cycle.” We can find no reference to this in USM or campus policy and think it should be removed from our policy. If an unsuccessful candidate in (for example) year 3 can get the materials together by the deadline, s/he can apply again in year 4.
  - o B. Paragraph 3: Streamlined language re: date of announcement each year
  - o B. Paragraph 10: Added sentence re: candidates denied promotion, for consistency with other parts of the policy
  - o B. Paragraph 11: Added language re: reappointment review policy for applicants appointed at Librarian II who choose not to go up for promotion/permanent status by the third year. Note that the committee has changed the notification date to July 31 (instead of July 1, as in the current procedure) to allow APPSC time to complete this task after being convened at the beginning of the fiscal year. If accepted, this change will need to be updated in APPSC documentation.

Other changes throughout:

- Replaced inconsistent references to creativity, scholarship, research, etc. with “research, scholarship, and/or creativity”
- Removed outdated references to “team-based organization”
- Made nomenclature consistent: “candidate” = librarian applying to promotion or permanent status from within the Libraries; “applicant” = librarian applying for initial position with the

Libraries; “Librarian” = current library faculty or specific USM-defined ranks (e.g., Librarian II, III, and IV)

- Replaced outdated references to “Internal Review Committee” with “Advisory Subcommittee,” per new University policy
- Replaced inconsistent references to “Libraries Human Resources”
- Replaced outdated references to USM or UMD policy names/numbers (e.g., II-1.00(D) UMCP Policy on Extension of Time for Tenure Review Due to Personal or Professional Circumstances.)

#### Review and Promotion Dates

The most significant change recommended by the Special Committee concerns the deadlines by which candidates can or must apply for promotion and/or permanent status. Current policy requires candidates to apply for promotion by the end of the fifth year of employment; anything else is considered an “early” application. However, USM policy only requires that “the review process leading to the granting of promotion to Librarian III and granting of permanent status shall be completed no later than the sixth year of continuous full-time employment.” Simultaneously, USM policy sets minimum years of experience for each Librarian rank (three years for Librarian II, for example.) The Special Committee therefore contends that, if a candidate has reached the minimum number of years of experience (or will reach it by the time promotion and/or permanent status would be granted,) that candidate should be able to apply for the next rank, regardless of the number of years of continuous, full-time employment at the University of Maryland. With this change, there will no longer be such a thing as “going up early” for promotion; if a Librarian will have the required number of years of experience by the date promotion would be granted, he or she is eligible to apply for promotion. “Early” application would only apply if a candidate does not have the number of years of requisite experience but has a record of “exceptional accomplishment where the candidate has shown superior performance and extraordinarily rapid professional development.”

When a new Librarian I or II is hired, Libraries Human Resources has responsibility for setting the mandatory review date (relying on the University’s Tenure Clock Policy) and for notifying the new Librarian of that date. The Librarian is responsible for calculating his/her own years of experience and making a decision on whether to apply for promotion before the mandatory date has been reached. The Librarian may consult with the PRC, APPSC, and Libraries Human Resources, as needed, to calculate years of experience and determine if/when application for promotion is appropriate.

If a Librarian II does not (or cannot, due to not reaching the required years of experience) apply for promotion and permanent status during the third year, that librarian must undergo reappointment review as it is currently understood. The goal is to ensure that the candidate is making sufficient progress toward promotion and permanent status.

A few examples:

*Librarian II Appointment with application at earliest date:*

Jane Doe has four years of previous academic library experience, one year of which is at a level comparable to Librarian II, when she is hired as a Librarian II at the University of Maryland. Her mandatory review date will be the end of her fifth full year of employment, as determined by Libraries Human Resources via the University’s Tenure Clock Policy. However, by the end of her second year she

will have reached the minimum years of experience (six, with three at the rank of Librarian II.) She is eligible, then, to apply for Librarian III with Permanent Status at the end of her first year of employment at the University of Maryland. If promotion is not granted, she may apply in subsequent years as desired. She must apply for promotion and permanent status by the end of her fifth year of employment at University of Maryland to meet the mandatory review date.

*Librarian II Appointment with application at mandatory date:*

John Doe also has four years of previous academic library experience, one year of which is at a level comparable to Librarian II, when he is hired as a Librarian II at the University of Maryland. His mandatory review date will be the end of his fifth full year of employment, as determined by Libraries Human Resources via the University's Tenure Clock Policy. Unlike Jane, John decides not to apply for promotion and permanent status at the end of his second year, even though he is eligible, and decides instead to wait for the mandatory review date. In his third year, John will go through the reappointment process. He must apply for promotion and permanent status by the end of his fifth year of employment at University of Maryland to meet the mandatory review date

*Librarian I Appointment:*

Jane Frost is a new librarian with less than a year of previous academic library experience, when she is hired as a Librarian I at the University of Maryland. Her first review date will be January 31 of the year in which she would reach her third full year of employment with the University of Maryland. If successful, she becomes a Librarian II effective July 1 of her third year. She must apply for promotion and permanent status by the end of her fifth year of employment at University of Maryland to meet the mandatory review date.

In summary, this change puts the emphasis on the years of experience, rather than the years at the University of Maryland, for determining the timeline for promotion and/or permanent status. A Librarian II can apply for Librarian III at the end of the fifth year of experience, so that s/he can be promoted by the sixth year; a Librarian I can apply for promotion in the second year so that s/he can be promoted to Librarian II by the third year.

We believe these revisions to the Appointment, Promotion, and Permanent Status policy will bring the Libraries into compliance with University and University System of Maryland policy, and will result in a simpler, more understandable system for librarians, their supervisors, and the APPSC.

Respectfully submitted,

APPS Special Committee  
Tim Hackman, Chair  
Sharon Epps  
Vin Novara  
Bria Parker

**II-1.00(B) UNIVERSITY OF MARYLAND POLICY ON APPOINTMENT, PROMOTION, AND PERMANENT STATUS OF LIBRARY FACULTY**

(Revised by the Library Faculty Assembly on November 30, 2006; Approved by the President on March 15, 2007; Technical Amendments on August 1, 2008; Technical Amendment Section 5(B) July 1, 2009; Technical Amendments on May 20, 2010)  
[\[Add new revision information here when approved by campus\]](#)

**Purpose of this Policy**

Librarians at the University of Maryland (JMD) hold faculty status and as such are colleagues with the academic teaching faculty in the pursuit of the educational mission within the University: by providing academic support for research and teaching, by helping to move the university forward in the digital age, by making their own professional and scholarly contributions, and by providing public service to the state and the nation in ways embodying the best traditions of outstanding land-grant universities.

University of Maryland library faculty apply professional, scholarly, and disciplinary knowledge in a series of related functions: selecting, acquiring, and organizing scholarly information; teaching in both formal and informal settings; and providing organization and management of the staff and resources that facilitate access to scholarly information and library services for our users according to the mission of the University Libraries.

The faculty have an obligation to remain professionally informed, to pursue the discovery of new knowledge related to their field of expertise, to disseminate the results of their scholarly work, and to seek opportunities for service to the Libraries, the University, the state, the nation, and the profession.

The Policy on Appointment, Promotion, and Permanent Status of Library Faculty exists to set the standards and procedures for appointment and promotion to the various librarian faculty ranks and to recognize and encourage the achievement of excellence on the part of the library faculty members through the awarding of permanent status and through promotion within the library faculty ranks. The policy is derived from the "University of Maryland Policy and Procedures on Appointment, Promotion, and Tenure of Faculty" (BOR Policy II-1.00 [A]) but is adapted to library faculty. The Guidelines for Appointment, Promotion, and Permanent Status of Library Faculty (hereafter Guidelines) contain the procedures governing the preparation of dossiers and specific details of the review process.

**Section 1: Library Faculty Ranks**

Each librarian within the JMD Libraries' organizational structure holds a functional position title based on his or her core assignment. In addition, each librarian holds a faculty rank commensurate with his or her level of professional experience and achievement. Each rank requires a master's degree from an American Library Association accredited program or a graduate degree in another field where appropriate. The master's degree is considered the terminal degree. Appointments to these ranks are for twelve months with leave and other benefits provided to twelve-month tenured/tenure track faculty members with the exception of terminal leave, sabbatical leave, and non-creditable sick leave (collegially supported).

Permanent status is an institutional commitment to permanent and continuous employment to be terminated only for adequate cause (for example, professional or scholarly misconduct, incompetence, moral turpitude, or willful neglect of duty) in accordance with applicable procedures. (See II-1.00 University System Policy on Appointment, Rank and Tenure of Faculty at II.A.1 and I.C.5, and I-1.00(A) University of Maryland Policy and Procedures on Appointment, Promotion and Tenure of Faculty at I.F.10 and I.F.12. Librarians at the rank of Librarian I and Librarian II are not eligible for permanent status. Permanent status is available for library faculty

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holding the rank of Librarian III and Librarian IV. Those candidates from within the University without permanent status applying for the rank of Librarian III and Librarian IV shall be considered concurrently for permanent status. Permanent status decisions will be based on the candidate's entire career. The candidate's record must demonstrate consistency of job performance, continuing development, significance of contributions, and potential for continued excellence and professional growth.

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The following shall be the minimum qualifications for appointment or promotion to the library faculty ranks in use by the University of Maryland Libraries.

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#### Librarian I

This rank is assigned to a librarian just entering librarianship with little or no professional library experience, but who has been judged to have demonstrated an understanding of the basic tenets of librarianship and a potential for professional growth. A Librarian I is not eligible for permanent status.

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#### Librarian II

Appointment or promotion to this rank signifies that the librarian has demonstrated effective professional knowledge and skills significantly above those expected of a Librarian I. Normally, this rank requires a minimum of three years of professional experience, plus achievements in service and research, scholarship, and/or creativity befitting the rank. Appointment to this rank does not confer permanent status.

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#### Librarian III

Appointment or promotion to this rank signifies that the librarian has mastered the skills, knowledge, and techniques of librarianship and has made meaningful contributions to the library, the institution, the library profession, and/or an academic discipline. Normally, this rank requires a minimum of six years of professional experience, three of which must be at a level comparable to the rank of Librarian II at the appointing USM institution, plus achievements in service and research, scholarship, and/or creativity befitting the rank. Promotion to this rank from within the Libraries confers permanent status; appointment to this rank from outside the Libraries may confer permanent status.

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#### Librarian IV

Appointment or promotion to this rank is exceptional. This rank is awarded to those librarians who have made distinctive contributions to the library, the institution, the library profession, and/or an academic discipline. This rank normally requires a minimum of nine years of professional experience, at least three of which must be at a level comparable to the rank of Librarian III at the appointing USM institution, plus achievements in service and research, scholarship, and or creativity befitting the rank. Appointment to this rank confers permanent status.

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#### Affiliate Librarian II, Affiliate Librarian III, Affiliate Librarian IV

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These titles shall be used to recognize the affiliation with the Libraries of a university staff or faculty member from an academic or administrative unit to which his or her appointment and salary are formally linked. The nature of the affiliation shall be specified in writing, and the appointment shall be made upon the recommendation of the Appointment Promotion and Permanent Status Committee (APPSC). The rank of affiliation shall be commensurate with the appointee's qualifications or academic rank within his or her primary unit.

Librarian Emerita, Librarian Emeritus

Librarians III and Librarians IV, who have been members of the faculty of the University of Maryland at College Park for the equivalent of ten or more years of full-time service, and who give to the Dean of Libraries proper written notice of their intention to retire, are eligible for nomination to emerita/emeritus status. Only in exceptional circumstances may faculty with fewer than the equivalent of ten years of full-time service be recommended for emerita/emeritus status. Emerita/emeritus Librarians shall have demonstrated meritorious service to the University in the areas of librarianship, service, or research, scholarship, and/or creativity.

Section 2: Criteria for Appointment, Promotion and Permanent Status

The criteria for appointment, promotion, and permanent status of library faculty reflect the University of Maryland Libraries' mission to provide access to and assistance in the use of scholarly information resources. These activities support the Libraries' primary role in serving the instructional, research, and public constituencies of the University. The factors to be considered in appointments, promotions, and permanent status decisions fall into three categories: (a) librarianship; (b) service; and (c) research, scholarship, and/or creativity. Candidates are expected first and foremost to demonstrate excellence in librarianship in their area of assigned responsibility. Each factor shall be considered in every decision.

a. Librarianship

Librarianship at the University of Maryland is defined as selecting, acquiring, and organizing scholarly information; teaching in both formal and informal settings; and providing organization and management of the staff and resources that facilitate access to scholarly information and library services for our users. The candidate for appointment, promotion, or permanent status must demonstrate superior performance in his or her area of assigned responsibility and participation in the collaborative endeavors of librarianship.

b. Service

Librarians shall demonstrate committed service, beyond the assigned area of responsibility, to the Libraries and the University, and within the library profession or an academic discipline. A strong service profile at the local, regional, national, and international levels is highly valued among library faculty but service shall not substitute for librarianship or for achievement in research, scholarship, and/or creativity. Service activity shall not be expected or required of library faculty who have not attained permanent status to the point that it interferes with the development of their librarianship.

c. Research, Scholarship, and/or Creativity

Librarians shall demonstrate sustained and effective engagement in research, scholarship, and, in appropriate areas, creative activities or other activities that result in the generation and application of intellectual property. These contributions must be of high quality and significance to the field of librarianship or another discipline related or complementary to the candidate's area of responsibility. A library faculty member's research, scholarship, and/or creativity will be judged for its impact, significance, innovation, contribution to library effectiveness, and/or expansion of the librarian's relationship to knowledge.

Section 3: Appointment, Promotion and Permanent Status Committee

The Appointment, Promotion, and Permanent Status Committee (APPSC) is a standing committee of the Library Assembly, members of which are elected by the library faculty. The number of committee members and representation are detailed in A Plan of Organization for the University of Maryland

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**Libraries.** The APPSC has two major responsibilities. It is the sole faculty body to make recommendations on rank and status for new faculty appointed to the Libraries at the rank of Librarian I, II and III without permanent status and on the promotion of Librarian I to Librarian II. In addition, the APPSC is the body that coordinates all activities related to promotion and permanent status for Librarian III and Librarian IV and serves as the faculty review committee (defined as the **Advisory Subcommittee**) for new appointments at the rank of Librarian III and IV.

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#### Section 4: Procedures for the Appointment of Library Faculty

All announcements for library faculty vacancies shall state that **applicants** are expected to demonstrate potential for and/or proof of accomplishments in the areas of librarianship, service and scholarly/creative activities.

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New full-time appointments to the rank of Librarian IV carry permanent status. New full-time appointments to the rank of Librarian III may carry permanent status. When a Librarian III is appointed without permanent status, the APPSC shall set a date for the completion of the mandatory review for permanent status that is no later than the end of the third full fiscal year of employment. The date for this mandatory review will be stated in the letter of appointment. A candidate who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, such as a successful appeal (Section 6), shall receive no further consideration for permanent status.

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The APPSC acts as the **Advisory Subcommittee** for **applicants** for appointment at the rank of Librarian III with permanent status and Librarian IV. The APPSC evaluates the **applicants'** records and writes an evaluative report recommending a rank. **Seventy-five percent** of the eligible faculty (Librarians III with permanent status and/or Librarians IV) shall constitute a quorum for the meeting to recommend rank at appointment. A positive recommendation requires a two-thirds majority of those voting. The APPSC will write a report summarizing the vote and the recommendation and submit the report to the Dean of Libraries. The Dean shall submit his or her recommendation to the Provost through the Office of Faculty Affairs. The Provost shall in turn submit his or her recommendation to the President. The evaluative report, recommendations made at each level, and other elements of the dossier such as external letters shall be forwarded for consideration by those at the next level, but otherwise shall remain confidential from the **applicant** and others in order to best elicit candor and aid the University in making a fair and impartial assessment.

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#### Section 5: Procedures for Promotion and Permanent Status Review

Reviews for promotion and permanent status shall be conducted according to the duly adopted written policies and procedures of the University. These procedures shall be published in the *Guidelines*.

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Faculty review committees (defined as **Advisory Subcommittees**) are a part of the review process. Review committees and administrators at all levels shall impose the highest standards of quality, ensure that all candidates receive fair and impartial treatment, and be responsible for maintaining the integrity and confidentiality of the review and recommendation process. The APPSC shall assign an **Advisory Subcommittee** for each application for permanent status and/or promotion to Librarian III or Librarian IV. Normally, each **Advisory Subcommittee** will have three members consisting of one librarian who is familiar with the work of the candidate, one librarian in a related field, and one **librarian from anywhere in the Libraries**. Each **Advisory Subcommittee** should reflect sufficient seniority in membership to ensure familiarity with the procedures and knowledge of the Libraries' goals and standards. The APPSC may appoint additional outside members to an **Advisory Subcommittee** (i.e. academic faculty in a relevant department) where appropriate. If there are fewer than three eligible faculty members, the Dean shall appoint eligible faculty members from related departments to ensure that the review committee shall contain three persons.

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Members of an Advisory Subcommittee must maintain absolute confidentiality in their consideration of cases and shall not discuss specific cases with anyone who is not a member of the subcommittee. Every member of the campus community must respect the integrity of the appointment, permanent status, and promotion process and must refrain from attempting to discuss cases with subcommittee members or to lobby them in any way.

In decisions on permanent status and/or promotion to Librarian III and Librarian IV, library faculty eligible to vote are those librarians with permanent status at or above the rank for which the candidate has applied. Eligible faculty members are bound by the same requirements for confidentiality required of Advisory Subcommittees and the APPSC, and will also adhere to equity guidelines as prescribed in the University APT Manual (see "Equity and Fairness in the Review Process.")<sup>1</sup>

The following procedures and sequence of operations are to be followed by all candidates and by all committees. The procedures have been established to promote consistency from one year to the next and to guarantee full and fair hearings for all candidates.

#### A. Applications for Promotion to Librarian II

A library faculty member holding a full or part-time, non-temporary, non-contractual appointment at the University of Maryland Libraries at the rank of Librarian I must apply for promotion by the mandatory review date. Libraries Human Resources will communicate the mandatory review date, as established by the Tenure Clock Policy maintained by the Office of Faculty Affairs<sup>2</sup>, via the letter of appointment. A candidate may request a delay of his/her promotion application for personal or professional circumstances or for the birth or adoption of a child, in accordance with University policy II-1.00(D). Requests to delay the promotion review must be submitted in writing to the APPSC and the Dean of Libraries by the deadline for the mandatory review. Extensions will be determined by the APPSC in consultation with the Dean of Libraries. Librarians who choose not to apply will have their appointments terminated at the end of their contract period. Early promotion (i.e., promotion to the next level before the required number of years of professional experience has been reached) will be considered only in cases of clearly exceptional accomplishment where the candidate has shown superior performance and extraordinarily rapid professional development. Review for promotion to Librarian II, like review of initial appointments to the ranks of Librarian I and Librarian II, is conducted by APPSC. Promotion to the rank of Librarian II becomes effective on July 1 of the next fiscal year following the completion of the review. Applications shall consist of the elements described in the Guidelines.

