CHAPTER 10

Appendices

Appendix A: Human Relations Code

Effective date 18 October, 1976;
Revised April 1998;
Approved by President, May 6, 1978

Article I Purpose

A. The University of Maryland, College Park, affirms its commitments to a policy of eliminating discrimination on the basis of race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental disability, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution. This code is established to prevent or eradicate such discrimination in accordance with due process within the Campus community. In doing so, the Campus recognizes that it must strive actively and creatively to build a community in which opportunity is equalized.

B. Accordingly, the Campus Senate of the University of Maryland, College Park, establishes this Human Relations Code to:

1. prohibit discrimination as defined in this document within the College Park campus community both by educational programs and, to the extent specified herein, by a formal grievance procedure;
2. establish the responsibilities of the Adjunct Committee on Human Relations of the Senate General Committee on Campus Affairs;
3. establish the responsibilities of the Office of Human Relations Programs in connection with this code;
4. establish mediation and grievance vehicles within the colleges of the campus, in conformity with the campus Affirmative Action Plan;
5. establish the responsibilities of Equal Education and Employment Opportunity (EEEO) Officers.

C. Every effort will be made to make students and potential students, employees and potential employees, faculty members and potential faculty members aware of the opportunities that the campus provides for every individual to develop and utilize his or her talents and skills. It is the intent of the campus to enhance among its students and employees respect by each person for that person's own race, ethnic background, sex, or sexual orientation as well as appreciation and respect for the race, ethnic background, sex or sexual orientation of other individuals.

D. Development of a positive and productive atmosphere of human relations on the campus shall be encouraged through effective dialogue and broadening of communications channels. The Adjunct Committee on Human Relations and the Office of Human Relations Programs shall provide support and assistance, as authorized, to any individual or group deemed by them to have a positive probable impact in working toward increased understanding among all individuals and groups on the campus.

E. The Senate Adjunct Committee on Human Relations shall advise the Office of Human Relations Programs in recommending policies that fulfill the provisions of this code. In particular:

1. The Senate Adjunct Committee on Human Relations shall be an adjunct committee of the standing Senate General Committee on Campus Affairs.
2. The purpose of the Senate Adjunct Committee on Human Relations shall be to foster better human relations among all individuals and groups on the campus, to advise in the development of positive and creative human relations programs, to advise in the prevention and eradication of all forms of discrimination prohibited by this code, and to make regular assessments of the state of human relations within the purview of this campus.
3. The functions of the Senate Adjunct Committee on Human Relations may include but are not limited to: requesting the Office of Human Relations Programs to conduct investigations of complaints of discrimination because of race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental handicap, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution; providing an "open forum" for effective dialogue among all segments of the campus community; recommending to appropriate campus bodies educational programs and activities to promote equal rights and understanding; periodically reviewing such programs and activities; initiating studies of campus-sponsored or recognized programs and activities to determine how improvement can be made in respect to human relations; continually reviewing progress toward these ends and making such further recommendations as experience may show to be needed; and participating to the extent set forth herein in formal human relations grievance actions.

F. There shall be an Office of Human Relations Programs directly responsible to the president. This office shall plan, develop, give direction to and coordinate the overall campus effort to prevent and eliminate discrimination based on race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental handicap, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution, in all areas of campus life (this overall effort is referred to herein as the "Human Relations Program"). The office shall represent, and have direct access to, the president, and shall cooperate with the Senate Adjunct Committee on Human Relations on substantive matters concerning human relations. The office shall assist and coordinate the human relations activities of the Equal Employment and Educational Opportunity officers and the equity officers representing the various units of the campus.

The duties and responsibilities of the Office of Human Relations Programs shall include but not be limited to the following: working with deans, directors, and department chairs to ensure full compliance, in spirit as well as in letter, with laws relating to discrimination and with the campus Human Relations Code; advising campus offices in efforts to assist personnel to recognize and take advantage of career opportunities within the campus; working with appropriate offices in the surrounding community on such issues as off-campus housing practices affecting campus students and employees, transportation, etc.; recommending to the Off-Campus Housing Office removal from or reinstatement upon lists of off-campus housing, so as to ensure that listed housing is available on a nondiscriminatory basis. (N.B. any final action taken by the university shall be preceded by proper notice to the property owner involved, and an opportunity to be heard); conducting reviews of compliance with the campus Affirmative Action Plan; initiating and carrying out programs for the elimination and prevention of racism and sexism on campus; distributing this code and informing the campus community of the interpretations of its provisions; sending periodic reports to the president and to the Senate Adjunct Committee on Human Relations concerning the Human Relations Programs; and participating to the extent set forth herein in formal human relations grievance actions.

G. For each of the colleges of the campus, the Division of Administrative Affairs, and the Division of Student Affairs, there shall be an equity officer, who is designated in accordance with the Affirmative Action Plan and who has the duties specified by the campus Affirmative Action Plan and like duties with respect to the forms of discrimination prohibited by this code.

Article II Coverage

A. Kinds of Discrimination Prohibited:

1. Discrimination in employment, job placement, promotion, or other economic benefits on the basis of race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental handicap, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution.
2. Discrimination in criteria of eligibility for access to residence, or for admission to and otherwise in relation to educational, athletic, social, cultural, or other activities of the campus because of race, color, creed, sex, sexual orientation, marital status, personal appearance, age, national origin, political affiliation, physical or mental handicap, or on the basis of the exercise of rights secured by the First Amendment of the United States Constitution.

B. For the purposes of this code, "personal appearance" means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a campus facility, or when uniformly applied to a class of employees, or when such bodily conditions or characteristics, or manner or style of dress or personal grooming presents a danger to the health, welfare or safety of any individual.

C. This code shall apply to the campus community. The term "campus community" is limited to campus students, faculty, and staff; and to departments, committees, offices and organizations under the supervision and control of the campus administration.