The application will be shepherded through the review process by a committee member assigned by the chair of the APPSC. The APPSC's recommendation is added to the dossier and forwarded to the Dean for the final decision on the application.

Before the beginning of the next fiscal year, the Dean will review the material in the dossier and send written notification to the candidate indicating the Dean's final decision. An appointee who has been notified that promotion to Librarian II has been denied shall be granted an additional and terminal one year appointment in that rank, but barring exceptional circumstances, such as a successful appeal (Section 6), shall receive no further consideration for permanent status. Copies of the Dean's written notification to the candidate regarding the final decision will be provided to the APPSC and the Libraries Human Resources. Following the decision, the candidate's dossier and all evaluative reports and recommendations shall be forwarded to the Dean's Office where they shall remain confidential from the candidate and others.

<sup>1</sup> <https://faculty.umd.edu/policies/documents/APTManual.pdf>

<sup>2</sup> <https://www.faculty.umd.edu/policies/tenureclock.html>

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**B. Applications for Promotion to Librarian III, for Promotion to Librarian IV, and for Permanent Status at the Rank of Librarian III**

The deadline for the initiation of the review for promotion to Librarian III is mandatory. Review for promotion to Librarian IV is neither mandatory nor automatic. Promotion to Librarian III from within confers permanent status. In accordance with the University System Policy on Appointment, Rank, and Tenure of Faculty, the review process leading to the granting of promotion to Librarian III and granting of permanent status shall be completed no later than the sixth year of continuous full-time employment. Permanent status can be awarded only by an affirmative decision based upon a formal review. Libraries Human Resources will communicate the mandatory promotion review date, as established by the Tenure Clock Policy maintained by the Office of Faculty Affairs, via the letter of appointment or promotion. Candidates for promotion to Librarian III and candidates for permanent status at the rank of Librarian III must submit their materials or inform the APPSC and the Dean of Libraries, in writing, of their intent to resign, by the beginning of the fiscal year in which the review is mandated. For information related to delaying the promotion review process, see Section D.

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To be considered for promotion and/or permanent status, the library faculty member must have the required minimum years of professional experience, plus a corresponding record of service and research, scholarship, and/or creativity, and must initiate the review process by submission of an application to the chair of the APPSC by the announced deadline. Credit for years of professional experience (defined as post-masters or equivalent professional employment) is counted as of the start of the fiscal year in which promotion and/or permanent status would be granted, and can include relevant experience at other institutions. If granted, promotion becomes effective on July 1 of the next fiscal year. Early promotion (i.e., promotion to the next level before the required number of years of professional experience has been reached) will be considered only in cases of clearly exceptional accomplishment where the candidate has shown superior performance and extraordinarily rapid professional development. Applications should consist of the elements described in the Guidelines.

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In April, the chair of the APPSC will announce the deadline for submission of applications. APPSC will notify all candidates with mandatory review dates in the current fiscal year, and will call for non-mandatory candidates to declare their intention to apply.

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The Advisory Subcommittee appointed for a candidate will request letters of reference, other supporting documentation, and where appropriate, verify the authenticity of documentation supplied by the candidate. There must be a minimum of six letters from external referees (outside the University of Maryland), three and at most one-half of the letters chosen by the candidate and at least three chosen by the Advisory Subcommittee.

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The Advisory Subcommittee will review the documentation collected and prepare a Summary Statement of Professional Achievements, a factual and objective, not evaluative, summary of the candidate's accomplishments in relation to the factors. The purpose of the Summary Statement is to set forth the candidate's work in the context of the field. The APPSC will send a copy of the Summary Statement to the candidate for review and comment. The candidate must certify receipt of the Summary Statement by signing and returning the Summary Statement. The candidate has the option of submitting a response that corrects or amends the Summary Statement. The candidate's response is due to the APPSC two weeks after receipt of the Summary Statement. The Summary Statement of Professional Achievements and optional candidate's response both become part of the candidate's dossier.

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The Advisory Subcommittee will decide on its recommendation and prepare an evaluative report that addresses each factor and discusses whether the candidate meets the requirements for promotion. If a member of the Advisory Subcommittee disagrees with the majority opinion

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expressed in the evaluative report, he or she may prepare a minority report. The evaluative report(s) become part of the dossier.

The APPSC will call a meeting of eligible library faculty, allowing sufficient time for the faculty members to review the documentation. A quorum consisting of 75% of the eligible faculty must be in attendance. A candidate may not attend a meeting where his or her application is under consideration. The Dean of Libraries may attend the meeting but does not vote. The faculty must maintain absolute confidentiality in their consideration of the cases.

The APPSC will call for a vote of eligible faculty. A two-thirds majority of those voting is required for a positive recommendation for permanent status and/or promotion.

A member of the APPSC will prepare a written report stating the faculty's vote and recommendation on whether or not to grant permanent status or promotion and explaining the basis for the faculty's recommendation insofar as that basis has been made known in the discussion. Any dissenting faculty member(s) may prepare a minority report. The report(s) will be forwarded to the Dean along with the Advisory Subcommittee summary statements, evaluative reports, and candidate's dossier.

The Dean will review the documentation and recommendation of the faculty and forward a recommendation to the Provost. The Provost and the President shall confer about the case, and the Provost shall transmit his or her recommendation and a written justification to the President. The President will send written notification to the candidate and provide a copy of the notice to the Dean, the APPSC, and the Libraries' Office of Human Resources. An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one year appointment in that rank, but barring exceptional circumstances, such as a successful appeal (Section 6), shall receive no further consideration for permanent status. Following the decision, the candidate's dossier and all evaluative reports and recommendations shall be forwarded to the Office of the Vice President for Academic Affairs and Provost, where they shall remain confidential from the candidate and others.

Librarians II who do not apply for promotion by their third year of full-time employment shall apply for reappointment. The Appointment, Promotion, and Permanent Status Committee (APPSC) will notify Librarians II without permanent status in a permanent status track position by July 31 of the fiscal year in which their reappointment should occur (usually before the third year) that they are to submit an application for reappointment to the Appointment, Promotion, and Permanent Status Committee by January 31 of that same fiscal year.

### C. Withdrawal

Candidates for promotion and/or permanent status may voluntarily withdraw from the review process at any time. When a library faculty member without permanent status withdraws at the time of mandatory review, he or she is entitled to a period of six months before the termination of employment. Depending on where the application is in the process, the chair of the APPSC, the Dean, or the Office of the Associate Provost for Faculty Affairs should be notified promptly.

### D. Extension of Time for Permanent Status Review Due to Personal and Professional Circumstances

Any library faculty member may request an extension of time for promotion and/or permanent status consideration based on personal or professional circumstances. Extension requests shall be governed by the UMCP Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances. (II-1.00 D)

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**E. Notification to Candidates for Promotion and/or Permanent Status**

Within two weeks of the date of forwarding the decision to the Provost, the Dean will inform the candidate whether the recommendations made by the eligible faculty and the Dean were positive or negative (including specific information on the number of faculty who voted for promotion and/or permanent status and the number who voted against) and prepare a letter that will summarize in general terms the nature of the considerations on which those decisions were based. The APPSC shall review the summary letter prepared by the Dean in order to ensure that it accurately summarizes the considerations regarded as relevant by the eligible faculty. The APPSC shall be provided access to the Dean's letter to the candidate in order to ensure that the summary accurately reflects the recommendation and rationale provided to higher levels of review. In addition, the letter shall be made available in the Office of the Dean for review by any member of the eligible faculty. In the event that the APPSC and the Dean are unable to agree on the appropriate language and contents of the summary letter, each shall write a summary letter to the candidate. A copy of all materials provided to the candidate shall be added to the promotion or permanent status file as the case proceeds through higher levels of review.

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**Section 6: Appeals Procedure**

The appeal process described in this section is derived from the "University of Maryland Policy and Procedures on Appointment, Promotion, and Tenure of Faculty" (BOR II-1.00 [A], Section V. The Appeals Process) and adapted for library faculty.

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**A. Appeals Committees**

When appropriate, the Provost shall appoint a special three-member Appeals Committee. This committee shall consist of three non-library faculty, one of whom shall be a member of the University Library Council and shall serve as chair. The non-librarian faculty members represented must be tenured and at or above the relevant rank of the appellant, and they should not have participated in the original review of the appellant.

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**B. Guidelines and Procedures for Appeals**

*1. Mandatory and Non-Mandatory Reviews*

When a candidate for promotion and/or permanent status receives notification from the President or Dean of Libraries that promotion or permanent status was not awarded, the candidate may appeal the decision by requesting that the President submit the matter to a specially appointed Appeals Committee for consideration. The request shall be in writing and be made within sixty (60) days of notification of the negative decision. If the request is granted, all documentation to be filed in support of the appeal must be submitted to the Appeals Committee not later than one hundred and twenty (120) days after notification unless otherwise extended by the President because of circumstances reasonably beyond control of the candidate. In writing the letter requesting appeal, the appellant should be aware that this letter and any other documentation submitted to support the appeal serve as the evidentiary basis for the investigation of the validity of the appeal and should the President determine that the appeal is properly made in accordance with this section and refer the appeal to the Appeals Committee appointed by the Provost, these materials shall be shared by the Appeals Committee with the parties against whom allegations are made and any other persons deemed necessary by the Committee for a determination of the issues.

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*2. Grounds for Appeal*

The grounds for appeal of negative promotion and permanent status decisions shall be limited to: (1) violation of procedural due process and/or (2) violation of substantive due process. A decision may not be appealed on the ground that a different review committee, Dean or Provost exercising sound academic judgment might, or would, have come to a different conclusion. An appeals committee will not substitute its academic judgment for the judgment of those in the review process.

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Violation of procedural due process means that the decision was negatively influenced by a failure by those in the review process to take a procedural step or to fulfill a procedural requirement established in relevant promotion and permanent status review procedures of the Libraries and the Board of Regents. There must be a reasonable basis for believing that the procedural error affected the outcome of the vote.

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Violation of substantive due process means that: (1) the decision was based upon an illegal or constitutionally impermissible consideration; e.g. upon the candidate's gender, race, age, nationality, handicap, sexual orientation, or on the candidate's exercise of protected first amendment freedoms (e.g., freedom of speech) or (2) the decision was arbitrary or capricious, i.e., it was based on erroneous information or misinterpretation of information or the decision was clearly inconsistent with the supporting materials.

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### 3. *Standard of Proof*

An appeal shall not be granted unless the alleged grounds for appeal are demonstrated by a preponderance of the evidence that the procedural error affected the outcome of the vote.

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### 4. *Responsibilities and Powers of the Appeals Committee*

The Appeals Committee shall notify the relevant administrators and APPSC chair in writing of the grounds for the appeal and meet with them to discuss the issues. The Appeals Committee shall meet with the appellant to discuss and clarify the issues raised in the appeal.

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The Appeals Committee has investigative powers. The appeals committee may interview persons in the review process whom it believes to have information relevant to the appeal. Additionally, the Appeals Committee shall examine all documents related to the appellant's promotion or permanent status review and may have access to such other Libraries' materials as it deems relevant to the case. Whenever the committee believes that a meeting could lead to a better understanding of the issues in the appeal, it shall meet with the appropriate party (with the appellant or with the relevant academic administrator and APPSC Chair).

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The Appeals Committee shall prepare a written report for the President. The report shall be based upon the weight of evidence before it. It shall include findings with respect to the grounds alleged on appeal and, where appropriate, recommendations for corrective action. Such remedy may include the return of the matter back to the stage of the review process at which the error was made and action to eliminate any harmful effects it may have had on the full and fair consideration of the case. No recommended remedy, however, may abrogate the principle of peer review.

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The President shall attach great weight to the findings and recommendations of the committee. The decision of the President shall be final. The decision and the rationale

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shall be transmitted to the appellant, the Dean, the chair of the APPSC and the Provost in writing.

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### C. Implementation of the President's Decision

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1. When the President supports the grounds for an appeal, the Provost has the responsibility for oversight of the implementation of the corrective actions the President requires to be taken. Within 30 days of receipt of the President's letter, the Provost shall request the Dean of Libraries to formulate a plan and a timeline for implementing and monitoring the corrective actions. Within 30 days after receipt of this letter, the Dean of Libraries must supply a written reply. The Provost may require modification of the plan before approving it.

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2. The Provost shall appoint a Provost's Representative to participate in all stages of the implementation of the corrective actions specified in the approved plan for the re-review, including participation in the meeting or meetings at which the eligible library faculty members discuss, review, or vote on its recommendation for permanent status and/or promotion for the appellant. The Provost's Representative shall be a senior member of the faculty with no previous or potential involvement at any level of review or appeal pertaining to the consideration of the appellant for permanent status and/or promotion except for the participation as Provost's Representative as defined in this paragraph. The Provost's Representative shall participate in all corrective action activities but shall not have a vote. After the review is completed by the Libraries, the Provost's Representative shall prepare a report on all of the elements of corrective action specified in the approved plan, and this report will be included with the complete dossier to be reviewed at higher levels within the University.

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3. The Provost's request and the Dean of Libraries' approved plan of implementation must be included in the dossier from the inception of the re-review. Re-reviews begin at the level of review at which the violation(s) of due process occurred and evaluate the person's record at the time the initial review occurred unless otherwise specified by the President. The Dean of Libraries, in addition to evaluating the candidate for promotion, must certify that each of the corrective actions has been taken and describe how the actions have been implemented. Re-reviews must proceed through all levels of evaluation including Presidential review. The Provost's review of the dossier will include an evaluation of compliance with the requirements imposed in the President's decision to grant the appeal. If the Provost discovers a serious failure by the Libraries to comply with the corrective actions required, the Provost shall formulate and implement a new plan for corrective action with respect to the appellant. In addition, the Provost shall inform the Dean of Libraries in writing and shall take appropriate disciplinary action.

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### D. Extension of Contract

In the event that the appellant's contract of employment will have terminated before reconsideration can be completed, the appellant may request the President to extend the contract for one additional year beyond the date of its normal termination, with the understanding that the extension does not in itself produce a claim to permanent status through length of service.

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#### Notes:

1. Individuals who were granted permanent status under BOR VII-2.15, "Policy on Librarians," which was superseded by the "University System Policy on Appointment, Rank, and Tenure of Faculty" (BOR

II1.00), shall retain permanent status. See Section II. Faculty Ranks, Promotion, Tenure, and Permanent Status, A. General Principles, 1.

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## **Inclusion and Respect at the University of Maryland**

**PRESENTED BY** Co-Chairs Ja’Nya Banks, Lucy Dalglish, Warren Kelley

**REVIEW DATES** SEC – April 6, 2018 | SENATE – April 24, 2018

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** See Report for More Information

**NECESSARY APPROVALS** Senate, President

### **ISSUE**

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In the last few years, the University has been confronted with many of the same issues that have emerged across the country. Concerns about the infiltration of hate groups, incidents that have diminished the experience of many of the members of our campus community, and a significant tragedy that has forever changed our community have led to a collective call for action. Members of our community have expressed concerns about safety and security; transparency; and the impact of hate/bias incidents on our campus. In response to these concerns, President Loh and the University Senate created the Joint President/Senate Inclusion & Respect Task Force to review these concerns, consider our existing practices, and develop a comprehensive plan for initiatives on prevention and education, improving campus climate, responding to incidents motivated by hate, and upholding the pillars of our academic mission within legal guidelines.

### **RECOMMENDATION(S)**

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The Inclusion & Respect Task Force makes recommendations for a comprehensive diversity and inclusion initiative in nine areas: (I) Values of the University, (II) Prevention & Education, (III) Hate/Bias Incident Response, (IV) Centralization, (V) Communication, (VI) Evaluation & Assessment, (VII) Free Speech & Freedom of Expression, (VIII) Current Policies and Guidelines, and (IX) Resources & Implementation as shown in the attached report.

### **TASK FORCE WORK**

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The Task Force gathered information on campus climate, reviewed campus policies and procedures for response to hate/bias incidents, assessed efforts to provide prevention and education training and the effectiveness of those programs, reviewed scholarly research on bias in higher education, reviewed peer institution data, considered how to address the intersections of free speech and hate speech in campus policies, considered how campus messaging and communication could be used to promote an inclusive campus atmosphere, and explored strategies for fostering a campus environment that is intolerant of hate and bias. Throughout its work, the Task Force engaged members of the campus community, holding three campus-wide open forums, meeting with faculty, staff, and student groups, and consulting with a variety of administrative units involved in programming and implementation of diversity efforts. The Task Force deliberated on guiding

principles, developed and refined recommendations, and consulted with administrators and offices that may be impacted by the recommendations.

The Task Force unanimously approved the proposed recommendations on March 29, 2018.

## **ALTERNATIVES**

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The University could continue with its current efforts in the areas of diversity and inclusion programming, hate/bias response, and campus climate assessment.

## **RISKS**

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There are no known risks to the University if these recommendations are implemented.

## **FINANCIAL IMPLICATIONS**

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The University will need to provide the necessary resources for the development and implementation of all of the elements of these recommendations.

**INCLUSION AND RESPECT AT THE UNIVERSITY OF MARYLAND****2017-2018 Task Force Members**

**Ja'Nya Banks** (Co-Chair, Undergraduate Student, SGA Diversity Committee Chair)  
**Lucy Dalglish** (Co-Chair, Dean, Phillip Merrell College of Journalism)  
**Warren Kelley** (Co-Chair, Assistant Vice President, Division of Student Affairs)  
**Oscar Barbarin** (Faculty, Department Chair, African-American Studies)  
**Lillia Damalouji** (Undergraduate Student, College of Behavioral & Social Sciences)  
**Zein El-Amine** (Faculty, College of Arts & Humanities)  
**Rosanne Hoaas** (Non-Exempt Staff, University of Maryland Police Department)  
**Luke Jensen** (Exempt Staff, LGBT Equity Center, Office of Diversity & Inclusion)  
**Diane Krejsa** (Ex-Officio, Office of General Counsel)  
**Roz Moore** (Exempt Staff, Division of Student Affairs)  
**Vincent Novara** (Faculty, University Libraries)  
**Ishaan Parikh** (Undergraduate Student, College of Computer, Mathematical, & Natural Sciences)  
**Melanie Pflucker** (Graduate Student, GSG Diversity Committee Chair)  
**Nicole Pollard** (Alumnus & Trustee)  
**Rashawn Ray** (Faculty, Sociology)  
**Ana Sanchez-Rivera** (Graduate Student, College of Behavioral & Social Sciences)  
**Timea Webster** (Non-Exempt Staff, Office of Diversity & Inclusion)  
**Roger Worthington** (Chief Diversity Officer, Office of Diversity & Inclusion)

**Date of Submission****March 30, 2018**

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## EXECUTIVE SUMMARY

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### **Our charge**

The University of Maryland President and the University Senate Chair appointed a Task Force comprised of faculty, staff, and student representatives from across campus in August 2017 to consider how best to nurture a campus climate that is respectful and inclusive, stands against hatred, and affirms the values that define the University.