D. Exceptions

1. The enforcement of Federal, State or County laws and regulations does not constitute prohibited discrimination for purposes of this code. Separate housing or other facilities for men and women, mandatory retirement-age requirements, separate athletic teams when required by athletic conference regulations and political, religious and ethnic/cultural clubs are not prohibited.
2. Discrimination is not prohibited where based on a bona fide job qualification or a qualification required for the fulfillment of bona fide educational or other institutional goals. Complaints concerning the legitimacy of such qualifications may be the subject of human relations grievance actions.
3. The provisions of this code shall not apply to potential students or potential employees of the university. However, applicants for admission or employment who believe they have been discriminated against by any part of the campus community may convey such belief together with all relevant facts to the Office of Human Relations Programs, for informational purposes.
4. The grievance procedures under this code shall not apply to judgments concerning academic performance of students (e.g., grades, dissertation defenses), pending further study and action by the Campus Senate and university administration.
5. The campus, with the advice and approval of the Attorney General's Office, shall review on a continuing basis all new laws and regulations that apply to this campus to determine if any shall require changes in the coverage or exceptions to coverage of this code.

E. This code shall apply to the campus community in relation to, but not only to, the following:

1. All educational, athletic, cultural, and social activities occurring on the campus or in another area under its jurisdiction;
2. All services rendered by the campus to students, faculty, and staff, such as job placement and job recruitment programs and off-campus listings of housing;
3. University-sponsored programs occurring off campus, including cooperative programs, adult education, athletic events, and any regularly scheduled classes;
4. Housing supplied, regulated, or recommended by the campus for students, staff and visitors, including fraternities and sororities;
5. Employment relations between the campus and all of its employees, including matters of promotion in academic rank, academic salary, and termination of faculty status, as limited in III.M.

Article III Human Relations Enforcement Procedures

A. In order to identify policies or practices that may reflect discrimination, the Senate Adjunct Committee on Human Relations may request the Office of Human Relations Programs to conduct periodic review of the operation of any unit of the campus. Units shall provide the information necessary for carrying out such reviews. This information shall be submitted through the president's Office. Any such review under the authority granted in this statement of policy shall be undertaken only after specific authorization of the president. In the event that the president fails to authorize an investigation within a reasonable time of the request by the Senate Adjunct Committee on Human Relations, the chair of the Committee shall report that fact, together with reasons as he/she may have received from the president concerning the matter, to the Senate.

B. The Office of Human Relations Programs on its own motion shall identify policies, practices, or patterns of behavior that may reflect discrimination prohibited by this code or that may conflict with any other campus policy concerning human relations or with the campus Affirmative Action Plan, and shall call these to the attention of the appropriate officials of the unit involved and recommend appropriate action. Those subject to allegations of discrimination shall be afforded all the protections of due process. The office shall endeavor by negotiation to eliminate the alleged discrimination. Where such efforts fail, the office may on its own motion report the matter to the president and to the Senate Adjunct Committee on Human Relations. Documentation of the recommendations by the office in all such cases shall be maintained on file by the office.

C. To the maximum extent consistent with the purposes of this code, the confidentiality of personal papers and other records and the principle of privileged communication shall be respected by all persons involved in the enforcement procedures of this code. Nothing in this code shall be construed so as to conflict with the requirements of Article 76A of the Maryland Annotated Code. Persons giving information in connection with the procedures described in this code shall be advised by the person receiving such information of the limits of confidentiality which may properly be observed in code procedures and that all documents may be subject to subpoena in subsequent administrative or judicial proceedings.

D. Any member of the campus community who believes that he or she has been or is being discriminated against in ways prohibited by this code may consult informally and confidentially with the unit EEEO Officer and/or the equity officer and/or the Office of Human Relations Programs prior to filing a formal complaint.

E. The Office of Human Relations Programs shall receive formal complaints from any member or group within the Campus community claiming to be aggrieved by alleged discrimination prohibited by this Code and/or any other Campus document or policy relating to human relations practices. Such complaints should give in writing the names of complainant(s) and respondent(s) and the time, the place, and a specific description of the alleged discrimination. Complaints shall be submitted to the Office of Human Relations Programs, or else to the unit EEEO Officer or the Equity Administrator. Complaints must be submitted within ninety (90) days of the alleged discrimination act(s), or within ninety (90) days of the first date by which the complainant reasonably has knowledge thereof. Complaints not submitted directly to the Office of Human Relations Programs shall be forwarded to the Office of Human Relations Programs within five (5) working days of their receipt. Copies of the complaint shall be forwarded by the Office of Human Relations Programs to the respondent and to the appropriate unit Chair or Director, Dean or Vice President.

F. Complainants under this code shall be required, as a condition precedent, to waive any alternative campus administrative procedure that may then be available. A complaint that has been heard under some alternative campus procedure cannot subsequently be heard under the procedure of this code. In the case of a complaint heard under the Classified Employees Grievance Procedure, this restriction shall apply only when the complaint has entered Step Three of that procedure.

G. The Office of Human Relations Programs and/or the equity officer shall ensure that each complainant is informed of his/her right to file the complaint with the appropriate State and Federal agencies. Forms for complaints to State and Federal agencies will be provided or the complainant will be informed where they are available.

H. All complaints of discrimination that are not connected with the official functions of the campus or do not fall within the scope of discrimination prohibited by this code shall be referred to the appropriate campus, municipal, County, State, or Federal agencies by the Office of Human Relations Programs.

I. After a complaint has been filed, the Office of Human Relations Programs shall promptly undertake an informal investigation in order to make a preliminary determination as to whether or not the subject matter of the complaint falls within the code, and whether or not there is probable cause for the complaint. This finding shall be reported to the

complainant, the respondent, the president, and the chair of the Senate Adjunct Committee on Human Relations. The burden of proof in this investigation and throughout these enforcement procedures rests with the complainant.

J. If the finding is that there is not probable cause to believe that discrimination has been or is being committed within the scope of this code, the Office of Human Relations Programs may dismiss the complaint. Such dismissal shall be reported to the complainant, the respondent, the president, and the chair of the Senate Adjunct Committee on Human Relations. The complainant in such a case may appeal the dismissal of the case to the Senate Adjunct Committee on Human Relations, which may direct that a Human Relations Grievance Committee conduct a grievance hearing according to the procedures set forth herein, if in the judgment of the Senate Adjunct Committee on Human Relations there is probable cause to believe that discrimination has been or is being committed within the scope of this code. The Senate Adjunct Committee on Human Relations shall have access to the complaint file for this purpose. A record of its deliberations shall be placed in the file according to the procedures established by the Office of Human Relations Programs. If the committee finds no probable cause, it may dismiss the complaint, and report such dismissal to the complainant, the respondent, and the president.

K. If the finding is that there is probable cause to believe that discrimination has been or is being committed within the scope of this code, the Office of Human Relations Programs shall endeavor to eliminate the alleged discrimination by conference conciliation and persuasion. If by this process, an agreement is reached for elimination of the alleged discrimination, the agreement shall be reduced to writing and signed by the respondent, the complainant and the director of the Office of Human Relations Programs. The agreement shall be available to the president, the equity officer, and to the chair of the Senate Adjunct Committee on Human Relations, upon request.

L. If a finding of probable cause is made but no mutually satisfactory solution can be reached under the procedures outlined in section K immediately preceding, the Office of Human Relations Programs shall initiate the following procedure: the Office shall notify the Senate Adjunct Committee on Human Relations of the failure to reach a mutually satisfactory solution, whereupon, providing the complainant requests in writing a Human Relations Grievance Hearings, a Human Relations Grievance Committee shall be selected according to the procedures described in Article IV following. Grievance hearing shall be closed unless both parties to the dispute agree that the hearing, or any part thereof, shall be open to the public. All parties to the dispute shall be sent within five (5) working days of the written request of such a hearing, written notification of the time and place of the beginning of the hearing and a specific statement of the charges. Hearings shall be held as promptly as is consistent with allowing adequate time for the parties to prepare their cases. Continuances may be granted within the discretion of the Office of Human Relations Programs. All parties shall have ample opportunity to present their facts and arguments in full during the hearing. All findings, recommendations, and conclusions by the Grievance Committee shall be based solely on the evidence presented during the hearing, and shall be based on a preponderance of the evidence having probative effect. The burden of proof rests with the complainant. The Grievance Committee may be assisted by an advisor. All the parties to the dispute and the Grievance Committee may invite persons to testify during the hearing. Each side shall have the right to cross-examine witnesses. Each party has the right to be represented by counsel or other representative, but the university has no obligation to provide such counsel for any party to the dispute. If a party intends to be represented by legal counsel during the hearing, he/she shall inform the Office of Human Relations Programs of this fact no later than seventy-two (72) hours prior to the hearing, and that office shall provide that information to the other party or parties. A verbatim record shall be kept of all sessions in which testimony and evidence are presented regarding the case, and this record shall be made available to all parties to the dispute at the conclusion of the proceedings. Upon request the chair of the Grievance Committee may, in his or her discretion, recess the hearing to permit review of the record by one or more parties in the conduct of their case. The chair of a Human Relations Grievance Committee with the advice of the advisor, if there is one, shall rule on all matters of procedure and admissibility of evidence. Any member of the committee not concurring in the ruling of the chair may request a closed session of the committee for debate on the point. A majority vote of the committee will determine the final decision. Formal rules of evidence shall not be applicable to any hearing before a Human Relations Grievance Committee, and any evidence or testimony that the committee believes to be relevant to a fair determination of the complaint may be admitted. The committee reserves the right to exclude incompetent, irrelevant, immaterial and repetitious evidence.

M. In cases of allegations regarding prohibited discrimination concerning academic employment matters, a Human Relations Grievance Committee shall not substitute its judgment of academic competence for the judgment of the appropriate colleagues of the complainant. The function of the Grievance Committee shall be to determine

   a. whether there were clearly enunciated university, campus and department standards, policies, procedures, and priorities by which to assess the merit of the complaint, and whether the complainant was given a reasonable opportunity to demonstrate his/her academic merit;

   b. whether the stated standards, policies, procedures, and priorities were applied to the complainant in a nondiscriminatory manner.

N. Within ten (10) working days after hearing all the evidence and arguments, the Human Relations Grievance Committee shall prepare a written decision based solely on the evidence presented at the hearing. This decision shall include a summary of the evidence before the committee and the committee's findings as to whether or not a violation of the code has occurred, and the recommendations of the committee. Grievance Committees may recommend whatever forms of relief they deem appropriate, but must take due cognizance of the limitations imposed by State law and by the procedures established by the Board of Regents, for example, the procedures by which promotion in academic rank is achieved. Within five (5) working days after the decision has been filed in the Office of Human Relations Programs, the director of that office will formally notify all parties to the dispute, the president, and the Senate Adjunct Committee on Human Relations of the decision.

O. The president shall within ten (10) working days of receipt of the decision of the Human Relations Grievance Committee issue an order specifying what actions, if any, must be taken by individuals or groups found to be guilty of violating the provisions of this code.

P. When a hearing has been scheduled by an outside agency or court, the Office of Human Relations Programs may, with the approval of the Senate Adjunct Committee on Human Relations, prior to the convening of a Human Relations Grievance Committee to hear a case, postpone or terminate the campus grievance proceedings when such postponement or termination is in its judgment warranted by administrative considerations such as staff limitations and workload, or at the request of a party upon a showing that the campus hearing will either conflict with the off-campus hearing, or that participation in the campus hearing will unreasonably burden a party's preparation of his/her case or otherwise work to his/her prejudice. Such postponement or termination shall be reported to the complainant, respondent, and president. In any case where a complaint has been the subject of prior administrative or judicial resolution or where a complaint becomes the subject of such resolution during the course of proceedings under this code, the procedures of this code will not be applicable or will terminate, as the case may be.

Q. The president shall provide a written explanation of the order whenever that order is not in keeping with the findings and recommendations of the Human Relations Grievance Committee. This explanation shall be sent to all parties to the dispute, to the chair of the Senate Adjunct Committee on Human Relations, to the director of the Human Relations Programs, and to the chair of the Senate. The chair of the Senate Adjunct Committee on Human Relations shall report to the Senate Executive Committee concerning the order and explanation at the next meeting of the Executive Committee, and that body shall put the matter on the agenda of the next meeting of the Senate.

R. When required by law, copies of the Human Relations Grievance Committee's findings and recommendations and of the Chancellor's order and explanation, if any, shall be sent to the State and Federal agencies charged with enforcement of Article 49B of the Annotated Code of Maryland and the Equal Employment Opportunity Act of 1968 or their successors.

S. When a complainant receives a decision on his/her charge of discrimination from a Human Relations Grievance Committee that decision shall not be subject to review under any grievance procedure in force on the campus.