The Task Force gathered information on campus climate, reviewed campus policies and procedures for response to hate/bias incidents, assessed efforts to provide prevention and education training and the effectiveness of those programs, reviewed scholarly research on bias in higher education, considered how to address the intersections of free speech and hate speech in campus policies, considered how campus messaging and communication could be used to promote an inclusive campus atmosphere, and explored strategies for fostering a campus environment that is intolerant of hate and bias.

### **What we heard from the campus community**

Task Force members met with hundreds of faculty, staff, and students through town hall meetings, conversations with representative faculty, staff, and student groups, and individual meetings with stakeholders. Among the consistent messages heard from those groups and individuals were:

- Recent campus hate/bias incidents have caused faculty, staff, and students to be concerned about their safety and the safety of others on campus. Despite data that show that the University provides a safe environment, there is a difference between being safe and feeling safe.
- There is a lack of understanding of the experiences of minority members of the campus community.
- Hate groups are increasingly targeting campus communities with propaganda and persuasion, largely using social media channels.
- Many students believe that campus leaders are not concerned about hate/bias incident, nor do they understand student fears.
- Despite numerous administration efforts in recent years to address diversity and inclusion on campus, there is a lack of transparency in how the campus handles hate/bias incidents that gives the impression nothing has been done.
- Students, in particular, are frustrated that they hear about hate/bias incidents from outside sources before they receive information from the University.
- The University does not fully appreciate the importance of social media when communicating information about incidents.
- There is a lack of coordination between campus units and no central source of information, making it difficult to find information on current diversity and inclusion programming and resources.
- Faculty and staff do not have the tools necessary to facilitate dialogue on issues of hatred and bias in the classroom and in the workplace.
- Due to cultural differences, international students may need additional outreach.
- Faculty, staff, and students repeatedly voiced doubt that the Task Force recommendations would be implemented.

## **Task Force members made the following conclusions**

- There is no consistent understanding among faculty, staff, and students of what the University's values are or what it means when campus leaders say certain conduct or speech violates University values.
- There is substantial concern with the way the administration communicates with audiences and the tone it sets when hate/bias incidents occur on campus.
- Diversity programming is not comprehensive and does not have a broad overarching vision.
- The University must do more to demonstrate its commitment to safety and must act assertively against threatening and intimidating conduct. At the same time, it must do more to promote civility and respect to foster an environment where free inquiry and debate can occur.
- There is a lack of understanding of how to balance free speech that is protected by state and federal laws with speech that is considered conduct that can be punished as a crime or as a violation of University policies.

## **Our recommendations**

The Task Force recommends numerous actions, including those highlighted below. The University should:

### Policies, Guidelines, and Procedures

- Adopt the proposed Values of the University, which should be ingrained into the experience of each member of the campus community and reinforced throughout their time at the institution. (p. 23)
- Adopt the proposed Policy on Threatening and Intimidating Conduct. (p. 31)
- Adopt the proposed Statement on Free Speech Values, promoting intellectual and academic freedom and recognizing that offensive speech that hurts, offends, or discredits may be protected by state and federal laws. (p. 28)

### Other recommended actions

- Develop a comprehensive prevention and education initiative on diversity, inclusion, and respect for all members of the campus community that includes content areas such as implicit bias, cultural competency, bystander intervention, and civic engagement. The initiative should draw upon expertise from campus scholars and should be administered by the Office of Diversity & Inclusion (ODI). (p. 24)
- Develop a strategy for communicating information related to equity, diversity, and inclusion that is transparent, timely, and responsive to the concerns raised by the campus community. When serious verified hate incidents occur on campus, the University's leadership should denounce offensive speech or conduct that does not align with its core values. Likewise, when outside speakers engender hatred, University leadership should make clear that the speakers' messages violate University values. (p. 26)
- Provide opportunities for faculty, staff, and students to engage in meaningful counterspeech. (p. 28)
- Use the ODI website as a central resource for information about diversity-related programming, events, policies, data, climate reports, and reporting processes, as well as resources related to free speech, expression and demonstrations on campus. (p. 26)
- Consolidate all hate/bias incident reports and publish them on the ODI website, including the resolution of verified reports. (p. 26)
- Conduct biennial climate surveys of faculty, staff, and students. (p. 27)
- Refer review of campus policy and related guidelines on the use of physical facilities and demonstrations by outside groups to the Senate's Campus Affairs Committee. (p. 28)
- Develop a phased implementation plan and provide the necessary resources for implementation of the Task Force recommendations. (p. 30)

## INTRODUCTION

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The citizens of our country are diverse, and they reflect a variety of socioeconomic backgrounds, perspectives and outlooks, political viewpoints, and lived experiences. The diversity of perspectives in our nation is informed by our history of slavery and segregation as well as the subsequent struggles for civil rights and equality. While civility and respectful discourse have always been civic virtues, their use and role have been challenged in recent years. There has been a surge in hate crimes and bias incidents across the country, leading many to believe that our country has not progressed as far as it seemed. The changing political landscape has emboldened some to engage in racially and religiously motivated acts and expressions of hate that undermine the pillars of our society. While free speech and freedom of expression have been major tenets of the constitutional rights afforded to our citizens, some have used these rights to convey hatred without consideration of the impact that those statements have on their community.

Institutions of higher education have not been immune to these issues. Colleges and universities have seen a significant increase in hate crimes and incidents motivated by biases related to an individual's protected class, as in their race, national origin, ethnicity, religion, sexual orientation, sex, gender identity, or disability (Bauman 2018). In addition, hate groups have increasingly targeted recruitment efforts and propaganda at campuses across the country (Kerr 2018). Higher education institutions are struggling with the balance between fostering civil discourse and promoting academic freedom with upholding speech that is offensive but still protected under the First Amendment (Patton 2017; Kerr 2017).

While we have made progress towards inclusion, we need to be informed by our past in order to move forward. Diversity alone does not create opportunities for inclusion or understanding across differences. The challenge that the country and the University of Maryland face is not just one of diversity, equity, and inclusion, but also one of unity and creating a greater sense of belongingness.

## BACKGROUND

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The University of Maryland is a world-class public research institution with a thriving community of faculty who are leaders in their fields, staff committed to supporting the University's mission, and 40,000 academically talented students. The University is committed to excellence through fostering education, critical thinking, and intellectual growth; creating and applying new knowledge via research, scholarship, and the creative arts; enhancing the economic development of the state; and improving the surrounding community, nation, and world. The diversity of our faculty, staff, and students is a cornerstone of that excellence. The University's pursuit of excellence is bolstered by its strong commitment to secure and maintain a working and learning environment in which all members of its community are welcomed, feel safe, and can flourish, regardless of race, color, creed, sex, sexual orientation, gender identity, national origin, political affiliation, socioeconomic background, or disability.

In the last few years, the University has been confronted with many of the same issues that have emerged across the country. Concerns about the infiltration of hate groups, incidents that have diminished the experience of many of the members of our campus community, and a significant tragedy that has forever changed our community have led to a collective call for action. Members of our community have expressed concerns about safety and security; transparency; and the impact of hate/bias incidents on our campus. In response to these concerns, President Loh and the University Senate created the Joint President/Senate Inclusion & Respect Task Force (the "Task Force") to review these concerns, consider our existing practices, and develop a comprehensive plan for

initiatives on prevention and education, improving campus climate, responding to incidents motivated by hate, and upholding the pillars of our academic mission within legal guidelines.

The Task Force is led by Ja’Nya Banks, Student Government Association (SGA) Diversity Committee Chair; Lucy Dalglish, Dean of the Philip Merrill College of Journalism; and Warren Kelley, Assistant Vice President for Student Affairs. The membership of the Task Force includes representatives of the major campus constituencies (undergraduate students, graduate students, faculty, staff, and alumni) and includes faculty and staff with expertise relevant to the work of the Task Force. While the Task Force is representative of major constituencies, from its formation it acknowledged that it is not representative of the experiences of the entire campus community. The Task Force endeavored to incorporate the perspectives of a variety of campus stakeholders into its work in order to better understand their individual experiences and to develop recommendations that reflect their complex needs.

## **DIVERSITY-RELATED INITIATIVES**

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The University of Maryland has long embraced diversity as a core value and counts a diverse community among its greatest strengths. The University is committed to building an inclusive community that is enriched by differences, brings together people from the widest array of backgrounds and perspectives, and recognizes that excellence cannot be achieved without diversity. In 2010, the University reaffirmed that commitment by establishing the Diversity Strategic Plan - [\*Transforming Maryland: Expectations for Excellence in Diversity and Inclusion\*](#). This Plan aligns with the University’s Strategic Plan and sets forth strategies to achieve an environment for all members of the University community that acknowledges and celebrates diversity in all of its dimensions.

Since 2010, the University has made great strides towards achieving the goals outlined in the Diversity Strategic Plan. These efforts were predicated on the establishment of the Office of Diversity & Inclusion (ODI) and the Chief Diversity Officer position. In the past eight years, ODI has led the University’s major diversity initiatives.

In the past year, the University has continued its commitment to diversity by developing a variety of new initiatives and by committing significant resources into supporting diversity efforts more fully. The Chief Diversity Officer position is being elevated to vice president status to emphasize the value that the University places in this role. In addition, the University has established the Center for Diversity and Inclusion in Higher Education (CDIHE), which will serve as a national leader in research, policy, professional standards, and consultation for institutions across the country and abroad on critical issues related to diversity, inclusion, and social justice in higher education. The University has also committed resources to diversity-related educational efforts such as expanding the cultural competency sections in the General Education curriculum, finding ways to provide civics education, and developing training opportunities for incoming students. New systems to respond to hate/bias incidents have been developed, through the newly established [Hate/Bias Incident Reporting Response Protocol](#) and the Hate/Bias Response Team as well as the creation of the Hate/Bias Response Program Manager role.

The University has shown its commitment to developing diversity amongst the faculty ranks by establishing the Presidential Postdoctoral Fellowship, which provides opportunities for underrepresented minorities to prepare for faculty roles in academia and improves the pipeline of diverse faculty available for faculty positions and the Senior Hire Program, which provides opportunities to recruit senior underrepresented minority faculty to Maryland. The University’s

leadership is also committed to learning how to identify the infiltration of hate groups through training opportunities from the Anti-Defamation League (ADL). In addition, the University has recently initiated a review of its General Education curriculum diversity requirement to ensure that it is meeting its intended goals.

While we have made progress in these areas and the University has committed to action, the Task Force was formed to do a comprehensive review of University policies and practices to ensure that we have the tools and systems in place to address our current needs and develop future diversity, equity, and inclusion efforts.

## **CHARGE**

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The President of the University and the Chair of the University Senate jointly charged the Task Force on August 25, 2017. The Task Force was asked to consider how best to nurture a campus climate that is respectful and inclusive, stands against hate, and reaffirms the values that define our University. Specifically, the Task Force was asked to gather information on the campus climate, including existing climate data and anecdotal information about campus concerns; review existing policies and procedures for the immediate response to an investigation of hate/bias incidents; assess current efforts to provide prevention and education programming to faculty, staff, and students and their effectiveness in creating an inclusive campus environment; review scholarly research on bias in higher education; review and assess best practices at peer institutions; consider how to address the difficult intersections of free speech, hate speech, and freedom of expression in University policy and practice; consider how messaging and communication should be used to promote an inclusive campus environment; develop a statement on the University's core values and consider how such values can be reinforced over time; and develop strategies for fostering a campus environment that is intolerant of hate and bias. The complete charge to the Task Force is included in Appendix 1.

In developing the charge, the President and Chair of the Senate focused the Task Force's work on programming efforts and initiatives primarily outside of the classroom. Consideration of opportunities to refine and better utilize diversity, equity, and inclusion themes in the curriculum, such as through General Education requirements, is an important task that should be led with singular focus by the faculty. A review of curricular opportunities through General Education has been initiated and will move forward independent of the Task Force's work.

## **TASK FORCE WORK**

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The Task Force began its work in September 2017 and divided its work into two phases. In Fall 2017, the Task Force focused on gathering information related to its charge. The Task Force created five working groups on Climate, Policies & Procedures, Prevention & Education, Hate/Bias Response, and Free & Hate Speech, and began gathering information specific to each area, including scholarly research, guidance on legal frameworks, and best practices in higher education. The Working Groups began an exhaustive study of practices at peer institutions to inform their processes.

During Fall 2017, each Working Group examined current policies, procedures, and practices in their specific areas. The Climate Working Group gathered existing data from climate-related research conducted by the Campus Assessment Working Group (CAWG) and worked with the Office of Institutional Research, Planning, and Assessment (IRPA) to analyze and understand these data. The Prevention & Education Working Group conducted interviews with faculty and staff who design

and deliver programming related to diversity, equity, and inclusion for the University community, in order to better understand current practices, goals, and challenges. The Hate/Bias Response Working Group consulted with administrators and offices who are currently involved in responding to and/or investigating reports of hate/bias incidents on our campus, including administrators in ODI, the Office of Civil Rights & Sexual Misconduct (OCRSM), the Office of Student Conduct (OSC), and the University of Maryland Police Department (UMPD), as well as Resident Life. The Free & Hate Speech Working Group worked closely with the Office of General Counsel (OGC) and reviewed all campus policies, procedures, and guidelines related to speech and expression.

The Task Force held three open forums in the fall semester to hear the concerns of the campus community and ask for suggestions on how it should address its charge. The Task Force solicited feedback through an online form for those who were unable to attend the open forums or who felt uncomfortable sharing their views and experiences publicly. The Task Force also reached out to and met with specific constituency-based groups for feedback, including the University Senate, Student Government Association (SGA), Graduate Student Government (GSG), Residence Hall Association (RHA), Black Faculty-Staff Association (BFSA), and a group of non-exempt staff from Dining Services. The Task Force participated in a Design Thinking Workshop assisted by members of the Academy of Innovation & Entrepreneurship in order to use empathy to identify problems and to find creative ways to develop and test solutions to those problems.

In the second phase of work beginning in January 2018, the Task Force began developing recommendations and consulting with faculty, staff, and students as well as relevant offices on its preliminary directions. The Working Groups presented their findings and recommendations to the Task Force in late January 2018. The Task Force began refining the recommendations and deliberating on guiding principles that should be the basis of recommendations in each of the relevant areas. In February and early March 2018, the Task Force presented initial reports on preliminary directions to the University Senate, SGA, GSG Executive Board, RHA Executive Board, the Academic Leadership Forum, and other stakeholder groups. The Task Force considered and incorporated feedback from each group as it refined its recommendations.

In addition, the Task Force co-chairs and staff spent the beginning of the spring semester consulting with administrators and offices that may be impacted by the recommendations or that may have specialized information for the Task Force on how to reach particular populations through the recommendations. These efforts included consultations with the Office of Faculty Affairs (OFA), University Human Resources (UHR) (including Learning and Talent Development as well as the Office of Staff Relations), the Teaching and Learning Transformation Center (TLTC), the Office of International Student & Scholar Services (ISSS), the Office of Undergraduate Admissions, the Office of Undergraduate Studies (UGST), the Orientation Office, and the Graduate School (GRAD). The Task Force co-chairs updated the President and Chair of the Senate as it developed its recommendations, in order to ensure that its recommendations aligned with the charge, were reasonable, and could be implemented.

The Task Force unanimously approved its final recommendations on March 29, 2018.

## **CURRENT PRACTICE**

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Early in its review, the Task Force began gathering information on existing practices, policies, programming, and data related to diversity, equity, and inclusion efforts as well as on the University's initial response and investigation processes for hate/bias incidents. A summary of its findings in various areas is included below.

## Prevention & Education

The University currently offers a wide variety of opportunities to engage in diversity-related programming for members of the campus community. Academic and administrative units including the Department for Fraternity & Sorority Life (DFSL), the Division of Student Affairs, Multicultural Involvement & Community Advocacy (MICA), the University Health Center, and ODI among others across the campus, provide a variety of programs in this realm. In a large university such as ours, programming opportunities of this nature can be highly decentralized. This can foster creativity and ownership but can also lead to a lack of a cohesive vision or strategy for continual improvement in these types of initiatives. Many of those who develop and deliver existing programs raised concerns about programming assessment, decentralized registration, and follow-up for participants.

## Response to Hate/Bias Incidents

Hate/bias incidents are acts that focus on a characteristic such as race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, political affiliation, or physical or mental disability, among others. Hate/bias incidents may involve offensive speech and expression that are protected by the First Amendment, and though not all hate/bias incidents include acts that rise to the level of a crime, they may involve conduct that can be addressed through administrative and/or legal action.

The University established the Hate/Bias Incident Reporting Response Protocol in November 2017 to establish practices for responding to hate/bias incidents, in order to provide support to the University community in response to incidents and to take action on any conduct that is inconsistent with the University's policies and values.

ODI recently established a new Hate/Bias Response Program Manager position to provide support to individuals affected by hate/bias incidents and to formulate action plans for responding to the incident, working in partnership with the newly-established Hate/Bias Response Team. The Hate/Bias Response Program Manager will share data about incidents with UMPD and other campus units and maintain a log of hate/bias incidents online.

Reports of suspected hate/bias incidents currently can be made online to the Office of Civil Rights & Sexual Misconduct (OCRSM) or to UMPD can be reached by calling 911, 301-405-3333, or dialing #3333 from a cell phone. Upon receiving a report, UMPD will begin an investigation and send confidential notifications to administrators who need to be aware and who may facilitate any necessary immediate action while UMPD conducts an investigation.

During the investigation, UMPD considers whether there is an element of hate or bias to the incident, using factors and indicators established in the [Maryland State Police Protocols](#). After the investigation concludes, UMPD will classify the incident as to its status as a hate/bias incident. A "verified" incident means a reasonable person would conclude that the act was motivated in whole or in part by bias against a person or group due to their membership in a protected class. An "inconclusive" incident is where the evidence is incomplete or conflicted and the incident cannot be verified. "Unfounded" incidents are those where the incident did not occur or it was not motivated by bias. The status of the incident will be recorded on the daily crime log on the UMPD website.

If UMPD finds a perpetrator and determines that the incident was a hate crime according to federal and state law, it will review the incident with the State's Attorney to consider criminal charges. If an incident involving faculty, staff, or students is classified as a verified or inconclusive hate/bias

incident, UMPD refers the matter to the University through the Office of Faculty Affairs, University Human Resources, or the Office of Student Conduct for administrative review.