T. No affirmative relief shall be made to a complainant by the University unless the complainant executes the following release as part of a settlement agreement:

   The complainant hereby waives, releases, and covenants not to sue the University of Maryland or its officers, agents, or employees with respect to any matters that were or might have been alleged as charges filed under the Human Relations Code in the instant case, subject to performance by the University of Maryland, its officers, agents, and employees, of the promises contained in this settlement agreement.

Article IV Constitution of Human Relations Grievance Committee

A. A Human Relations Grievance Committee shall consist of five members selected by an affirmative vote of at least two members of a selection panel consisting of 1) The vice president of the unit of the campus within which the alleged discrimination falls. In cases of disputed jurisdiction, decisions as to which vice president shall participate will be made by the several vice presidents. 2) The director of the Office of Human Relations Programs. 3) The chair of the Senate Adjunct Committee on Human Relations. If any of these persons is unable to participate, he or she shall designate a suitable replacement.

B. The selection of a Human Relations Grievance Committee shall be made in such a way as to promote a fair and impartial judgment. An effort shall be made to constitute the Grievance Committee of persons reasonably familiar with the kind of employment or other situation that the case concerns.

C. A determined effort shall be made to gain the consent of complainant and respondent concerning the membership of the Grievance Committee. If in the judgment of the selection panel such efforts become unreasonably prolonged, membership will be determined by majority vote of the selection panel.

D. None of the members of a Grievance Committee shall have been involved in the action that is the subject of the complaint. This selection panel shall remove a member of a Grievance Committee whenever it finds that member to have a personal involvement in that case; and may excuse a member from serving on the Grievance Committee on grounds of illness or on other reasonable grounds.

E. Members of the Senate Adjunct Committee on Human Relations shall not be eligible concurrently for inclusion on Human Relations Grievance Committees.

F. The chair of a Human Relations Grievance Committee shall be elected by the members of the committee.

G. Members of a Human Relations Grievance Committee and those officially involved in a hearing shall not be penalized either academically or financially for time missed from work or classes during official meetings of the committee.

Article V The Equal Education and Employment Opportunity Officer

A. Equal Education and Employment Opportunity Officers shall be instrumental in the implementation of the Human Relations Code within each unit of the College Park campus.

B. Employees on all levels within each unit of the campus will have access to the assistance of an EEEO Officer. In non-academic units, EEEO Officers shall be elected by unit employees under the supervision of the equity officer within whose responsibility the unit falls, or shall be selected by the unit director in consultation with the appropriate equity officer, in either case in accordance with the Affirmative Action Plan of that unit. EEEO Officers in the academic colleges shall be chosen in the manner prescribed by the council of each college.

C. The functions of EEEO Officers shall include but not be limited to:

1. Advising unit administrators with respect to the preparation plans, procedures, regulations, reports, and other matters pertaining to the campus Human Relations Program.
2. Evaluating periodically the effectiveness and sufficiency of unit Affirmative Action Plans and other unit plans in relation to the goals of this code, and reporting these to unit administrators with recommendations as to what improvements or corrections are needed.
3. Participating in the development of policies and programs within units with respect to hiring and recruitment, training and upgrading, and in all matters pertaining to the elimination of discrimination prohibited by this code. If a unit fails to develop policies and programs of this nature, it is the task of the EEEO officer to act in an advocacy role and call this fact first to the attention of the unit administrator, and if no responsive action ensues, then to the Collegiate Assistant for Affirmative Action. The EEEO officer is free at all times to report such cases directly to the Office of Human Relations Programs and the Senate Adjunct Committee on Human Relations.
4. Serving in a liaison capacity between the unit to which he/she is assigned and all segments of its personnel and attempting to remedy problems brought to his/her attention regarding alleged discrimination.
5. Advising students or employees of the unit who have reason to believe that discrimination as defined in this code is occurring. At the request of the aggrieved person the EEEO officer shall keep any or all aspects of the grievance confidential until a formal complaint has been filed. If the aggrieved so requests, the EEEO officer shall attempt to resolve the matter, calling upon the assistance of the equity officer where appropriate. The EEEO officer will keep a record of such advisory and conciliatory activities and periodically brief the equity officer.
6. Advising and otherwise aiding complainants in making formal complaints under this code. When a complaint is filed with an EEEO officer, the complaint shall be forwarded by that officer within five (5) working days to the equity officer and the Office of Human Relations Programs. The EEEO officer shall be available to assist in a preliminary investigation of the complaint conducted under the general supervision of the Office of Human Relations Programs, to determine whether there is probable cause to believe that prohibited discrimination has occurred.
7. Making recommendations to the Office of Human Relations Programs to help facilitate human relations programs on campus.
8. Assisting units in publicizing the functions of EEEO officers.
9. Collecting pertinent information regarding hiring, upgrading and promotion opportunities within units and disseminating such information to appropriate personnel.

D. The EEEO officer shall have the full support of the unit administration, the college administration, and the Office of Human Relations Programs. The EEEO officer shall be afforded reasonable time from other regular duties to perform the functions of the office. These functions shall qualify as part of a workday in the case of a staff member and as partial fulfillment of required committee loads in the case of faculty. The EEEO officer shall be free from interference, coercion, harassment, discrimination, or unreasonable restraints in connection with the performance of the duties specified in this code.

Article VI Effective Date

This Code shall be effective as revised as of April 6, 1998.

Appendix B: University of Maryland Policy and Procedures on Sexual Harassment

Approved by the President
August 1, 1991;
Revised December 13, 2004

A. Policy

UM is committed to maintaining a working and learning environment in which students, faculty, and staff can develop intellectually, professionally, personally, and socially. Such an environment must be free of intimidation, fear, coercion, and reprisal. Accordingly, the Campus prohibits sexual harassment. Sexual harassment may cause others unjustifiable offense, anxiety, and injury. Sexual harassment threatens the legitimate expectation of all members of the Campus community that academic or employment progress is determined by the publicly stated requirements of job and classroom performance, and that the Campus environment will not unreasonably impede work or study.