While processes for reviewing referrals involving hate/bias incidents are evolving, the Office of Student Conduct already has a well-defined administrative review procedure in place for cases involving students. Upon receiving a referral for student conduct associated with hate/bias incidents, the Office of Student Conduct (OSC) may pursue charges for violation of the *Code of Student Conduct*. The OSC will review the report for reasonable cause and to establish whether the conduct would be a violation of the *Code*. The OSC will conduct its own investigation to review any evidence or information in the referral or available from the UMPD or faculty, staff, or students impacted by the case. Cases are resolved through a disciplinary conference with an administrator or through a hearing by a student conduct board. Students have the right to appeal the finding and the sanction if their case was heard by a board. During the sanctioning process, the Director considers any aggravating or mitigating circumstances, and will also consider whether the conduct was motivated by hate or bias - if so, that will be considered an aggravating factor, which may result in a stricter sanction.

While hate/bias incidents can occur anywhere on campus, a number of reports have been made in residential communities, where reporting is encouraged and supported by the Department of Residence Life (Res Life). Since the vast majority of incidents in the residence halls are related to subtle bias, ignorance, or impulsivity, Res Life focuses on community restoration and coming together through dialogue in its response to incidents. In cases where a perpetrator can be found, Resident Directors typically hear lower-level cases and the case is referred to the Office of Rights and Responsibilities (R&R) if it could result in a disciplinary action. The R&R team uses the *Code*, the Residence Hall Rules, and the same protocols as the OSC in resolving cases.

### Climate

The University has regularly assessed faculty, staff, and student perceptions of the campus climate from a variety of dimensions over the years. These assessments have provided information on the status of the campus climate over time, and have in some cases provided data used for evaluating specific initiatives. A number of existing initiatives that provide data and assessment related to campus concerns have been used to study campus climate from a diversity perspective.

The University's Campus Assessment Working Group (CAWG) was formed to develop a campus "Culture of Evidence" in which data and assessment play a key role in campus decision making. CAWG regularly gathers and exchanges information about the faculty, staff, and student experience at the University. The data can feed directly into program and campus improvement efforts. Departments and administrators take advantage of these data collection efforts to ask questions that are necessary to their own improvement efforts. CAWG works on developing strategies for sustainable data collection to continue moving the University forward in its status as the flagship campus.

In March 2016, the University launched the Thriving Workplace Initiative as a means to data to create a thriving work environment and a culture of engagement and inclusion among all University employees. This important ongoing initiative, led by the Office of the President and the University's Center for Leadership and Organizational Change (CLOC), intends to share survey results with academic and administrative units on campus; create an action plan that is based on best practices, research, and assessment; and implement that action plan through training, development, and personalized consultations in order to promote a thriving workplace. This important initiative

examines inclusion in the workplace, broken down demographically, and seeks data on the drivers of more inclusive environments. The principles of this initiative recognize that engaged employees work with passion, feel a profound connection to their workplace, and are empowered to succeed while helping the University reach its full potential.

In Spring 2017, the Graduate School initiated the Graduate Student Quality of Life survey to better understand multiple facets of the graduate student experience. The results from the survey were released in January 2018. These results provide an analysis of graduate student engagement with the University, other students, and faculty; an analysis of graduate student interactions with and perceptions of the faculty and the department; and data on how well students felt that the program prepared them academically and professionally.

In February 2018, the University initiated a Campus Climate Survey, an online survey used to assess the campus living, working, and learning environment, including the level of equity and respect among faculty, staff, and students. This population-level comprehensive survey is the first of its kind at the University. The goal of the survey is to use the results to help shape a more inclusive, diverse, and safe community.

#### Policies and Procedures Related to Speech and Conduct

The Task Force reviewed all University policies related to freedom of expression, use of space, and demonstrations. The University has several policies, procedures, and guidelines that support free speech and freedom of expression on our campus. The [VI-4.10\(A\) University of Maryland Procedures for the Use of Physical Facilities](#) provides guidance on procedures for the use of campus facilities by units within the University, members of the campus community, and student organizations, as well as public use by others outside the University. The University's [Guidelines on Demonstrations and Leafletting](#) recognize the right of individual faculty, staff, students, and student organizations to demonstrate and leaflet, provided such activities do not disrupt normal activities or infringe upon the rights of others. The University's [Chalking Guidelines](#) provide guidance on approved surfaces at the University that can be used by faculty, staff, and students for creating chalk messages. The University's [Freedom of Expression: Policy and the Law](#) Resource Guide (1991) recognizes the particular importance that the University, as an institution of learning, places on the free exchange of ideas. It also states the University's commitment to open, vigorous debate and speech. Additional relevant policies and procedures include the [VI-1.10 University System of Maryland Policy on Acts of Violence and Extremism](#), [VII-11.00\(A\) University of Maryland Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures](#), [VI-1.00\(B\) University of Maryland Non-Discrimination Policy and Procedures](#), and the Division of Intercollegiate Athletics regulations on [Prohibited Items & Behavior](#).

## **RESEARCH AND FINDINGS**

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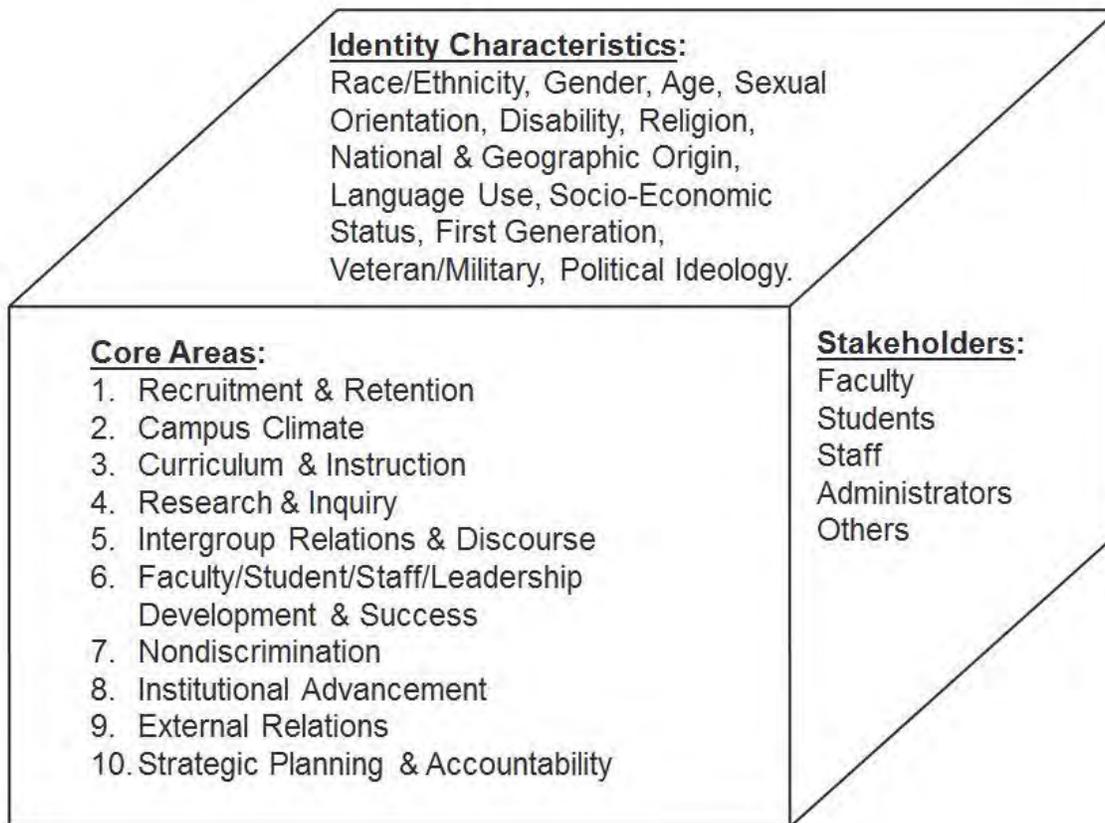
### Scholarly Research

The Task Force reviewed scholarly research from multiple perspectives as it considered the various elements of its charge. Research related to diversity and inclusion has focused on areas such as effective elements of diversity initiatives, efforts to promote racial climate, the balance of free and hate speech, and principles for diversity programming.

## ***Diversity & Inclusion Efforts in Higher Education***

Diversity in higher education is no longer solely focused on affirmative action based on race. Research shows that a three-dimensional model of diversity in higher education with a broadened focus that recognizes characteristics of identity, constituency groups, and institutional initiatives is more applicable today (Antonio & Clark, 2011; Epperson, 2011). This model (Figure 1) serves as an organizational framework and conceptual guide for diversity research and practice in higher education.

*Figure 1. Three-dimensional model of higher education diversity (Worthington 2014)*



Research has focused on the keys to successful diversity and inclusion efforts and the impact of general diversity in higher education. Comprehensive diversity and inclusion efforts involve more than simply counting people; they address a multitude of identities; consider intersecting aspects of identity and include and benefit everyone. Diversity on college campuses is associated with greater learning; increased interpersonal competencies; greater self-confidence among students; fewer racial prejudices; greater gains in critical thinking; and greater involvement in civic and community service (Antonio, 2001; Chang, 1996; Gurin, 1999; Hurtado, 2001; Smith et al., 1997). The factors that are considered to be threats to diversity and inclusion efforts, as well as those that support diversity and inclusion efforts are identified in Figure 2 below.

Figure 2. The Dialogic Model of Difficult Dialogues Teaching and Learning (Worthington 2017)



### Positive Racial Climate

Diversity has been shown to have an impact in promoting a positive racial climate on campuses in a variety of dimensions. The major contributing factors to a positive racial climate are the inclusion of students, faculty, and administrators of color; a curriculum that reflects the historical and contemporary experiences of people of color; programs that support the recruitment, retention, and graduation of students of color; and an institutional mission that reinforces its commitment to pluralism. In addition, four climate-related factors internal to and within the control of individual colleges and universities include compositional or structural diversity; the psychological and behavioral dimensions of the climate; and an institution’s history and legacy of inclusion (Hurtado, et al., 1998; 1999).

The three thematic clusters of findings from an analysis of 15 years of institutional research on campus climate show differential perceptions of campus climate by race; minority student reports of prejudicial treatment and racist campus environments; and benefits associated with campus climates that facilitate cross-racial engagement (Harper and Hurtado, 2007). The major themes from a multi-campus qualitative investigation shows cross-race consensus regarding institutional negligence; race as a four-letter word and avoidable topic; self-reports of racial segregation; gaps in social satisfaction by race; white student overestimation of minority student satisfaction; reputational legacies for racism of the institutions; the pervasiveness of whiteness in space, curricula, and activities; the consciousness-powerlessness paradox among racial/ethnic minority staff; and the unexplored qualitative realities of race in institutional assessment (Harper and Hurtado, 2007).

### Research on Free Speech and Hate Speech

Universities must work to balance free speech protections with other interests, such as creating an inclusive environment and educating the campus community about the difference between the

intent of hate speech and the impact of hate speech. It is important for campus community members to clearly understand the constitution, state laws, and individual rights, as well as the university's stance on these issues.

Research shows that universities should “explore non-disciplinary/punitive responses that would provide support and education to all parties involved” (Miller et al. 2017: 7). Miller and colleagues (2017: 8) suggest that universities should engage in “educational moments” by helping students and the broader campus community have vehicles to respond to speech they consider offensive.

Miller and colleagues (2017) found that:

“...administrators must carefully consider and evaluate their roles related to protecting free expression while also working to create campus environments conducive to dialogue about diversity and bias.” (p. 11)

“...bias response teams should provide ongoing education on legal issues in higher education with a specific focus on free speech as well as campus-level policies, which function as one component of regular training that could also address contemporary issues of diversity and bias on campus.” (p. 11)

### Diversity Programs

Scholarly research shows that most universities and organizations support diversity programs. Dobbin, Kalev, and Kelly (2007) found that nearly 40 percent of the 829 companies they surveyed have diversity training. Roughly 20 percent of the companies have diversity evaluations, diversity task forces, and networking programs. Only about 10 percent of the companies have a diversity manager and mentoring program.

In developing diversity programs, research suggests that the following questions should be considered.

❖ *Should Diversity Programs be Mandatory? Yes, if other programs are mandatory.*

Research shows that making training programs, whether diversity-focused or otherwise, required is an ineffective strategy (Dobbin and Kalev 2016; Johnson 2017). It should be noted that organizations and companies make programmatic efforts mandatory all of the time. If mandatory trainings are the status quo, a diversity program should be no different. In fact, research shows that if something is included as a normal requirement, it is not perceived negatively. When diversity is incorporated as a normal part of the organization, people are more accepting of it as a key component of the organization. In turn, they are more open to diversity training. After participating in diversity trainings, employees actually report that diversity is more important for their jobs and important for their organization (Hanover and Cellar 1998).

❖ *What leads to the Success of Diversity Programs? Leadership participation.*

In a survey from 785 human resource professionals, Rynes and Rosen (1995) examined what factors determined the adoption of diversity programs and perceived training success. They found that top administrative support and administrators' belief in diversity initiatives increases the adoption of diversity program and perceived training success. Also, the existence of a diversity manager/liaison, diversity-related policies, and the clear prioritizing of diversity goals related to other priorities increases adoption and perceived success. Contrary to other research, Rynes and Rosen found that perceived training success increases when diversity programs are mandatory for upper management, when there is a long-term plan for evaluating training results, policy changes, and

diversity goals, as well as a reward structure for administrators and departments for adhering to diversity goals. Subsequent research found similar results (Dobbin, Kalev, and Kelly 2007).

Unfortunately, diversity trainings are typically disaggregated from policy changes that directly address organizational concerns (Dobbin and Kalev 2016). Diversity has to be part of the entire organization for changes to be institutionalized. In addition to trainings, diversity has to be formally incorporated into strategic plans, mission statements, and award and incentive structures. An organizational diversity program should include diversity trainings, internal communications, resource commitments, accountability for violating rules and regulations related to tolerance and respect, and comprehensive programs that can focus on a range of marginalized identities.

❖ *Are Bystander Intervention Strategies Effective? Yes, with the ability to practice strategies.* Bystander intervention has been shown to be highly effective. In a large study including nearly 13,000 high school students, Polanin, Esplage, and Pigott (2012) found that bystander intervention programs decreased bullying in schools. Allies and bystanders are frequently able to connect with perpetrators in ways that victims and survivors cannot. Unfortunately, bystanders often do not have enough data points or experiences to allow for them to practice implementing bystander intervention strategies.

### Analysis of National Trends

Assessments conducted by national advocacy and research organizations generally indicate a recent rise in hate/bias incidents and hate crimes across the country, which is supported by assessments of FBI crime data. For instance, FBI crime data from the 2016 reporting year indicate a 5 percent rise in hate crimes overall; hate crimes based on race, religion, and against the LGBTQ communities were the three protected statuses targeted most frequently in 2016 reports (ADL 2016; ADL 2017).

Trends related to hate/bias incidents indicate that there has been an increase in activity that promotes bias, especially related to white nationalism and racism, on college campuses. The Anti-Defamation League (ADL) Center on Extremism tracked 346 incidents of white supremacist propaganda on colleges campuses from September 1, 2016 to February 1, 2018. The number of incidents during the fall 2017 semester alone demonstrated a dramatic rise, with an increase of 258 percent when compared to incidents in the same time period in fall 2016 (ADL 2018).

Analysis by the Southern Poverty Law Center (SPLC) suggests that higher education has become a target for white nationalist groups because it tends to be very vocal about its commitment to diversity, tolerance, equality, and social justice. Racist propaganda seen on college campuses attempts to demonize these values as an attack on white identity and history in the name of political correctness. In addition, the SPLC suggests that college students are seen as prime targets for recruitment, since they are typically inquisitive and open to accepting new and sometimes radical ideas (SPLC On Campus 2017).

Both the SPLC and the ADL have advocated for more action by higher education administrators, faculty, staff, and students to prevent these incidents and provide more education and training to community members. The ADL provides a host of educational resources for university settings, including fact sheets, Q&A guidance documents, and training programs, and provides resources to help institutions identify and counter emerging threats. In October 2017, the SPLC developed a guide to bystander intervention, which provides training tools for individuals on how to step in when public harassment and violence occur on campus (SPLC On Campus 2017). The SPLC has also

advocated for college leadership to be vocal about their institution's commitment to diversity & inclusion and to speak out against actions on their campuses that go against their values (Cohen 2017).

### Peer Institution Research

In the course of its work, the Task Force conducted an extensive review of practices and policies at Big 10 and other peer institutions, seeking best practices and lessons learned from their experiences. The institutions included in the review were: University of Illinois Urbana-Champaign, University of Iowa, University of Michigan, Michigan State University, University of Minnesota, Northwestern University, Ohio State University, Pennsylvania State University, Rutgers University, University of Nebraska, University of Wisconsin, University of California-Berkeley, University of California-Los Angeles, and University of North Carolina-Chapel Hill, among others. An overview of the Task Force's findings is included in Appendix 3.

Common themes and practices in multiple areas emerged in the review of Big 10 and peer institutions:

- Most peer institutions have incorporated some form of programming for incoming & transfer students. Programs range from a general overview of diversity, equity, and inclusion themes with an introduction to basic terms and concepts, to innovative workshops that explore some of the foundational skills needed to collaborate, learn, and work in diverse environments. Programs vary as to whether they are online or in person.
- Cultural competency education is a component of diversity training at many peer institutions, and often relies on dialogue programs and sharing lived experiences as a means of learning about and understanding systems of privilege and oppression while building community.
- Programs on bystander intervention, examination of implicit biases, and difficult dialogues in the classroom for instructors have been developed at some peer institutions.
- Some institutions are beginning to develop badging/certification programs for faculty, staff, and/or students that include a diversity component. These initiatives typically include a series of workshops or activities where strategic knowledge, skills, and competencies are developed, and after completion, participants receive some type of certificate to demonstrate their commitment and competence as a leader in diversity, equity, and inclusion.
- Most institutions have begun initiatives to survey campus climate in terms of diversity, equity, and inclusion on an annual or biennial basis.
- As most institutions are in the early stages of developing and launching campus climate surveys, most are still developing their plans for how to utilize the information collected.
- Some institutions plan to share campus climate results with the campus community and a few have made results public.
- A few institutions have defined core values and principles for its campus community, and use those values and principles in messaging and communications strategies in order to instill those values in the campus community.
- Every institution has a slightly different approach to reporting, investigating, and resolving reports of hate and bias incidents. Most universities have specific units or response teams dedicated to handle incidents of hate and bias.
- Reporting an incident may be done via email, phone call, online, or face to face, depending on the institution. A few institutions allow reporting of incidents in more than one location on campus, including specific locations that are familiar service and support centers for specific identity and affinity groups.
- All of the institutions surveyed prohibit discrimination, harassment, and threats in some way through various campus policies on non-discrimination, student conduct, and/or workplace

policies. Some institutions provide definitions of hate/bias incidents in online resources, but none give such definitions in policy documents.

- More than half the universities actively initiate outreach programs to help communities that may be impacted by a hate/bias incident, even if they were not directly targeted or involved in the incident.
- Some universities prepare detailed reports on hate/bias incidents on campus in order to provide timely and transparent information and to better understand the campus climate. These reports vary in the level of detail included - some institutions include only incidents that have been verified where an individual was found responsible, while others include all incidents that have been reported with an explanation of whether they were unfounded or verified to be hate/bias incidents.
- Nearly all institutions have policies or executive-level statements on protecting freedom of expression; academic freedom is often linked to freedom of expression in these statements.
- None of the institutions specifically ban hate speech, though some institutions are more specific about what types of speech are in fact conduct that may be actionable.
- All institutions reviewed have policies and procedures that guide the use of facilities and spaces on campus for assembly, discussion, or protest. Many have restrictions on who may reserve indoor or outdoor space and restrict the ability of outside groups to initiate or host events. Many institutions also have designated outdoor areas for free assembly by university or non-university groups for protests or demonstrations on campus.
- Some institutions provide guidance on counter-protests and/or appropriate/inappropriate ways to protest controversial speakers. A few provide guidance on how university police can support student groups that wish to protest.
- Nearly all institutions have policies or procedures on chalking, hanging posters, or otherwise writing messages on campus surfaces. Most institutions do not allow for the removal of messages based on content.

### Existing University Climate Data

The Climate Working Group of the Task Force reviewed existing data from past Campus Assessment Working Group (CAWG) climate surveys. The Working Group also reviewed preliminary results of the Graduate Student Life survey, including more detailed responses to diversity-themed questions in the survey. The recent Campus Climate Survey administered by ODI closed at the end of February 2018, so the full results were not available in time to inform the work of the Task Force.

CAWG climate survey results included data on perceptions of the University's diversity from freshmen (2015), juniors/seniors (2015), and alumni (2007 & 2015). In addition, the Working Group reviewed survey results on student perspectives on campus community climate (2003), LGBTQ environment (2014), student perception of cultural awareness and diversity (2010), senior experience on academics, diversity, and transition (2000), and alumni experiences on diversity & community responsibility (2006). The Working Group also requested further analysis of the data on student experiences to focus on key settings in which the University effectively provides opportunities for its student to interact with diverse groups and opportunities that are most widely used by subgroups of students who differ by ethnicity, major, and experience with diversity prior to attending the University.

An analysis of the student survey data provided a variety of insights. The University provides students opportunities for interactions with individuals from different backgrounds through a variety of mechanisms, including housing arrangements and campus employment. Overall, the results of

the survey suggest high prevalence of student interaction with diverse groups through each of these mechanisms. A majority of student respondents experienced interactions with other groups through these settings. Living and Learning programs seemed to offer less experience with diversity than other settings.

Student respondents commonly reported involvement in discussion about racial issues in their courses at the University – 60 to 70 percent of student respondents. However, student respondents in a few colleges such as the sciences reported less discussion of these issues, likely because the nature of these courses do not lend themselves naturally to such discussions. This suggests that alternative routes and approaches may be needed in order to increase the exposure of students in these disciplines to issues of diversity (e.g., through General Education requirements).

A high proportion of student respondents - about four out of every five students - report personal efforts to get to know those belonging to groups other than their own. At the same time, only about one in three respondents reported participation in events and activities sponsored by groups reflective of other cultures. Participation in these events was reported by 27 percent of white respondents, 32 percent of Latino respondents, and 40 percent of African-American respondents. The personal or social barriers to this form of boundary-crossing deserve greater attention. Nevertheless, in almost all groups, a very high proportion of respondents reported feelings of comfort (89 percent) and a sense of belonging (82 percent) at the University of Maryland.

The results from African-American students is an exception and deserves additional attention and consideration. In results related to a sense of comfort and belonging, about 26 percent of African-American students did not feel that they belonged and 24 percent of African-American respondents reported that they have felt disrespected. By comparison, the frequency of disrespect is only 4 percent among white students and 11 percent among Latino students. Although most African-American students did not feel disrespected, a substantial minority of them did. In addition to feeling as though they did not belong and were disrespected, a similar number felt that race was a barrier to their participation at the University of Maryland.

Most students, two-thirds of respondents of all ethnicities, valued diversity as a goal and saw it as a benefit of attending the University of Maryland. The benefits of diversity discussed included developing comfort and interacting with other groups, empathy, perspective-taking, and the ability to work together to communicate and negotiate cross-cultural conflict.

#### Hate/Bias Incidents in Higher Education

In assessing incidents that occur on college campuses, it can be very difficult to determine whether an incident is motivated by hate or bias. The totality of the circumstances in the case are critical to determining if a hate/bias incident occurred; in two contexts, the same conduct could be viewed in vastly different ways. UMPD's investigation reviews indicators and factors that could prove or disprove a bias motivation for the alleged conduct. UMPD considers the perception of the victim, if they volunteer evidence or information that suggests the incident occurred because of their membership in a protected class. In order to confirm a hate/bias incident has occurred, there has to be evidence that would indicate to a reasonable person that the perpetrator's motivation was related in whole or in part to the victim or target's protected status.

In some cases, incidents at the University are reviewed for administrative action by the Office of Civil Rights and Sexual Misconduct (OCRSM) as potential violations of the University's Non-Discrimination Policy, while others are addressed through other avenues. The Non-Discrimination

Policy prohibits discrimination based on a protected class. However, in order for an incident to be found to be discrimination under the Policy, certain elements need to present; the conduct has to be severe or pervasive, and it has to effectively deny an individual or group their right to a specific benefit or service at the University. Typically, discrimination has to involve conduct by an agent of the University in order to be reviewed under the Non-Discrimination Policy, since actions by students would not constitute the University failing to provide an equitable learning and living environment.

The Task Force felt it is not helpful to classify the hate/bias incidents that the University has seen in recent months using a discrimination paradigm or the Non-Discrimination Policy for resolution. Hate/bias incidents may be isolated but impactful and involve actionable conduct such as threats or intimidation targeted in such a way that they create an immediate sense of harm or fear. Though it would likely not be possible to make a discrimination case for these incidents, other University policies and procedures can and should address this conduct. The Task Force determined that existing provisions in the *Code of Student Conduct* and the Policy on Workplace Violence touch on this type of conduct, and determined that the University would be better served by a policy that addresses threatening and intimidating conduct by faculty, staff, and students. While a new policy would address specific actionable conduct involving threats or intimidation, conduct that involves patterns of behavior, actions or inactions by faculty, staff, and administrators that deny services to individuals or groups, and conduct that is repeated and persistent would likely still be reviewed as discrimination by OCRSM.

While several campus units are involved in responding to hate/bias incidents, there is a continuing need for greater coordination among these units, to ensure appropriate application of University policy as well as to provide an immediate and effective initial response to hate/bias incidents. In addition, systems are needed to address campus concerns that the University community is not adequately informed in a timely fashion about reported incidents and their disposition.

### Legal Framework on Speech and Conduct in Higher Education

#### ***Free and Hate Speech Defined***

As a public institution, the University of Maryland is a state agency, and its actions must comply with the United States and Maryland constitutions and with Maryland statutes. The First Amendment of the U.S. Constitution ensures an individual's right to free speech and protects the right to express ideas and opinions without restriction. As a government agency, the University may not restrict or punish speech.

Institutions of higher education are meant to be places where the exploration of new and challenging ideas is celebrated. An environment that fosters the free exchange of ideas and open, vigorous debate is critical to the educational mission of all universities, including the University of Maryland. It is impossible to nourish intellectual growth, nurture innovation, and advance knowledge without engaging in dialogue, sharing different perspectives, and learning from each other. While the First Amendment is critical to ensuring this culture of inquiry thrives, it also protects an individual's right to say offensive, insulting, and hateful things. Hate speech is defined as speech that offends or insults individuals or groups based on race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, political affiliation, or physical or mental disability, or other characteristics. It is often characterized by the use of words which are deliberately abusive or insulting, directed at vulnerable minorities and calculated to stir up hatred. It can undermine self-

esteem and cause isolation. While hate speech should be discouraged, hate speech is also protected by state and federal law, and as such, cannot be restricted by the University.

In cases involving hate speech, it is important to distinguish between speech that is protected and conduct that can be actionable. Some speech is accompanied by conduct, such as assault, vandalism, or threats to incite violence, which may be actionable through administrative processes or criminal charges.

### ***Regulation of Hate Speech***

The First Amendment allows the regulation of threats of bodily harm or death; intimidation or harassment; speech that incites imminent lawless action, such as the use of fighting words; and libel and slander. In *Brandenburg v. Ohio* (1969), the Supreme Court held that the constitutional guarantees of free speech permitted an exception where advocacy was directed to *“inciting or producing imminent lawless action and is likely to incite or produce such action.”* In other words, mere advocacy of hate cannot be banned unless it is an incitement to imminent lawless action. In *Virginia v. Black* (2003), the Supreme Court ruled that true threats are not protected by the First Amendment, such as when a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm.

Courts have also allowed reasonable time, place, and manner restrictions of speech if there is a significant government interest in doing so. The restrictions must be content and viewpoint neutral and must leave open ample alternative means for speakers to get their views across. The restrictions must also be clear enough for an ordinary person to understand. The restrictions must be tailored in a way that does not simply ban all speech, both protected and unprotected speech, or they will be struck down as overbroad.

### ***Speech and Expression on College Campuses***

Beginning in the 1990s, more than 350 colleges and universities adopted rules or codes restricting hate speech. To date, every court to consider a campus speech code has declared it unconstitutional. Attempts to create a speech code or otherwise sanction offensive speech would not be appropriate for the University.

A classic example involved the rules at the University of Michigan, which in 1987 tried to enact a Hate Speech Code after a series of horrendous racial events on campus. The Court recognized this was a laudable university effort. Nevertheless, the policy was so broad and vague that it was impossible to discern any limitation on its reach. The terms “stigmatize” or “victimize” in the policy were too vague and swept within its scope a significant amount of what was unquestionably protected speech. Moreover, simply because speech stigmatized or victimized an individual did not, in and of itself, strip it of protection under the First Amendment.

Research and history show that in instances where speech codes were enforced, they were often used to silence marginalized groups. There have been many instances where the majority or those in power have used speech regulations intended to deter offensive speech to prevent those in the minority or in marginalized communities from using speech to promote their interests. There have also been many cases where marginalized communities have successfully moved their agenda forward due in large part because of the protections of the First Amendment.

Research shows that empowering marginalized communities to exercise their free speech rights has led to positive outcomes. Counterspeech has proven to be an effective method to oppose

speech that advocates for hate. While hate speech is protected, individual faculty, staff, and students; the administrative leadership; and campus or student organizations should be empowered to engage in counterspeech on the issues that are important to them. The campus community should use the resources, locations, and methods outlined in University policy and in guidelines on demonstrations to promote their interests.

## **ISSUES & CONCERNS**

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### Campus Community Concerns

Throughout the course of its review, the Task Force solicited feedback from members of the campus community and key stakeholders to better understand major issues and concerns. The primary themes that emerged from multiple campus-wide open forums, targeted meetings, and other sources of feedback are outlined below:

#### ***General***

- Faculty, staff, and students are concerned about their safety and the safety of others on our campus.
- There is a lack of understanding of the experiences of minority members of the campus community.
- Many are concerned about the prevalence of racist propaganda and the impact of recruitment efforts by hate groups.

#### ***Hate/Bias Incidents***

- There is a perception that while students are concerned about incidents that happen on campus, the administration is not concerned or does not understand student fears.
- There has been a lack of transparency in how the administration addresses hate/bias incidents, which can give the impression that nothing has been done.
- Inconsistent data and information given to the campus community on incidents at the University gives the impression that these incidents are not taken seriously.
- There are concerns that those perpetrating hate/bias incidents are not being sanctioned.
- There are concerns about how to support those impacted by hate/bias incidents and the affected community.

#### ***Programming***

- It can be difficult to find information about current programming because there is no coordination between units and no centralized source of information about programming.
- There is no collaborative process for units to work together on programming.
- Training is not effective unless it is engaging and interactive.
- The University is not reaching students who are not already engaged in diversity efforts.
- Faculty and staff do not have the tools they need to be able to challenge and facilitate dialogue on hateful attitudes and statements that occur in their courses.
- International students may need additional outreach to understand what we consider to be hate speech, a hate symbol, or prohibited conduct.

#### ***Free Speech***

- It can be difficult to develop an objective standard that respects free speech on both sides of an issue.
- There are concerns about how to find a balance between the right to free speech and the need to restrict actions that incite violence and hate.

## ***Communication***

- There is no consistent understanding among faculty, staff, and students of what the University's values are and what it means when the administration says that certain conduct or speech go against University values.
- There are concerns with the way that the administration communicates with internal audiences and the tone that it sets when hate/bias incidents occur on campus.
- The University does not effectively speak out against hate/bias incidents and hateful speech, and often chooses to communicate in a way that indicates support for offensive ideas by labeling it as free speech.
- Students are not receiving information from the University but instead are hearing about it from other sources first.
- The University does not recognize the importance of social media when communicating information about incidents.

## ***Implementation***

- There is a perception that the University will not follow through on implementing any of the Task Force's recommendations.

## **Task Force Assessment of Issues to be Addressed**

The Task Force acknowledges these concerns and understands the impact that hate/bias incidents have on our campus. Hate/bias incidents are insidious acts that can create fear, anger, and intimidation, for not only individuals directly affected, but also entire communities. Hate/bias incidents can create fractures in the social fabric of the campus, feed intolerance, and tarnish the University far beyond its borders. It is essential that the University act decisively and unequivocally in denouncing hate incidents, and take action where these acts are prohibited conduct.

The University should assure the campus community that their safety and ability to pursue their academic and work-related goals is a high priority. Data shows that the University of Maryland is a safe environment, and the University has taken additional steps in the past few months and years to increase safety measures on campus. However, there is a distinction between being safe and feeling safe, and the Task Force recognizes that many members of our campus community do not feel safe due to the rise in hate/bias incidents. The University needs to do more to demonstrate its commitment to safety and must act assertively against threatening and intimidating conduct.

The University must act just as assertively to ensure that intellectual and academic freedom, freedom of speech, and freedom of expression are protected on our campus. The University's mission is to discover and disseminate knowledge, which requires the ability to challenge norms and engage in dialogue across differences. To sustain its mission, the University should vigorously support the marketplace of ideas. At the same time, the University must do more to promote civility and respect to foster an environment where free inquiry and debate can occur. The University should be committed to providing a welcoming and inclusive environment to enable all of its members to pursue their academic, personal, and professional goals.

## GUIDING PRINCIPLES

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The Task Force believes the University should make a strong commitment to diversity, equity, and inclusion through its words and actions. The following principles should provide the foundation for the University's efforts to achieve this goal.

- Active engagement in creating a safe environment where individual opinions are valued and free and open exchange of ideas is without retribution.
- A University-wide commitment to values common to us all, with opportunities for continued reexamination and contemplation throughout an individual's time at the University.
- Engagement of all members of the campus community, including University leadership, in embracing and communicating the importance of the University's values.
- Understanding the critical role that free speech and freedom of expression play in an educational environment, as well as of our role in using speech as an instrument of civic engagement.
- A commitment to promote civility and respectful treatment of all members of the campus.
- A comprehensive and coordinated approach to diversity, equity, and inclusion programming that is a part of the University experience for every member of the campus community.
- Programming that includes a blend of mandatory and voluntary engagements, offered in a variety of formats and through different modes, that complements curricular and professional learning and development objectives.
- A coordinated response strategy to hate/bias incidents that provides support to affected communities while assuring all faculty, staff, and students the ability to pursue their academic and professional goals in a safe environment.
- Policies and protocols that enable the University to take action against threatening and intimidating conduct.
- An engaged communication strategy that encourages campus leaders to speak out against hate speech that does not align with the University's values.
- Education and tools that empower faculty, staff, and students to use speech to combat hate and bias on campus.
- Centralization and alignment of information in one comprehensive website.
- Transparent structures for sharing hate/bias incidents and climate survey data.
- Accountability and engagement by campus leaders at all levels.
- Ongoing evaluation and assessment of diversity, equity, and inclusion efforts to enable continuous growth.

## TASK FORCE RECOMMENDATIONS

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The Inclusion & Respect Task Force makes the following recommendations in nine areas: (I) Values of the University, (II) Prevention & Education, (III) Hate/Bias Incident Response, (IV) Centralization, (V) Communication, (VI) Evaluation & Assessment, (VII) Free Speech & Freedom of Expression, (VIII) Current Policies and Guidelines, and (IX) Resources & Implementation.

### I. Values of the University

The University should adopt the following values statement, which should be ingrained into the experience of each member of the campus community and reinforced throughout their time at the institution.

The University of Maryland (UMD) is a community of individuals living and working together to support and advance the educational and research mission of the institution. We aspire to become a community that is: **United, Respectful, Secure and Safe, Inclusive, Accountable, and Empowered and Open to Growth.**

#### **United**

We are diverse but have much in common. Members of the UMD community foster a sense of belonging based on acceptance and a unity of purpose. We strive toward overlapping goals, sharing resources, and spending some of the most significant and productive times of our lives together in a common space. To that extent we depend on one another and are our best selves when we support one another. Accordingly, our actions are guided not only by what is good for self but also by what is good for all.

#### **Respectful**

Members of the UMD community interact with others in ways that promote feelings of respect. All members of the UMD community are valued equally and deserving of respect without regard to their status, their educational attainment or their social position. We reject denigration of any member through words or actions and resist stereotyping of members that undermines personal dignity through slurs, slights, insults or other acts that disparage individuals or groups.

#### **Secure and Safe**

Members of the UMD community refrain from injustice, violence, harassment, intimidation, and aggression. We do all that is possible to protect and defend members of the UMD community from anyone who would harm them physically or psychologically. We promote individual agency and responsibility in contributing to personal safety, avoidance of harm and staving off the effects of insults, slander, intimidation, or symbolic intimidation of violence.

#### **Inclusive**

The UMD community strives to achieve the highest levels of excellence in our work and our studies that accrue through inclusive practices. We recognize that as a thriving and striving community, the success of our institution and our members is dependent on how well we value, include, and engage all members. This belief must be actively and consistently embedded in every aspect and practice of the UMD community.

### **Accountable**

All members of the UMD community are equally responsible and committed to uphold the University's values to the best of their ability, as well as hold the rest of the UMD community to those responsibilities. We must be transparent in our mistakes, and learn to reflect and continue to strive toward inclusive excellence.

### **Empowered and Open to Growth**

Members of the UMD community embrace learning as essential for bettering ourselves as individuals and as a community. We encourage and assist one another to become our best selves.

## **II. Prevention & Education**

The University should develop a comprehensive prevention and education initiative on diversity, inclusion, and respect that involves all members of the campus community (faculty, staff, students). The initiative should include a broad vision for diversity programs for the University and should be overseen by ODI.