Sexual harassment by University faculty, staff, and students is prohibited. This constitutes Campus policy. Sexual harassment may also constitute violations of criminal and civil laws of the State of Maryland and the United States. For the purpose of this Campus policy, sexual harassment is defined as: (1) unwelcome sexual advances; or (2) unwelcome requests for sexual favors; or (3) other behavior of a sexual or gender-based nature where:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University sponsored educational program or activity; or

b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

In assessing whether a particular act constitutes sexual harassment forbidden under this policy, the standard shall be the perspective of a reasonable person within the College Park Campus community. The rules of common sense and reason shall prevail. Nothing in this policy limits expression protected under the First Amendment, campus freedom of expression, or similar policies. Allegations of sexual harassment shall be judged with attention to the facts particular to the case and the context in which the alleged incident(s) occurred.

Conduct prohibited under this policy may manifest itself in many different ways. Sexual harassment may, for example, be as undisguised as a direct solicitation of sexual favors, or solicitation accompanied by overt threats. Harassment may also arise from behavior that has the effect of creating an intimidating, hostile, or offensive educational or working environment. In this regard, the following types of acts, if pervasive and continuous, are most likely to result in allegations of sexual harassment: unwelcome physical contact; sexual remarks about a person's clothing, body, or sexual relations; conversation of a sexual nature or similar jokes and stories; and the display of sexually explicit materials in the workplace or used, without defensible educational purpose, in the classroom.

Sexual harassment may occur within a variety of relationships. It may occur among peers. It may occur where no relationship exists between the parties other than being coemployees or co-students. Especially injurious is harassment in relationships characterized by inequality of power, where one party has institutional authority over the other. Inherent in these relationships is the power and fear of reprisal. Typically, such relationships are found between employer and employee; senior faculty and junior faculty; graduate teaching assistant and undergraduate; and faculty and student, when the student is enrolled in a faculty member's class or when the student is in a continuing position to require evaluation of work or letters of recommendation from the faculty. Such relationships can be immediate or based upon future expectations, for example, the need for future evaluations and references. Sexual harassment may occur between persons of the same or different sex.

Education and awareness are the best tools for the elimination of sexual harassment. The Campus is committed to taking appropriate action against those who violate the provisions of the policy. The Campus is committed to protecting targets of harassment from retaliation.

B. PROCEDURES

1. General Principles.

   Preventing sexual harassment is a responsibility of the entire Campus community. The Campus has made this a priority, but ultimately, no satisfactory investigation or resolution of a complaint can occur without the initiative and continuous cooperation of the person who feels injured.

   Similarly, allegations of sexual harassment are extremely serious, with potential for great harm to all persons if ill-conceived or without foundation. Procedures which implement Campus policy recognize the potential for harm. The Campus is committed to protecting the rights of the alleged offender as well as the offended. VI-1.20(A) page 3

2. Confidentiality.

   All complaints of sexual harassment are to be kept confidential. This means that the complaint will be discussed only with those who have a legitimate administrative or legal reason to know about the complaint. Information related to a complaint also may be subject to disclosure as required by state or federal law.

3. Filing a Complaint.

   An individual who believes he or she has been subjected to sexual harassment has several ways to bring this to the attention of the University, and, where proper, obtain redress or protection. There is an Informal Complaint Procedure (see Section 5). There are also Formal Complaint Procedures (see Section 6) sufficiently broad to deal with sexual harassment. These procedures are explained later in this Policy.

   Faculty, staff and students may report an alleged incident of sexual harassment to:

   a. the Campus Compliance Officer, Office of Human Relations Programs (405-2839);
   b. a Departmental or College equity officer;
   c. any Campus or University official or faculty member, including the reporting individual's supervisor, the department chair or dean;
   d. the Director of University Human Resources (405-5648);
   e. the President's Legal Office (405-4945);
   f. In addition to the options listed above, students also may report an incident of sexual harassment to the Office of Judicial Programs (314-8204).

4. Responsibilities of the Person Receiving the Complaint.

   Any person who receives a complaint of sexual harassment shall not initiate any action to investigate or resolve the matter until he or she:

   a. explains that as a person receiving a report of sexual harassment, he/she must notify the Campus Compliance Officer or the Legal Office about the complaint. The Campus Compliance Officer and Legal Office will have a collaborative and information-sharing relationship regarding reports of sexual harassment. The purpose VI-1.20(A) page 4 of contacting one of these offices is:
      i. to ensure that the receiving person communicates the necessary information to the complainant,(including giving the complainant a copy of the Sexual Harassment Policy)
      ii. to determine what questions the complainant has about the Sexual Harassment Policy and procedures
      iii. to advise who would most likely be the appropriate University Official to handle an Informal Complaint.
   b. speaks again to the complainant, after consulting with the Campus Compliance Officer and/or Legal Office. After the complainant has had the opportunity to raise any questions about the Sexual Harassment Policy and the Informal Complaint Process, the complainant will be offered the opportunity to decide which process to initiate.

5. Informal Complaints.

   The Informal Complaint Procedure is intended to be a flexible process so that each case may be handled according to the specific facts presented. The Informal Complaint Procedure has no specific steps, time limits or other prescribed requirements.

   a. Depending on the specific facts, an Informal Complaint may be reviewed or investigated by a supervisor or similar University official who has administrative authority over the person accused of harassment, or by the Campus Compliance Officer or Campus Legal Office staff. The Campus Compliance Officer and/or Legal Office will determine who is the most appropriate person to handle an Informal Complaint.
   b. While a written complaint is not required to initiate an Informal Complaint, the complainant will generally be asked to submit a signed complaint. If the matter is to be investigated, consideration shall be given to the situation and the wishes of the complainant.
   c. The results of the investigation shall be confidentially reported, according to the procedures of the Office of Legal Affairs' and/or the Office of Human Relations Programs' procedures, to the complainant, the alleged VI-1.20(A) page 5 offender, the Legal Office, and as required, to the President, the relevant vice president, dean, chairman, or supervisor. Sanctions for sexual harassment may range from reprimand to termination, depending upon the circumstances of the case.
   d. Files will normally be kept for the period of time designated in the record retention policy of the office handling the complaint. Complainants and alleged may ask where and how long a file will be kept.
   e. The person accused of sexual harassment shall be:
      i. told that a complaint has been made;
      ii. informed of the specific facts of the complaint;
      iii. told that the complainant has chosen to pursue the complaint under the Informal Complaint Procedures;
      iv. given an opportunity to have his/her questions about the Informal Process answered before any review or investigation proceeds;
      v. given a copy of the Sexual Harassment Policy; and
      vi. advised of his/her rights to contest any disciplinary action taken against him/her as a result of the Informal Complaint Procedure.

6. Formal Complaints

   Formal procedures for resolving sexual harassment complaints are available based on the classification of the complaining person.

   a. Faculty, all categories of staff, and students can file a complaint under the University Human Relations Code with a Campus unit equity administrator or the Campus Compliance Officer, Office of Human Relations Programs, 1130 Shriver Laboratory (405-2839). The Human Relations Code is on-line at http://www.inform.umd.edu/PRES/policies/vi100b.html
   b. Faculty members can file a complaint under the Faculty Grievance VI-1.20(A) page 6 Procedure with the Faculty Ombuds Officer, 2132 Main Administration Building (405-1901). The Faculty Grievance Procedure is on-line at http://www.inform.umd.edu/PRES/policies/ii400a.html
   c. Exempt employees can file a complaint under the USM Policy on Grievances for Exempt and Non-Exempt Staff Employees with the Office of Staff Relations, Department of University Human Resources, 1100 Chesapeake Building (405-5651). This grievance policy is on-line at http://www.usmh.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionV II/VII800.html

d. Non-Exempt employees can file a complaint under the USM Policy on Grievances for Exempt and Nonexempt Staff Employees with the Office of Staff Relations, Department of University Human Resources, 1100 Chesapeake Building (405-5651). This grievance policy is on-line at http://www.usmh.usmd.edu/Leadership/BoardOfRegents/Bylaws/ SectionVII/VII800.html

e. A student can file a complaint against another student under the Code of Student Conduct with the Office of Judicial Programs, 2108 Mitchell Building (314-8204). The Code of Student Conduct is on-line at http://www.inform.umd.edu/PRES/policies/v100b.html

The procedures listed above are long-standing, structured procedures established by law and/or University System of Maryland policy. Unlike the Informal Complaint Process, each procedure sets out specific steps, time limits, and other formal requirements. Time limits may be extended to take into account behavior considered continuing in nature. The location of a file on a complaint of sexual harassment and how long a file may be retained are determined by the particular procedure used. A complainant or person accused of harassment can find specific information about each of the Formal Complaint procedures by calling the relevant office listed above.

Following is a Statement on Sexual Relationships and Professional Conduct. While sexual relationships in the supervisory context are not prohibited in the sense that penalties are attached to such conduct, all members of the Campus community are urged to consider the ethical concerns that arise as a result of such relationships, and to take prompt and reasonable steps to prevent such issues.

STATEMENT ON SEXUAL RELATIONSHIPS AND PROFESSIONAL CONDUCT
The basic function of a university is the discovery and transmission of knowledge, activities which are founded upon the free and open exchange of ideas. In order for productive learning and the work that supports it to occur, members of the Campus community–faculty, students, and staff personnel--should pursue their responsibilities guided by a strong commitment to principles of mutual trust and confidence and professional codes of conduct.

It should be understood by all members of the Campus community that sexual relationships that occur in the context of educational or employment supervision and evaluation are generally deemed very unwise because they present serious ethical concerns. Many professional codes of conduct prohibit sexual relationships that occur within the context of one's profession. Accordingly, faculty and supervisors are warned about the possible costs of even an apparently consensual relationship. The element of power implicit in sexual relationships occurring in the supervisory context can diminish a subordinate's actual freedom of choice. There is doubt whether any such relationship can be truly consensual. In addition, sexual relationships between a professor or supervisor and subordinate create an environment charged with potential conflict of interest. Questions of favoritism frequently arise. As a result, such conduct may subvert the normal structure of incentives that spurs works and learning advancement and interjects attitudes and pressures that are not consonant with the education and employment policies and principles to which the Campus is committed.

Appendix C: Code of Student Conduct

This appendix contains the Code of Student Conduct for undergraduate and graduate students at the University of Maryland. It is expected that students will conduct themselves with the highest levels of integrity and good character. A few highlights:

1. Cases that may result in suspension or expulsion are heard by judicial boards, composed entirely of students. Less serious cases are resolved in disciplinary conferences conducted by members of the student judiciary, or by University staff members.
2. Students living in the residence halls are also subject to Resident Life regulations. Allegations that a student violated those regulations, as well as the Code of Student Conduct, are normally resolved together in one hearing or conference. Recommendations from the hearing panel are then acted upon separately by the Office of Student Conduct (responsible for university discipline) and the Resident Life, Office of Rights and Responsibilities (responsible for residence hall regulations).
3. Acts of violence (including any sexual assault), intimidation, or disruption; substantial theft or vandalism; academic dishonesty; fraud or forgery; use or distribution of illegal drugs; and any Code of Student Conduct violation motivated by considerations of sex, race, ethnic origin, or religion are forms of misconduct that most frequently result in dismissal from the University.
4. Effective April 2006, students who engage in riotous or other serious misconduct on- or off-campus when related to a University-sponsored event (i.e., athletic event) will face dismissal.
5. Students are accorded substantial procedural protections, including an opportunity for a hearing and an appeal in any case that might result in suspension or expulsion from the University.
6. Informal hearings and other proceedings at educational institutions do not follow the same procedures used in courtrooms. The University does not use attorneys to "prosecute" students, or apply the rules of evidence used in a civil or criminal trial. Instead, charges are investigated and resolved in an atmosphere of candor, truthfulness, and civility. Also, in addition to a just punishment, a primary objective of the disciplinary process is to promote the moral development of those found responsible for violating disciplinary regulations.
7. Students accused of violating University disciplinary regulations are encouraged to discuss the allegations with their parents or guardians, legal counsel, and with appropriate University staff members. For example, international students are encouraged to review the charges against them with an advisor in the International Education Services Office.
8. Additional information about the disciplinary process is available upon request. For example, students subject to a disciplinary hearing should request a copy of the document "Preparing for a Hearing". Comparable information is also available to those who wish to file disciplinary charges.
9. Disciplinary files are normally kept for three years. A procedure is available to allow students to petition to void a disciplinary record earlier. Transcript notations of disciplinary suspension or expulsion are permanent.
10. Academic Integrity policies are administered by the Student Honor Council, in accordance with the Code of Academic Integrity.
11. Compared to disciplinary systems at most universities, Maryland students are given unusual authority and responsibility for management of the campus disciplinary process. Membership on the student judiciary is an extraordinary educational experience, an opportunity to be of service to the community, and a personal honor.
12. The tenets of our office are set forth below. Call me at 301-314-8204 if at any time you believe you have not been treated in accordance with them.