Programming should consist of a blend of mandatory programs and voluntary learning opportunities offered at multiple points throughout a faculty/staff/student's time at the University. This programming should use different modalities and approaches with varying levels of complexity.

Programming content areas should include implicit bias, cultural competence, bystander intervention, navigating difficult dialogues, civics education, effective methods for engaging in counterspeech, and reflection and dialogue on the University's values. The University should consider utilizing existing models at the University, such as: Sticks+StonesUMD, Speak Up and Speak Out Virtual Reality Bystander Intervention Program, TLTC workshops on difficult dialogues in the classroom, Common Ground, Words of Engagement Intergroup Dialogues, and best practices at peer institutions on implicit association tests, activities at orientation, and badging/e-portfolio systems while developing programming opportunities.

The University should consider developing opportunities for members of the campus community to track diversity-related skills and trainings throughout their time at the University.

ODI should consider developing a diversity-related suite of training options for faculty and staff in partnership with UHR, OFA, and TLTC using existing trainings as a way to develop a more robust program.

ODI should work with ISSS to incorporate information about our values into existing efforts to help international students and scholars acclimate to our campus culture. ODI should consider ways to partner with ISSS to increase opportunities for peer to peer interaction among international and domestic students, and should consider mechanisms that have been successful in the past, such as ESOL mentorship programs and Language House partners programs. ODI should also consider how educational and programming opportunities could incorporate global perspectives in order to broaden understanding of differences across cultures.

ODI should continue to develop and deliver programming as part of the University's comprehensive prevention and education initiative. ODI should also work collaboratively with representatives from

existing University diversity programs in the development and delivery of the comprehensive prevention and education initiative.

The University should utilize existing resources and expertise within our faculty in the development of the comprehensive prevention and education initiative on diversity, inclusion, and respect.

The University should provide tools to enable students, faculty, and staff groups to create and sponsor diversity-related programs.

### **III. Hate/Bias Incident Response**

The Task Force recommends that the proposed Policy on Threatening and Intimidating Conduct immediately following this report be approved.

The University should develop administrative review procedures to consider UMPD referrals of potential bias-related conduct involving faculty and staff.

The University should conduct a review of the VII-11.00(A) University of Maryland Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures to ensure that it aligns with the Policy on Threatening and Intimidating Conduct and current procedures for responding to hate/bias incidents.

The University should conduct a review of the implementation of the Policy on Threatening and Intimidating Conduct in Fall 2019 to assess its efficacy and make any necessary adjustments.

The University should develop a plan to ensure appropriate coordination between the primary units responding to reports of hate/bias incidents that complements the new Hate/Bias Response Protocol and the Policy on Threatening and Intimidating Conduct.

Hate/Bias incidents should be reported to UMPD. The University should designate specific offices or units, including ODI, as entry points where members of the campus community may disclose incidents prior to engaging with the formal reporting mechanisms through UMPD. The University should provide training for support staff in those units to ensure that they are knowledgeable about available resources and how to facilitate reporting to UMPD.

### **IV. Centralization**

The University should work to achieve a balance between centralization and decentralization of equity, diversity, and inclusion efforts on our campus. Efforts to achieve equity, diversity, and inclusion goals are a responsibility of the entire campus.

The ODI website should serve as a central resource for information about the University's diversity-related programming, events, relevant policies and guidelines, data, climate reports, reporting processes, and resources related to free speech, expression, and demonstration on campus in order to increase transparency, accessibility, and discovery of opportunities for engagement.

The University should consolidate and centralize information on all hate/bias incidents reported at the University and the outcome of any review of these incidents. The University should consider what types of information should be included on each incident and how that information should be

communicated to members of the campus community, as well as the mode and the frequency with which it is communicated.

## **V. Communication**

The University should develop a comprehensive multi-platform communication strategy that prioritizes the dissemination of information related to equity, diversity, and inclusion to the entire campus community in a manner that is transparent, timely, and sensitive to all constituents.

The University should consider how to prominently communicate information about diversity programs, events, and trainings and how diversity themes are integrated into the University's culture.

The University should develop a communications and marketing strategy focused on promoting the University's values. The University should consider ways to promote the values to all members of the campus community through different modes and how to reinforce them over time. For example, admitted students could receive information about the values in their admission packet and new employees could receive them as part of their appointment information. In addition, themes from the values could be incorporated into social media campaigns, marketing materials, or other existing activities to reinforce what it means to be a Terp over time.

The University's leadership should communicate its viewpoint, when appropriate, using messaging that aligns with its core values. In particular, the University's leadership should denounce offensive speech or conduct that does not align with its core values and express that it is not appropriate or welcome in our community.

The University should consider how best to communicate the national context on hate/bias incidents to the campus community.

## **VI. Evaluation & Assessment**

### Programming

ODI should develop a strategy for evaluating and assessing diversity-related education and training programs to assess efficacy and make necessary changes over time.

All diversity-related training programs should have an evaluative component to collect feedback from participants.

Climate assessment data should be used to inform and refine programming content.

### Climate Surveys

ODI should conduct biennial climate surveys of faculty, staff, and students to better understand individual experiences in a variety of dimensions.

Climate surveys should assess the impact of activities and the outcome of efforts to improve diversity, as well as changes in beliefs and attitudes about race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, political affiliation, or physical or mental disability, over time.

Survey design for future climate surveys should be guided by the highest standards, draw upon conceptual frameworks and best practices, and incorporate multiple designs to data collection and

analyses, including qualitative approaches as well as longitudinal and scientifically valid samples so that robust conclusions can be drawn from its findings.

Climate surveys should identify and oversample for specific identity and affinity groups so as to enable the development of targeted interventions that meet their unique needs (i.e. ethnicity, residential experiences, students who do not identify or participate with any campus group, and participants of Greek life and student government).

Climate surveys should consider paying special attention to evaluating the experiences of students in majors where the curriculum may not provide opportunities for addressing and understanding issues of diversity.

Climate surveys should consider assessing the social impediment to an individual's comfort in attending or taking part in events sponsored by a cultural or affinity group other than their own.

The University's leadership should be apprised of and reflect on climate survey results in establishing their agendas and priorities.

Existing survey data and feedback from members of the campus community indicate that the African-American population may be more vulnerable in terms of comfort and respect at the University. The University should consider developing specific programs that support vulnerable populations identified in existing and future survey data by integrating them into the University, promoting a sense of safety, and recognizing their contributions.

## **VII. Free Speech & Freedom of Expression**

The University should adopt the proposed *Statement on Free Speech Values* as follows:

The primary purpose of a university is to discover and disseminate knowledge through teaching, research, and service. To fulfill these functions, a free exchange of ideas is necessary not only within its walls but with the world beyond. The history of intellectual discovery and growth clearly demonstrates the need for freedom; the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable. Whenever someone is deprived of the right to state unmentionable views, others are necessarily deprived of the right to listen to and evaluate those views. Few institutions in our society have this same central purpose. It follows that a university must protect and guarantee intellectual and academic freedom. To do so it must promote an environment in which any and all ideas are presented. Through open exchange, vigorous debate, and rational discernment, the campus community can evaluate ideas.

Every member of the campus community has an obligation to support the right of free expression at the university, and to refrain from actions that reduce intellectual discussion. No member shall prevent such expression, which is protected under the constitutions of the United States and the State of Maryland.

The University does not have a speech code. History shows that marginalized communities have successfully promoted their interests because of the right to express their views. In fact, marginalized communities have been silenced by speech codes and other regulations against "offensive" speech.

In addition to the obligation to promote and protect free expression, individuals assume further responsibilities as members of the university. The campus expects each individual community member to consider the harm that may result from the use of slurs or disparaging epithets intended to malign, for example, another's race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, political affiliation, or physical or mental disability. While legal protections for free expression may sometimes supersede the values of civility and mutual respect, members of the university community should weigh these values carefully in exercising their fundamental right to free expression.

The University values and embraces the ideals of freedom of inquiry, freedom of thought and freedom of expression, all of which must be sustained in a community of scholars. While these freedoms protect controversial ideas and differing views, and sometimes offensive and hurtful words and symbols, they do not protect conduct that violates criminal law or university policy.

The University should recognize the rights of faculty, staff, and students to engage in counterspeech.

## VIII. Current Policies & Guidelines

The University Senate should charge its Campus Affairs Committee with an overall review of the Policies and Procedures on the Use of Physical Facilities and the associated guidelines on chalking, demonstrations, and leafletting, working in concert with affected stakeholders. The Campus Affairs Committee should consider how the University can support allowing the rental of facilities within the campus as a way of supporting speech and dialogue. The Campus Affairs Committee should also consider how requests from outside groups should be reviewed and approved.

The following revisions to the Non-Discrimination Policy & Procedures (VI-1.00[B]) should be approved to clarify the jurisdiction of the Policy on Threatening and Intimidating Conduct.

### VI-1.00(B) UNIVERSITY OF MARYLAND NON-DISCRIMINATION POLICY AND PROCEDURES

(Approved on an Interim Basis by the President October 1, 2015, Amended March 22, 2016, Amended May 6, 2016)

#### II. APPLICABILITY

This policy applies to members of the University community, including students, trainees, faculty, staff, and certain third parties (e.g., visitors, volunteers, applicants for admission or employment, vendors, and contractors) while on University property or while participating in University sponsored activities who either carry out discrimination or are subject to it.

This policy applies to discrimination, harassment, or retaliation:

- on University premises, in any University facility, or on University property; **and/or** at any University sponsored, recognized, or approved program, visit, or activity, regardless of location; **and**
- that impedes equal access to any University education program or activity or that adversely impacts the education or employment of a member of the University community regardless of where the conduct occurred. ~~; or~~
- ~~that otherwise threatens the health or safety of a member of the University community.~~

### III. DEFINITIONS

“**Discrimination**” is unequal treatment based on a legally protected status that is sufficiently serious to unreasonably interfere with or limit an individual’s opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual’s employment or education.

“**Harassment**” is a form of discrimination (as defined above) that encompasses unwelcome conduct based on a person’s protected status. Harassment is **severe or pervasive** conduct that negatively affects the particular individual and also would negatively affect a reasonable person under the same circumstances. Harassment in violation of this Policy depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Harassing behaviors may include, but are not limited to, the following, when based on a person’s protected status:

The University Senate should charge its Equity, Diversity, and Inclusion (EDI) Committee with a comprehensive review of the Non-Discrimination Policy & Procedures (Appendix 2) to consider whether broader changes are needed.

### IX. Resources & Implementation

The Task Force recommends that the University provide the necessary resources for the development and implementation of all the elements of a successful comprehensive diversity and inclusion initiative. Specifically, resources will be required to develop programming activities, purchase and/or develop new online training, support expanded education and training, develop an overall communication plan and centralized website, and develop/conduct assessments of programming activities.

The Task Force recognizes that the scope of these activities is broad and will require time to fully implement. The Task Force recommends that ODI develop a phased implementation approach for aspects of the recommendations that require significant development, to allow the University the time needed to design and implement various components of the recommendations.

ODI should provide an annual report on the implementation of these recommendations to the University Senate and the President’s Cabinet. ODI should also track the progress of implementation on its website as a way of communicating to University faculty, staff, and students what actions are being taken to actively develop the institution’s efforts on diversity and inclusion.

In the spirit of continuous improvement, the University should consider innovative ways to engage faculty, staff, and students in the implementation of these recommendations and future development of diversity efforts on an annual basis. Specifically, the University should consider facilitating design thinking workshops through a partnership with the Academy for Innovation & Entrepreneurship and ODI as a way of engaging members of the campus community in generating new ideas for addressing specific problems or questions.

## Proposed New Policy from the Joint President/Senate Inclusion & Respect Task Force

### VI-1.00(F) UNIVERSITY OF MARYLAND POLICY ON THREATENING AND INTIMIDATING CONDUCT

#### I. Purpose

The University of Maryland promotes civility and respectful treatment among all members of its diverse campus community, and fosters the discovery and dissemination of knowledge through the free and open exchange of ideas. The University values and protects the intellectual and academic freedom, freedom of speech, and freedom of expression of all students, faculty, and staff. The University provides a welcoming and inclusive environment to enable all members of the University community to pursue their academic, personal, and professional goals. Threatening or intimidating conduct directed toward members of the University community that is motivated by their actual or perceived protected status interferes with these values and commitments, and is therefore prohibited.

#### II. Prohibited Conduct

The University prohibits threatening or intimidating acts motivated in whole or in part because of an individual or group's actual or perceived protected status, including the following:

- Threats: An expression of intent to commit an act or acts of physical violence to a particular individual or group of individuals or to cause damage to their property; or to engage in an act or acts which endangers the health and safety of another person.
- Intimidation: An act or acts that is intended to or that recklessly frightens or coerces, or that places another person or persons in reasonable fear of imminent harm.

Protected status is defined in state and federal law as well as in the University of Maryland Non-Discrimination Policy and Procedures VI-1.00(B).

The *Code of Student Conduct* V-1.00(B) addresses prohibited conduct by students, including the conduct outlined above. The University of Maryland Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures VII-11.00(A) addresses conduct prohibited by this policy by faculty and staff.

#### III. Reporting

Any member of the University who witnesses or has information related to threatening or intimidating conduct should immediately report it to the University of Maryland Police Department (UMPD). This is especially important because the University's response is limited when it cannot identify those responsible. Reports should be made in good faith.

The Office of Diversity and Inclusion (ODI) or other University-designated units and cultural centers can assist faculty, staff, and students with reporting to UMPD.

- Emergencies and ongoing incidents that require an immediate response should be reported to UMPD at 301-405-3333
- Non-emergencies can be reported to UMPD at 301-405-3555.
- Reports made online at [go.umd.edu/reporthatbias](https://go.umd.edu/reporthatbias) will be responded to within 48 hours.

- Anonymous tips about reports and ongoing investigations can be submitted online at [http://www.umpd.umd.edu/contact/anonymous\\_tip.cfm](http://www.umpd.umd.edu/contact/anonymous_tip.cfm).

#### **IV. Response to Reports**

Reports made directly to UMPD will be taken as soon as they are received, and an investigation will begin immediately. UMPD will immediately notify relevant campus administrators including ODI to provide necessary information.

**A. Response from ODI.** ODI will coordinate relevant units to respond to the community(s) affected by the incident, develop an action plan, and provide support. ODI will serve as an immediate resource for students, faculty, and staff, regardless of whether UMPD's investigation indicates that an incident was motivated by protected status.

**B. Investigation by UMPD.** UMPD will conduct an investigation on all reports it receives. In determining whether a specific act or incident constitutes prohibited conduct, the totality of the circumstances will be considered, including whether the motivation for the conduct was based on actual or perceived protected status and the impact of the conduct on the perceived target.

Depending on the outcome of UMPD's investigation, reports will be classified according to Maryland State Police procedures. UMPD will also assess whether a hate crime has occurred, as defined under Maryland state law, and will take steps to initiate criminal charges if appropriate. UMPD will share its findings with ODI and all relevant University offices for consideration of appropriate administrative action.

#### **V. University Administrative Review Procedures**

After its investigation is completed, UMPD will make any necessary referrals to relevant University offices for administrative review and will share the facts of the case found through the investigation. University review of referrals from UMPD will be assessed through appropriate processes depending on whether the individual or group identified in the referral is a student, faculty, or staff member. The University's review should determine whether or not the individual or group is responsible for engaging in prohibited conduct.

**A. Students.** A student, a group of students, or a student organization identified by UMPD as potentially engaging in prohibited conduct will be referred to the Office of Student Conduct (OSC) for investigation and adjudication. University student disciplinary procedures and procedural rights established in the *Code of Student Conduct* will be followed.

**B. Faculty.** A faculty member or a group of faculty members identified by UMPD as potentially engaging in prohibited conduct will be referred to the Office of Faculty Affairs (OFA), in accordance with VII-11.00(A) University of Maryland Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures. If an incident is classified by UMPD as verified, OFA will relay the matter to the relevant administrator(s), who will initiate a review of the information from UMPD.

**C. Staff.** A staff member or a group of staff members identified by UMPD as potentially engaging in prohibited conduct will be referred to the Office of Staff Relations within University Human Resources (UHR) in accordance with VII-11.00(A) University of Maryland Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures. If an incident is classified by UMPD as verified, UHR will relay the matter to the relevant administrator(s), who will initiate a review of the information from UMPD.

## VI. Sanctions

If there is a finding of responsibility, sanctions, including discipline, may be imposed. Based on the severity of the prohibited conduct, various actions should be considered, ranging from educational and remedial actions to discipline up to and including dismissal from the University. The University shall endeavor to educate and support students, faculty, and staff in reaching their academic, personal, and professional goals while fostering a climate of accountability and responsibility for individual actions. The University's goals are to protect the campus community, deter future offenses, and promote individual accountability.

**A. Students.** Students, student groups, and student organizations found responsible for prohibited conduct will face disciplinary and/or educational sanctions as specified in the *Code of Student Conduct*.

**B. Faculty.** After a finding of responsibility, the relevant administrator(s) will initiate appropriate action. Depending on the circumstances of the case, educational opportunities may be considered. If warranted, disciplinary action may range from termination or suspension to reassignment of duties, in accordance with University policies and employment contracts. The relevant administrator(s) should consult with OFA as it determines any appropriate sanctions.

**C. Staff.** After a finding of responsibility, the relevant administrator(s) will initiate appropriate action. Depending on the circumstances of the case, educational opportunities may be considered. If warranted, disciplinary action or corrective measures may range from termination or suspension to workplace modifications, in accordance with University policies and employment contracts. The relevant administrator(s) should consult with UHR as it determines any appropriate sanctions.

## VII. Retaliation

Retaliation against any individual who makes a report in good faith or participates in an investigation in relation to threatening or intimidating conduct is strictly prohibited. Retaliation means an adverse action taken against an individual, where there is a clear causal link between the adverse action and their participation in this process. A report is not made in good faith if it is false or misleading; was made with the intention to harass; appears to be frivolous; or is otherwise an abuse of the reporting process. Individuals who are alleged to have engaged in retaliation may be subject to disciplinary action.

## VIII. Resources

All members of the University community have access to campus resources to address the effects of threatening or intimidating conduct, including:

**University of Maryland Police Department.** UMPD receives and assesses all reports of prohibited conduct motivated in whole or in part by actual or perceived protected status. UMPD investigates reports of such prohibited conduct by gathering details, collecting evidence, sharing information with law enforcement partners, and consulting with legal experts. UMPD will communicate with relevant administrative offices to facilitate the University's response and to make appropriate referrals to begin University disciplinary processes.

Emergency: 911 or (301)405-3333 (mobile phone: #3333)

Non-emergency: (301)405-3555

Website: [www.umpd.umd.edu](http://www.umpd.umd.edu)

**Office of Diversity & Inclusion.** ODI tracks hate-bias incident reports and coordinates the deployment of campus support services to individuals affected by hate-bias incidents. ODI also provides campus programming in collaboration with other campus units to foster prevention efforts and facilitate responses to hate-bias incidents.