To regard each student as an individual, deserving individual attention, consideration, and respect.

- To consider the facts fully and carefully before resolving any case.
- To speak candidly and honestly with each student.
- To hold each student to a high standard of behavior, both to protect the campus community, and to promote student ethical development.
- To recognize the reality of human fallibility, as well as the stresses associated with collegiate life, and to demonstrate compassion, understanding, and a sense of humor.
- To contribute to the educational mission of the University by designing policies, conducting programs, and offering instruction that contribute to the intellectual and ethical development of the entire student body.

John Zacker
Director of Student Conduct

Approved by the Board of Regents
January 25, 1980
(amended September 1991, May 2002, July 2004, April 2006).

Note: Different procedures and penalties are applicable in cases involving allegations of academic dishonesty. Please refer to the *Code of Academic Integrity*, available from the Office of Student Conduct (301-314-8204).

Footnotes which appear throughout the *Code of Student Conduct* refer to the Annotations listed at the end of this appendix.

Rationale

1. The primary purpose for the imposition of discipline in the University setting is to protect the campus community. Consistent with that purpose, reasonable efforts will also be made to foster the personal and social development of those students who are held accountable for violations of University regulations.[1]

Definitions

2. When used in this *Code*:[2]
   (a) The term "aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University or University-sponsored activities.
   (b) The term "distribution" means sale or exchange for personal profit.

(c) The term "group" means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.

(d) The terms "institution" and "University" mean the University of Maryland, College Park.

(e) The term "organization" means a number of persons who have complied with University requirements for registration.

(f) The term "reckless conduct" means action which any member of the University community can be expected to know would create a clear risk of harm to persons or property, or would disrupt the lawful activities of others, including studying, teaching, research, and University administration..[3] *

(g) The term "student" means a person taking or auditing courses at the institution either on a full- or part-time basis.[4]

(h) The term "University premises" means buildings or grounds owned, leased, operated, controlled or supervised by the University.

(i) The term "weapon" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length.

(j) The term "University-sponsored activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the University.

(k) The terms "will" or "shall" are used in the imperative sense.

Interpretation of Regulations

3. Disciplinary regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

Inherent Authority

4. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.[5]

Student Participation

5. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the University administration and in the Board of Regents.

Standards of Due Process

6. Students subject to expulsion, suspension[6] or disciplinary removal from University housing[7] will be accorded a conduct board hearing as specified in Part 30 of this *Code*. Students subject to less severe sanctions will be entitled to an informal disciplinary conference[8] as set forth in Parts 32 and 33.

7. The focus of inquiry in disciplinary proceedings shall be the guilt or innocence of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent or the university may result.[9]

Violations of Law and Disciplinary Regulations

8. Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this *Code*.[10] Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Prohibited Conduct

9. The following misconduct is subject to disciplinary action:

(a) Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.

(b) Unauthorized use, possession or storage of any weapon on University premises or at University-sponsored activities.

(c) Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on University premises or at University-sponsored activities.

(d) Off-campus misconduct which:

i. is a criminal offense off campus, resulting in conviction, if such an offense would constitute a violation of this *Code* had it occurred on University premises. No student convicted of a misdemeanor under this section shall be subject to expulsion or full suspension unless the offense constitutes an "aggravated violation" as defined in Part 2(a) of this *Code*. The University shall not pursue disciplinary action when a non-aggravated misdemeanor does not pose a threat to the stability of the campus or campus community; provided, however,

ii. rioting, assault, theft, vandalism, fire setting, or other serious misconduct related to a University-sponsored event, occurring on –or off-campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law related to misconduct associated with a University-sponsored event."

(e) Knowingly violating the terms of any disciplinary sanction imposed in accordance with this *Code*.

(f) Intentionally or recklessly misusing or damaging fire safety equipment.

(g) Unauthorized distribution or possession for purposes of distribution of any controlled substance or illegal drug[11] on University premises or at University-sponsored activities.

(h) Intentionally furnishing false information to the University.

(i) Making, possessing, or using any forged, altered, or falsified instrument of identification on University premises, or at University-sponsored activities; making, possessing, or using any forged, altered, or falsified University document, on or off-campus.

(j) Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.[12]

(k) Theft of property or of services on University premises or at University-sponsored activities; knowing possession of stolen property on University premises or at University-sponsored activities.

(l) Intentionally or recklessly destroying or damaging the property of others on University premises or at University-sponsored activities.

(m) Engaging in disorderly or disruptive conduct on University premises or at University-sponsored activities which interferes with the activities of others, including studying, teaching, research, and University administration.*

(n) Failure to comply with the directions of University officials, including campus police officers, acting in performance of their duties.

(o) Violation of published University regulations or policies, as approved and compiled by the Vice President for Student Affairs.[13] Such regulations or policies may include the residence hall contract, as well as those regulations relating to entry and use of University facilities, sale or consumption of alcoholic beverages, use of vehicles** and amplifying equipment, campus demonstrations, and misuse of identification cards.

(p) Use or possession of any controlled substance or illegal drug on University premises or at University-sponsored activities.[14] ***

(q) Unauthorized use or possession of fireworks on University premises.

* The response of fire, police, or emergency personnel to a non-frivolous call, or action taken by them on their own initiative pursuant or non-pursuant to policy is not considered a disruption or reckless action within the meaning of this section.

** Parking and traffic violations may be processed in accordance with procedures established by the Vice President for Student Affairs.

*** This charge is considered an aggravated violation as defined by Part 2 (a) and may result in suspension or expulsion from the University.

Sanctions

10. Sanctions for violations of disciplinary regulations consist of:

(a) EXPULSION: permanent separation of the student from the University. Notification will appear on the student's transcript. The student will also be barred from the University premises (expulsion requires administrative review and approval by the President and may be altered, deferred or withheld).

(b) SUSPENSION: separation of the student from the University for a specified period of time. Permanent notification will appear on the student's transcript. The student shall not participate in any University-sponsored activity and may be barred from University premises. Suspended time will not count against any time limits of the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Vice President for Student Affairs and may be altered, deferred or withheld).