Phone: (301) 405-6810

Website: [www.diversity.umd.edu](http://www.diversity.umd.edu)

**University Counseling Center.** The Counseling Center provides comprehensive psychological and counseling services to students and others in the University community. The Center is staffed by counseling and clinical psychologists.

Phone: (301) 314-7651

Website: [www.counseling.umd.edu](http://www.counseling.umd.edu)

**University Health Center, Mental Health Service.** The Mental Health Service in the Health Center offers short-term psychotherapy, medication evaluations, crisis intervention, group psychotherapy, and more. The service is staffed by psychiatrists and licensed clinical social workers.

Phone: (301) 314-8106

Website: [www.health.umd.edu/mentalhealth/services](http://www.health.umd.edu/mentalhealth/services)

**Campus Chaplains.** Campus chaplains represent 14 faith communities, working to serve the spiritual needs of the community. Campus Chaplains will meet with any member of the campus community, regardless of faith background.

Website: [http://thestamp.umd.edu/memorial\\_chapel/chaplains](http://thestamp.umd.edu/memorial_chapel/chaplains)

**Faculty Staff Assistance Program (FSAP).** FSAP provides free and confidential support to all faculty and staff (and their family members) on a range of issues. Services include short-term counseling services provided through FSAP (generally used for 3 sessions, but can support up to 10 sessions of counseling). FSAP also provides referrals for long-term counseling needs.

Phone: (301) 314-8170 or (301) 314-8099

Website: <http://www.health.umd.edu/fsap>

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## **APPENDICES**

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Appendix 1 - Inclusion & Respect Task Force Charge

Appendix 2 - Revised Non-Discrimination Policy & Procedures

Appendix 3 - Peer Institution Overview

## Appendix 1 - Inclusion & Respect Task Force Charge



### University Senate CHARGE

<b>Date:</b>	August 25, 2017
<b>To:</b>	Lucy Dalglish, Warren Kelley, Ja'Nya Banks Co-Chairs, Joint President/Senate Inclusion & Respect Task Force
<b>From:</b>	Wallace D. Loh <i>Wallace D. Loh</i> President Daniel Falvey <i>Daniel Falvey</i> Chair, University Senate
<b>Subject:</b>	Inclusion and Respect at the University of Maryland
<b>Senate Document #:</b>	17-18-03
<b>Deadline:</b>	March 30, 2018

President Loh and the Senate Executive Committee (SEC) request that the Joint President/Senate Inclusion & Respect Task Force consider how best to nurture a climate that is respectful and inclusive of all members of our campus community, stands against hate, and reaffirms the values that define us a University.

Specifically, we ask that you:

1. Collect input from and engage the entire campus community, including faculty, staff, students, administrators, and alumni, as well as representatives of the surrounding community, on the current campus climate and on the difficult issues at the intersections of free speech, hate speech, and freedom of association.
2. Assess the climate on diversity and inclusion on the campus and how it is experienced by members of the campus community. Review existing data on campus climate and gather information from members of the campus community from a variety of backgrounds and experiences, including underrepresented minorities and members of the international and LGBTQ communities.
3. Consult with representatives of the Office of Diversity & Inclusion (ODI), the Office of Student Conduct, the University of Maryland Police Department (UMPD), the Office of Civil Rights and Sexual Misconduct (OCRSM), Office of Rights and Responsibilities in the Department of Resident Life, the Department of Fraternity and Sorority Life, the Department of Athletics, University Marketing and Communications, the Office of Undergraduate Studies, and other relevant units at the University.

4. Review the University of Maryland Non-Discrimination Policy and Procedures and other relevant University and University System of Maryland policies.
5. Review the University's procedures for reporting and resolving reports of hate, bias, racism, and discrimination.
6. Review information on the response to past reports of hate and bias incidents at the University from OCRSM, UMPD, ODI, and any other relevant University offices.
7. Review and assess current resources, programs, and outreach efforts to (1) educate the campus community, and (2) support those affected by racism and discrimination, and their overall effectiveness.
8. Review current cultural competency initiatives and trainings throughout the University and consider the effectiveness of these efforts in creating an inclusive campus environment.
9. Review research related to race/ethnicity, discrimination, and bias in higher education.
10. Review and assess best practices at our peer institutions.
11. Review higher education professional association guidance addressing hate speech and campus climate issues.
12. Consider how to evaluate the needs of underrepresented groups and develop strategies to assess the efficacy of efforts to address those needs and create a more inclusive environment.
13. Consider how best to differentiate between free speech and hate speech in University policies and procedures.
14. Consider how appropriate communication and public awareness efforts should be used to promote a more inclusive campus climate.
15. Develop strategies for fostering a campus environment that is intolerant of hate, bias, and racism, including any necessary educational or training initiatives for students, faculty, staff, and administrators. Consider how these strategies should be implemented and how they can be evaluated for effectiveness.
16. Develop a statement on the University's core values and consider how those values are instilled in students, faculty, and staff. If appropriate, consider how to enhance understanding of our core values and develop strategies to reinforce them over time.

17. Consult with the appropriate Senate committees on any proposed revisions to University policies and procedures.
18. Consult with the University's Office of General Counsel on any proposed recommendations.
19. If appropriate, make recommendations on revisions to University policies and procedures as well as on appropriate strategies for fostering an inclusive campus community.

We ask that you submit your report and recommendations to the Senate and the President's Offices no later than March 30, 2018. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

## Appendix 2 - Revised Non-Discrimination Policy & Procedures

Proposed Revisions from the Joint President/Senate Inclusion & Respect Task Force  
New Text in Blue/Bold (**example**), Removed Text in Red/Strikeout (~~example~~)

### VI-1.00(B) UNIVERSITY OF MARYLAND NON-DISCRIMINATION POLICY AND PROCEDURES

(Approved on an Interim Basis October 1, 2015; Amended March 22, 2016;  
Amended and approved by the President May 6, 2016)

#### I. POLICY STATEMENT

The University of Maryland is committed to creating and maintaining an educational, working, and living environment that is free from discrimination and harassment. This Policy prohibits discrimination on grounds protected under Federal and Maryland law and Board of Regents policies. University programs, activities, and facilities are available to all without regard to race, color, sex<sup>1</sup>, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability<sup>2</sup>, religion, protected veteran status, genetic information, personal appearance, or any other legally protected class. Retaliation against any individual who files a complaint or participates in an investigation under this Policy is strictly prohibited. In furtherance of the University's commitment to equal opportunity, this Policy and associated procedures are established to address and remedy complaints of discrimination, harassment, and retaliation based on a protected class.

The **Office of Civil Rights & Sexual Misconduct (OCRSM)** shall receive all complaints of discrimination and harassment made pursuant to this Policy. Complaints may also be filed online [here](#).

#### **Office of Civil Rights & Sexual Misconduct (OCRSM)**

University of Maryland

4113 Susquehanna Hall

4200 Lehigh Road

College Park, MD 20742-5031

E-mail: [civilrights@umd.edu](mailto:civilrights@umd.edu)

Phone: 301-405-1142 | Fax: 301-405-2837

<http://www.umd.edu/ocrsm/> <http://www.ocrsm.umd.edu>

#### II. APPLICABILITY

This policy applies to members of the University community, including students, trainees, faculty, staff, and certain third parties (e.g., visitors, volunteers, applicants for admission or employment, vendors, and contractors) while on University property or while participating in University sponsored activities who either carry out discrimination or are subject to it.

This policy applies to discrimination, harassment, or retaliation:

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<sup>1</sup> Complaints based on sexual misconduct will be addressed under the University's Sexual Misconduct Policy & Procedures VI-1.60(A) as appropriate. Complaints of discrimination based on sex or gender that do not involve

<sup>2</sup> The University's policy and procedures for requesting disability accommodations may be found in the VI-1.00(D) University of Maryland Disability & Accessibility Policy and Procedures. Complaints of discrimination on the basis of disability may be made under this Non-Discrimination Policy.

- on University premises, in any University facility, or on University property; **and/or**
- at any University sponsored, recognized, or approved program, visit, or activity, regardless of location; **and**
- that impedes equal access to any University education program or activity or that adversely impacts the education or employment of a member of the University community regardless of where the conduct occurred.~~;~~~~or~~
- ~~▪ that otherwise threatens the health or safety of a member of the University community.~~

### III. DEFINITIONS

**“Discrimination”** is unequal treatment based on a legally protected status that is sufficiently serious to unreasonably interfere with or limit an individual’s opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual’s employment or education.

**“Harassment”** is a form of discrimination (as defined above) that encompasses unwelcome conduct based on a person’s protected status. Harassment is **severe or pervasive** conduct that negatively affects the particular individual and also would negatively affect a reasonable person under the same circumstances. Harassment in violation of this Policy depends on the totality of the circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. Harassing behaviors may include, but are not limited to, the following, when based on a person’s protected status:

- conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group;
- epithets, slurs, or negative stereotyping, jokes, or nicknames;
- written, printed, or graphic material that contains offensive, denigrating, or demeaning comments, or pictures; and
- the display of offensive, denigrating, or demeaning objects, e-mails, text messages, or cell phone pictures.

**“Personal appearance”** means the outward appearance of any person irrespective of sex with regard to hairstyle, beards, or manner of dress. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to a public accommodation or a class of employees for a customary or reasonable business-related purpose.

**“Retaliation”** refers to action that is taken against an individual because they reported discrimination, filed a complaint of discrimination, or participated in an investigation or proceeding concerning a discrimination complaint.

### IV. COMPLAINT PROCEDURES

Generally, a complaint filed under another University policy or Maryland statute cannot also be addressed under this Policy. Students, staff, and faculty must choose between the different complaint processes available to them.

## **A. Reporting**

Individuals who experience violations of this Policy are encouraged to promptly file a complaint with the OCRSM or bring it directly to the attention of their supervisor.

Supervisors, faculty, and University administrators who receive or become aware of a complaint of conduct in violation of this Policy are encouraged to report it to the OCRSM. This does not apply to confidential resources on campus, such as the University Counseling Center, Health Center, Mental Health Services, and University Chaplains.

## **B. Timeliness**

Complaints must be made within ninety (90) business days of the incident(s). The OCRSM may waive the time limit upon a showing of good cause.

## **C. Initial Assessment**

Written complaints are encouraged, but not required. If a verbal complaint is made, the OCRSM will prepare a written statement of the allegations and the Complainant will be required to acknowledge its accuracy in writing. The OCRSM will acknowledge receipt of the complaint by sending a notification letter or contacting the Complainant directly within five (5) business days of receipt. The OCRSM will then conduct an initial assessment of the complaint to determine whether the complaint should be investigated, and will consider the Complainant's request that the complaint be investigated or not investigated. The OCRSM will then notify the complainant whether:

- the complaint is appropriately filed with the OCRSM and the OCRSM has jurisdiction over the alleged conduct and the Respondent;
- the complaint has previously been filed under another University policy or Maryland statute;
- the complaint is suitable for alternative resolution; and
- the allegations, if true, would constitute a Policy violation.

If it is determined that the complaint is not appropriately filed with the OCRSM, the Complainant will be informed of the reason.

## **D. Alternative Resolution Process**

When determined appropriate by the OCRSM, the Complainant may elect to resolve a complaint through Alternative Resolution. The purpose of Alternative Resolution is to resolve the complaint by conference and conciliation. The OCRSM will notify and advise supervisors and other administrators, as appropriate, of the complaint and efforts by the parties to proceed with Alternative Resolution. The OCRSM shall document efforts to resolve the complaint and whether or not those efforts were successful. When Alternative Resolution is successful, the OCRSM shall summarize the resolution in writing, have it signed by the parties, and provide signed copies to the respective parties and supervisors and administrators, as appropriate. The OCRSM will also monitor implementation of the resolution agreement and/or close the case. When Alternative Resolution does not succeed within forty-five (45) business days of the date the complaint is filed, the OCRSM will cease that process and begin the investigation process.

## **E. Investigation**

When the Initial Assessment or a failure of the Alternative Resolution process results in a determination that the OCRSM will investigate the complaint, the OCRSM shall advise the Complainant and Respondent of their rights under this Policy, including the following:

- both parties have a right to an impartial investigation;
- both parties have a right to produce relevant documents, witnesses, and other material they would like the investigation to include; and
- both parties may have an advisor of their choice present to provide advice during the investigative interview; however, the advisor may not speak or act on behalf of the party.

The OCRSM will assign an investigator<sup>3</sup> who will conduct an adequate, reliable, and impartial investigation of the complaint. The investigator will interview the Complainant and the Respondent and any other available relevant witnesses, and review available relevant documents.

### **1. Standard of Review**

In making the determination of whether a Policy violation has occurred, the standard of review is “preponderance of the evidence,” which means it is more likely than not that a Policy violation occurred.

### **2. Expectation of Cooperation**

Absent good cause, all parties and identified witnesses shall cooperate during the investigation by being available during reasonable business hours to discuss the

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<sup>3</sup> An investigator in the OCRSM, for purposes of state employment regulations, is also considered to be the Fair Practices Officer.

complaint and by making available any relevant information requested by the investigator.

### **3. Investigation Timeline**

The OCRSM seeks to complete an investigation within sixty (60) business days and may extend the time frames set forth in this Policy for good cause. Exceptions to this timeframe may vary depending on the complexity of the investigation, access to relevant parties, and the severity and extent of the alleged discrimination.

### **4. False Information**

Anyone who knowingly files a false complaint under this Policy or who knowingly provides false information to the OCRSM during an investigation will be subject to appropriate disciplinary action.

### **5. Written Investigation Report and Findings**

The OCRSM shall complete a written report of its investigation, including a summary of the allegations, evidence reviewed and witness statements, findings of material fact and an analysis of those facts, and a conclusion stating whether the Policy was violated, based on the preponderance of evidence standard. The OCRSM then will issue a *Notice of Findings* and/or provide a copy of the investigation report to the parties and to the appropriate supervisors or department/unit heads, or the Office of Student Conduct, depending on the status of the parties. Copies of the investigation report may be redacted to comply with applicable law.

## **V. APPEAL**

The Complainant and/or Respondent may appeal the investigation finding within five (5) business days of the date of receipt of the *Notice of Findings* by submitting to the OCRSM at [civilrights@umd.edu](mailto:civilrights@umd.edu) a written statement of their intent to appeal and the stated grounds. The scope of the appeal is limited to the grounds set forth below. Mere dissatisfaction with the finding is not a valid basis for appeal. If an appeal is received by the OCRSM, the other party will be notified and given five (5) business days from the date of receipt of that notice to respond by submitting a written statement to the OCRSM at [civilrights@umd.edu](mailto:civilrights@umd.edu). All appeals and responses shall include the case name, number, and the party's name and contact information. Appeals filed by more than one party will be considered together in one appeal review process. All appeal documents submitted by a party will be shared with the other party.

If neither party submits an appeal, the decision will be considered final five (5) business days after the last date either party received the *Notice of Findings*. Appeals submitted after five (5) business days shall be denied, except upon a showing of good cause.

### **A. Grounds for Appeal**

Either party may appeal the Finding only on the following grounds:

### **1. Substantial Procedural Error**

Procedural errors or errors in interpretation of University policy were so substantial as to effectively deny a Complainant or Respondent notice or a fair opportunity to be heard.

### **2. New Evidence**

New relevant, material evidence that a reasonably diligent person could not have discovered prior to the issuance of the *Notice of Findings* has become available.

## **B. Review**

The appealing party has the burden of proof, and the standard of proof is preponderance of the evidence. Appeals are not intended to allow for a review of the entire investigation, with the exception of new evidence, as referenced above. The appellate review will be based on the written record; parties are not entitled to a hearing or meeting with the reviewing administrator or designee.

Appeals will be reviewed in accordance with the Respondent's status as listed below:

- appeals involving a Staff Respondent shall be reviewed by the Vice President for Administration & Finance or designee;
- appeals involving a Faculty Respondent shall be reviewed by the Senior Vice President and Provost or designee;
- appeals involving a Student Respondent shall be reviewed by the Vice President for Student Affairs or designee;
- appeals that do not directly involve a faculty, staff, or student Respondent shall be reviewed by the Vice President for Administration & Finance or designee.

## **C. Outcome**

Upon receipt of the appeal and response, the OCRSM will forward them to the respective Vice President's Office. Within five (5) business days, the Vice President will issue a written determination stating whether the Appeal was granted or denied, including a summary of its rationale (the "Appeal Outcome"). The Appeal Outcome shall either:

- affirm the Finding,
- overturn and Reverse Finding, or
- send the Case Back to the Special Investigator with specific directions to reconsider the Finding.

The decision of the Vice President or designee as set forth in the Appeal Outcome shall be final. The Vice President shall forward a copy of the Appeal Outcome to the OCRSM via email to [civilrights@umd.edu](mailto:civilrights@umd.edu). The OCRSM will forward a copy of the Appeal Outcome to the parties and respective supervisor/unit head/department chair or dean/Director of Student Conduct as soon as possible.

## VI. RECOMMENDATIONS FOR CORRECTIVE ACTION

The OCRSM may provide the appropriate Vice President, supervisor, and department chair dean with a *Recommendation for Corrective Action*. The final decision for determining and implementing any necessary corrective action shall remain the responsibility of the appropriate Vice President or designee. The Vice President or designee will notify the OCRSM within ten (10) business days of any corrective action that has been implemented.

The OCRSM is responsible for monitoring efforts to ensure that any ongoing violations of the Policy cease. In the event corrective action requires specific anti-discrimination training not readily available to the parties, the OCRSM will work with the supervisor and/or department/unit head to ensure training occurs as soon as feasible.

## VII. DISCIPLINARY ACTION

### A. Students

With respect to Student Respondents, the Director of the Office of Student Conduct (OSC) in accordance with the provisions of the Code of Student Conduct is responsible for imposing disciplinary action.

1. Discipline that impacts a student's status with the University includes: expulsion, suspension for a definite or indefinite period, and disciplinary probation for a definite or indefinite period. Expulsion, suspension, and disciplinary probation will be noted on a student's transcript. Disciplinary suspensions and expulsions are subject to the approval of the Vice President for Student Affairs.
2. Discipline that does not impact a student's status with the University includes but is not limited to: educational requirements, "no contact" orders, housing restrictions, community service, and disciplinary reprimand. Failure to comply with any of the sanctions listed above may result in further disciplinary action that could impact a student's disciplinary status with the University.

The OCRSM may provide other remedies, in consultation with the OSC, as appropriate. These remedies will identify reasonable long-term or permanent remedies to address the effects of the conduct on the Complainant, restore the Complainant's safety and well-being and maximize the Complainant's educational and employment opportunities. Remedies may also be identified to address the effects of the conduct on the University community.

Students may appeal discipline imposed as a result of a violation of this Policy in accordance with the Code of Student Conduct.

## **B. Staff**

With respect to Staff Respondents, any disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Assistant Vice President for Human Resources, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- unit transfers;
- reassignment of duties;
- mandatory training;
- verbal reminders;
- written reminders/letters of reprimand;
- suspension without Pay;
- suspension pending charges of removal; and
- termination.

Staff may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

## **C. Faculty**

With respect to Faculty Respondents, disciplinary action or corrective measures will be imposed by the appropriate supervisor and unit head, in consultation with the Office of the Senior Vice President and Provost, the Director of the OCRSM, and other relevant administrators, as needed. This may include the following:

- reassignment of duties;
- mandatory training;
- verbal reminders;
- written reminders/letters of reprimand;
- suspension with or without pay; and
- termination.

Faculty may grieve discipline imposed as a result of a violation of this Policy in accordance with their respective grievance rights.

## **D. Records Retention**

The OCRSM will maintain the records relating to the investigation. The respective unit responsible for issuing any discipline will maintain any disciplinary records in accordance with the University's records retention schedule. The respective unit shall also provide a copy of the disciplinary records to the OCRSM.

## VIII. EXTERNAL GOVERNMENT AGENCIES THAT ADDRESS DISCRIMINATION COMPLAINTS

Filing an employment discrimination complaint under this Policy or an alternative campus procedure does not preclude an employee from filing a complaint with the Maryland Commission on Civil Rights, the Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. Department of Education.

Complainants who wish to file discrimination complaints that are not connected with the official functions of the University or not falling within the scope of this Policy, will be referred to appropriate University, County, State, or Federal agencies by the OCRSM.

### **Office for Civil Rights U.S. Department of Education**

Philadelphia Office (Regional Office for Maryland)  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Phone: 215-656-8541  
FAX: 215-656-8605  
TDD: 800-877-8339  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)  
Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

### **Maryland Commission on Civil Rights**

Phone: 410-767-8600  
Website: <http://mccr.maryland.gov/>

### **Equal Employment Opportunity Commission**

Phone: 800-669-4000  
TTY: 800-669-6820  
Website: <https://egov.eeoc.gov/eas/>

It is important to note that in order to protect certain legal rights and remedies, Complainants must comply with certain time limits and deadlines. Affected persons should contact the relevant agencies listed above to verify time limits for filing. Failure to meet required deadlines may result in a loss of rights to seek a legal remedy.

### Replacement for:

*Policy VI-1.00(B) University of Maryland Code on Equity, Diversity, and Inclusion*

## Appendix 3 - Peer Institution Overview

The Task Force reviewed Big 10 and other peer institution data and best practices on diversity-related initiatives on prevention & education, campus climate, hate/bias response, and free/hate speech. An overview of the Task Force's findings and highlights from several institutions are provided below and should be considered while developing the University's comprehensive diversity and inclusion initiative.

### Prevention & Education

Through its review, the Task Force identified best practices related to diversity and inclusion. Much of the focus of diversity-related programming is on initiatives for students. Several institutions focus programming on incoming and transfer students through a blend of required and optional activities that can be offered through online modules or in-person workshops. Some institutions provide training for faculty on difficult dialogues in the classroom. Institutions varied in the types of content areas provided in programming, such as implicit bias and bystander intervention. Some institutions also provided badging/certificate programs that recognize core competencies and skills. Peers also provided cultural competency education through a variety of co-curricular activities or through specific courses. There were also some institutions that provided a comprehensive diversity website that includes resources, upcoming events, resources on communities and affinity groups, programs, trainings, awards & scholarships, etc. Programming examples from peer institutions are highlighted below.

#### Programming for Incoming & Transfer Students

- Michigan State University requires that all incoming undergraduates and transfer students complete an 30-45 minute online "[Diversity & Inclusion@MSU eLearning](#)" program, which gives a general overview of diversity and inclusion at MSU, an introduction to basic terms and concepts, and a sense of how students can engage with each other more deeply at MSU.
- The University of Illinois at Urbana Champaign requires all first year students to attend [IConnect](#), an innovative workshop that explores some of the foundational skills needed to collaborate, learn, and work in diverse environments during a student's years at Illinois and beyond.
- The University of Illinois at Urbana Champaign requires first-year students to take [DiversityEDU30](#), an online training module used to provide a common understanding of diversity terminology, introduce diversity concepts students will face during their time at the University of Illinois, and challenge students to embrace the opportunity to engage with difference as part of their Illinois experience.
- The University of Iowa provides students with an opportunity to attend a [45-minute welcome and information session](#) presented by the Center for Diversity and Enrichment during Orientation. This session is required for Advantage Iowa Scholars (historically underrepresented minorities) and students receiving military benefits.

#### Workshops on Difficult Dialogues in the Classroom

- Michigan State University offers resources for [Difficult Dialogues in the Classroom](#).
- The University of Minnesota offers workshops and trainings, which includes a session on [Teaching with Intention: Facilitating Challenging Conversations in the Classroom](#).

### Implicit Bias Programs

- Michigan State University offers an [Understanding Implicit Bias Certification Program](#), a series of three courses that will allow participants to experience thoroughly examined implicit bias and begin the work of interrupting their own biases as well as those embedded within systems at MSU.

### Bystander Intervention Programs

- Northwestern University offers [bystander intervention training](#) to students, faculty, and staff. Step Up is a bystander intervention training program that aims to create a more engaged Northwestern community by providing students, faculty, and staff with the basic tools to safely and effectively intervene in situations where someone might be in danger. Step Up includes a topic on discrimination.

### Cultural Competency Education

- Northwestern University offers a variety of dialogue programs, leadership programs, and other training opportunities to include [Cultural Competency Education](#).
- The University of Wisconsin offers a course to students called Student [SEED](#), a non-traditional, grass-roots developed social justice course which uses “the textbook of students lives” as the main teaching tool. Students explore and share their own individual experiences with race, class, gender, sexual orientation, religion, and ability in order to learn about and understand the large systems of privilege and oppression. The course facilitators strive to create a safe and respectful environment for students to reflect on and share their own experiences, learn from their peers’ experiences and build community while engaging in deep critical thinking around issues that are pervasive in our society and daily lives.

### Badging/Certification Programs

- The University of Iowa has created a badging type of system called [Building University of Iowa Leadership for Diversity \(BUILD\)](#). The BUILD initiative is an opportunity for UI faculty and staff to gain strategic knowledge and skills to contribute to a welcoming and inclusive environment for all. By completing a series of workshops, participants will earn a certificate demonstrating their commitment as leaders for diversity, equity, and inclusion in the workplace and classroom.
- Purdue University offers a badging program that is called [DiversiKey](#). The DiversiKey Certificate Program is a competencies-based program of curricular, co-curricular, and field experiences in diversity and leadership. Core competencies, skills, and cognition areas are organized into three clusters, *personal growth*, *interpersonal development*, and *community involvement*. The use of these competency clusters offers skills based progression to guide development and assess achievement.
- The University of Minnesota offers an [Equity and Diversity Certificate](#) program that helps participants develop the tools necessary for advancing equity and diversity in all aspects of their personal and professional lives. It’s free of charge and open to students, faculty, staff, and alumni on all campuses of the University of Minnesota.

### Comprehensive Diversity Website

- “[Diversity at Iowa](#)” is an example of a comprehensive website that includes resources, upcoming events, communities and affinity groups, programs, trainings, awards & scholarships, etc.

## **Campus Climate**

### Climate Surveys

Nearly all peer institutions reviewed engage in efforts to survey the campus climate for diversity and inclusion purposes, or are beginning to develop such efforts. Campus climate is typically measured on an annual or biennial basis through the online distribution of surveys to the entire campus community. Half of the institutions use surveys that they developed, while a couple institutions use outside vendors to develop or provide survey instruments. Some institutions utilize the SERU survey, which is a survey focused on academic and civic engagement that originated at University of California-Berkeley and has been made available to institutions in the Association of American Universities (AAU).

In most cases, the results of the survey are analyzed by the office responsible for institutional diversity initiatives and/or the Office of the Provost, and results are used to create new initiatives. Some institutions share the results with the campus community, and a few have made results public. As most institutions are still in the beginning stages of surveying campus climate, most are still developing their plans for how to utilize the information collected.

### Principles & Values

A few peer institutions have engaged in efforts to clearly articulate the principles and values that define the University and its community. Institutions with statements of core values include Penn State University, The Ohio State University, University of Illinois at Urbana-Champaign, and Michigan State University. Of these institutions, Penn State has gone the furthest in developing tools and strategies for continually articulating and emphasizing the values of its community. Each value identified in the statement has an associated video that helps explain what that value means to Penn State. Penn State has developed tools such as tips for including values statements in syllabi, conversation starters focused on the values, and media materials such as posters that are available to faculty and staff. All materials related to Penn State's values can be found online at <https://universityethics.psu.edu/penn-state-values>.

## **Hate/Bias Response**

### Reporting an Incident

All institutions surveyed are committed to creating a safe, equitable, and inclusive environment for students, staff, and faculty, one that is free from discrimination, harassment, and retaliation. Every institution has a slightly different approach to reporting, investigating, and resolving conflicts of hate and bias. Most universities have units or teams dedicated to handle incidents of hate and bias, such as the Campus Inclusion Team (University of Iowa), Inclusion and Anti-Bias Unit (MSU), and Bias Response and Referral Network (University of Minnesota). In general, every institution relies on its analogs to the Office of Diversity and Inclusion, Human Resources, Office of the Dean of Students, and the Police Department to partner with other necessary units to respond to hate/bias incidents.

To report hate/bias incidents, faculty and staff are generally asked to contact Human Resources or resolve their conflicts internally with their supervisors. Students are typically encouraged to report either directly or indirectly to the Office of the Dean of Students, the Office of the Provost, or another academic or student-focused unit.

Reporting an incident may be done via email, phone call, online, or face to face. Almost all universities prefer online reporting. One peer institution prefers reporting via email or phone call in order to respond promptly.

Institutions vary on whether they accept anonymous reports. Some do not accept anonymous incident reports, while other institutions may accept the report and proceed with an investigation as long as sufficient information is provided. Many institutions encourage reporting an incident even if the victim does not wish to move forward with a formal investigation, in order to allow the institution to be aware of the situation, and to take steps to ensure the safety of the victim and others in the community. Reporting also allows the institution to keep accurate records of the number of incidents, assess incident reports to identify patterns, and alert the campus community of potential danger when incidents or patterns are ongoing.

### Initial Response to a Report

Upon receiving the incident report, those impacted by or perceived to be targets of the incident are typically contacted within 48 hours. Based upon the severity of the incident, almost all institutions take steps to provide support to those affected as necessary. Support measures may include, but are not limited to: referrals for medical attention or psychological support, connecting the individual with other impacted community members, academic or workplace accommodations (extension for an exam or assignment, excused time off from class or work), transportation assistance, housing accommodations, or providing appropriate support through University Police if there is a continuing threat.

### Policy Structure and Adjudication Procedures

All of the institutions surveyed prohibit discrimination, harassment, and threats in some way, many through non-discrimination or equal opportunity policies. Some institutions provide definitions of hate/bias incidents online and in informal guidance, but none provide such definitions in policy documents.

- “The related conduct that is classified as a bias incident is defined as an act of conduct, speech, or expression to which a bias motive is evident as a contributing factor (regardless of whether the act is criminal). A hate crime is a bias incident that has risen to the level of a crime. ...All hate crimes are bias incidents, but not all bias incidents are hate crimes.” (See p. 9-10: <http://www.northwestern.edu/up/docs/NorthwesternUniversityCampusViolencePreventionPlan.pdf>)
- “An event that has the effect of demeaning or degrading an individual or a group and is motivated in whole or in part by the perpetrator’s bias against a particular group. Experiencing prejudice, stigma, or discriminatory attitudes and/or behavior.” (See: <https://bias.unl.edu/bias-fags-terminology>)

In cases where hate/bias incidents violate University policies on discrimination, harassment, and threats and a perpetrator is able to be identified, the institution will pursue action. For these types of conduct, half of our peer institutions have a single policy that applies to all members of the university community (students, faculty, and staff); the other half of our peers have separate policies for separate constituencies.

Seven institutions have policies that allow for adjudication of complaints regarding discrimination, harassment, or threats by a committee. At most institutions where adjudication by committee is not the norm, it is possible to adjudicate by committee in certain cases (such as for students but not for

faculty, or for especially complex cases). At institutions where cases are not adjudicated by committee, the responsible unit is often the Office of Student Affairs (if the respondent is a student) or the unit through which the respondent is employed (if faculty or staff).

After adjudication, the responsible unit typically enacts the sanctions, if any. Sanctions for students typically range from required diversity training, loss of privileges (such as library access or on-campus housing), do-not-contact orders, suspension, and separation from the institution. Possible sanctions for faculty and staff can range from a letter of reprimand, recommended counseling, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, probation, demotion, or termination.

### University Response to Non-Conduct Incidents

Hate/bias incidents are often disruptive, but they may not always be in violation of University policy or the law. In many cases, hate/bias incidents that will not result in discipline still warrant a response from the University, in terms of opportunities for discussion or education on how the incident affected members of the University community. Possible options for resolution may include one of the following actions, as suggested by Rutgers University:

- Initiating contact with any group(s) affected by the hate/bias incident (e.g., a residence hall, a student organization, recreation center, class, etc.)
- Ensuring that any offending material, such as graffiti or defaced posters, have been removed. Note: materials should be removed only after police have been contacted and have come to the scene to take a report.
- Making contact with persons identified or persons suspected of committing the hate/bias incident to talk about the incident and the impact on the community.
- Recommendation of an educational program or initiative to alleviate the impact on the community from the hate/bias incident.

### Communicating with Students, Faculty, and Staff Regarding Hate/Bias Incidents

In the immediate aftermath of a hate/bias incident, or during ongoing incidents, institutions will typically alert the campus community of any serious or continuing threats on or near campus, to provide the community with enough time and information to take safety precautions.

In the aftermath of hate/bias incidents, very few universities provide information about hate and bias incidents openly unless there is a continuing threat. At some institutions, the only acknowledgement of statistics related to hate/bias incidents appear in the Annual Security Report required by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act).

Some institutions do prepare detailed reports and provide data on hate/bias incidents and hate crimes to their campus community on an annual or more frequent basis.

- The University of Illinois at Urbana-Champaign bias assessment website <http://bart.illinois.edu/> aggregates information about the institution's policies and procedures, as well as reporting information. Illinois's approach is comprehensive, in that it provides a form for reporting bias incidents and two types of reports - an annual report with description of hate/bias incidents and associated follow-up, and a statistical breakdown of incidents.
- The University of Wisconsin also has a comprehensive bias reporting website at <https://doso.students.wisc.edu/services/bias-reporting-process/>. The website includes an online incident report form, resources for those affected by hate/bias incidents, data on current incidents, and data on incidents from past semesters. Incident data includes information on the type of incident, the targeted identity, and the action taken.

- The Ohio State University includes records of bias reports received by the Bias Assessment and Response Team on its website and provides summary reports from each academic year. <https://studentlife.osu.edu/bias/policies-and-reports.aspx>
- The University of Michigan provides information about hate crimes and bias-related incidents at <https://deanofstudents.umich.edu/bias-incident-report-log>
- The University of Iowa collects data on the types of concerns that are raised in each incident reported on campus and shares this information with the campus community (<https://dos.uiowa.edu/assistance/annual-reports/>).
- Rutgers University, Penn State University collect information for each incident and the final report is preserved in a private online database.

## Free/Hate Speech

### Policies Related to Free and Hate Speech

None of the institutions surveyed specifically ban hate speech, although some institutions have created restrictions on speech based on the time, place, and manner of the speech.

- Many institutions designate specific areas on campus where free speech, demonstrations, may be held, either spontaneously or with prior approval. Some have separate regulations or processes for members of the campus community and those from outside groups who wish to speak or demonstrate on campus.
- Many institutions include language in policies or guidelines that indicates that those exercising their free speech rights are not to violate established University policies and procedures or interfere with campus operations.
- Most institutions make a distinction between free expression or free speech and conduct that is actionable in some way. For instance, while free speech rights are protected, they do not protect an individual's right to threaten another individual in a way that suggests they may be subject to imminent harm.

Nearly all institutions have policies or executive-level statements on protecting freedom of expression; academic freedom is often linked to freedom of expression in these policies and statements.

- Purdue University's Statement of Commitment to Freedom of Expression includes the following: "The University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed... It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission." (see: <http://www.purdue.edu/purdue/about/free-speech.html>)
- Michigan State University's President's Statement on Free Speech Rights and Responsibilities states the following: "The basic purposes of the University are the advancement, dissemination, and application of knowledge. The most basic condition for the achievement of these purposes is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas cease, and research, teaching, and learning are stifled...The robust exchange of ideas and perspectives can be indicative of a healthy intellectual environment. However, actions which directly or indirectly inhibit the freedoms and rights enjoyed by others

are anathema to maintenance of a collegial environment.” (see: <https://cabs.msu.edu/news/key-issues/issue-docs/free-speech.html>)

### Policies on Demonstrations/Protests and Use of Campus Facilities

All institutions have policies and procedures that guide the use of facilities and spaces on campus for assembly, discussion, or protest:

- Ten have restrictions on who may reserve indoor or outdoor space; these restrictions range from pre-approval to gaining sponsorship from a campus club/organization.
- Nine institutions restrict the ability of outside groups to initiate or host protests/demonstrations on campus. The restrictions range from going through pre-approval processes for the event to finding an on-campus sponsor and providing proof of insurance.
- Eleven of the institutions have a content-neutral policy; they do not specify restrictions for the content of protests, demonstrations, or outdoor activities. When restrictions are specified, as in the case of Indiana University, they are generally related to providing equal opportunities for political candidates running for office to hold campaign events on campus.
- Eight institutions have designated outdoor areas for free assembly by University or non-University groups.

In addition, nearly all of our peer institutions provide guidance on protest activities that prevent normal operations from taking place. Five of these institutions provide guidance on counter-protests or appropriate/inappropriate ways to protest controversial speakers. Four institutions provide guidance on University police support for student groups who wish to protest; two do not specify this in policy; and seven do not have any guidance on University police support for student groups who wish to protest.

### Policies on Leaflets and Posters

Nearly all of our peer institutions require pre-approval of materials for hanging posters on campus; nine of them provide content-neutral rules and four do not.

When leaflets and other materials are distributed on campus, four universities require prior approval, two do not require prior-approval, and seven institutions do not specify any guidelines.

### Policies on Chalking

Nearly all institutions have policies/procedures on chalking or otherwise writing messages on campus surfaces. Seven institutions do not have a procedure for removing messages based on content; three did not indicate whether they do or do not have such a procedure. Three institutions have a procedure for removing messages based on content. Aside from regular chalking, some institutions specifically state that waterproof and spray chalk are prohibited.

The extent to which these policies regulate chalking and writing messages on campus surfaces range from complete prohibition to allowing chalking on specific areas.