(c) DISCIPLINARY PROBATION: the student shall not represent the University in any extracurricular activity or run for or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification will be sent to appropriate University offices, including the Office of Campus Programs

(d) DISCIPLINARY REPRIMAND: the student is warned that further misconduct may result in more severe disciplinary action.

(e) RESTITUTION: the student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of a violation of this *Code*.

(f) OTHER SANCTIONS: other sanctions may be imposed instead of or in addition to those specified in sections (a) through (e) of this part. For example, students may be subject to dismissal from University housing for disciplinary violations which occur in the residence halls. Likewise, students may be subject to restrictions upon or denial of driving privileges for disciplinary violations involving the use or registration of motor vehicles. Work or research projects may also be assigned.

11. Violations of sections (a) through (g) in Part 9 of this *Code* may result in expulsion from the University15, unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.

12. Violations of sections (h) through (k) in Part 9 of this *Code* may result in suspension from the University, unless specific and significant mitigating factors as specified in Part 11 are present.

13. Repeated or aggravated violations of any section of this *Code* may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

14. Any decision to impose a sanction less than suspension or expulsion for University-sponsored event-related misconduct as defined in Part 9(d)(ii) of this *Code* must be supported by written findings signed by the Vice President for Student Affairs. A student suspended under this section shall not be admitted to any other institution in the University of Maryland System during the term of the suspension. A student expelled under this section shall not be admitted to any other institution in the System for at least once year from the effective date of the expulsion.

15. Attempts to commit acts prohibited by this *Code* shall be punished to the same extent as completed violations.[16]

16. Penalties for off-campus misconduct shall not be more severe than for similar on-campus conduct.

Interim Suspension(17)

17. The Vice President for Student Affairs or a designee may suspend a student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice, whenever there is evidence that the continued presence of the student on the University campus poses a substantial threat to him or herself or to others or to the stability and continuance of normal University functions.

18. A student suspended on an interim basis shall be given an opportunity to appear personally before the Vice President for Student Affairs or a designee within five business days from the effective date of the interim suspension in order to discuss the following issues only:

(a) the reliability of the information concerning the student's conduct, including the matter of his or her identity;

(b) whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to him or herself or to others or the stability and continuance of normal University functions.

Office of Student Conduct

19. The Office of Student Conduct directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the office include:

(a) Determination of the disciplinary charges to be filed pursuant to this *Code*.

(b) Interviewing and advising parties[18] involved in disciplinary proceedings.

(c) Supervising, training, and advising all conduct boards.

(d) Reviewing the decisions of all conduct boards.[19]

(e) Maintenance of all student disciplinary records.

(f) Development of procedures for conflict resolution.

(g) Resolution of cases of student misconduct, as specified in Parts 32 and 33 of this *Code*.

(h) Collection and dissemination of research and analysis concerning student conduct.

(i) Submission of a statistical report each semester to the campus community, reporting the number of cases referred to the office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.[20]

Conduct Panels

20. Hearings or other proceedings as provided in the *Code* may be held before the following boards or committees:

(a) CONFERENCE BOARDS, as appointed in accordance with Part 33 of this *Code*.

(b) RESIDENCE BOARDS, as established and approved by the Vice President for Student Affairs.[21] Students residing in group living units owned, leased, operated or supervised by the University may petition the Vice President for authority to establish conduct boards. Such boards may be empowered to hear cases involving violations of the *Code*, as prescribed by the Vice President for Student Affairs.

(c) THE CENTRAL BOARD hears cases involving disciplinary violations which are not referred to Residence Boards or resolved in accordance with Parts 32 and 33 of this *Code*. The Central Board is composed of five students, including at least two graduate students when a graduate student case is being heard.

(d) THE APPELLATE BOARD hears appeals from Residence Boards, the Central Board, and ad hoc boards, in accordance with Part 42 of this *Code*. The Appellate Board is composed of five full-time students, including at least two graduate students.

(e) AD HOC BOARDS may be appointed by the Director of Student Conduct when a Conference Board, a Residence Board, the Central Board, the Appellate Board or the Senate Adjunct Committee are unable to obtain a quorum or are otherwise unable to hear a case[22] Each ad hoc board shall be composed of three members, including at least one student.

(f) THE SENATE COMMITTEE ON STUDENT CONDUCT hears appeals as specified in Part 41 of this *Code*. The committee also approves the initial selection of all conduct board members, except members of conference and ad hoc boards[23]

21. The presiding officer of each conduct board and of the Senate Adjunct Committee on Student Conduct may develop bylaws which are not inconsistent with any provision in this *Code*. Bylaws must be approved by the Director of Student Conduct.[24]

Selection and Removal of Board Members

22. Members of the various conduct boards are selected in accordance with procedures developed by the Director of Student Conduct.

23. Members of conference and ad hoc boards are selected in accordance with Parts 33 and 20 (e), respectively.

24. Prospective members of the Central Board and the Appellate Board are subject to confirmation by the Senate Committee on Student Conduct.

25. Members of the Senate Committee on Student Conduct are selected in accordance with the bylaws of the University Senate.

26. Prior to participating in board or committee deliberations, new members of the Senate Committee on Student Conduct and all conduct boards, except conference and ad hoc boards, will participate in one orientation session by the Office of Student Conduct.

27. Student members of any conduct board or committee who are charged with any violation of this *Code* or with a criminal offense[25] may be suspended from their judicial positions by the Director of Student Conduct during the pendency of the charges against them. Students convicted for any such violation or offense may be disqualified from any further participation in the University judicial system by the Director of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the various conduct panels.

Case Referrals

28. Any person[26] may refer a student or a student group or organization suspected of violating this *Code* to the Office of Student Conduct. Allegation of off-campus event-related misconduct must be supported by a report, statement, or accusation from a law enforcement agency in whose jurisdiction the misconduct is alleged to have occurred. Persons making such referrals are required to provide information pertinent to the case and will normally be expected to appear before a conduct board as the complainant.[27]

Deferral of Proceedings

29. The Director of Student Conduct may defer disciplinary proceedings for alleged violations of this *Code* for a period not to exceed 90 days. Pending charges may be withdrawn thereafter, dependent upon the good behavior of the respondent

Hearing Referrals

30. Staff members in the Office of Student Conduct will review referrals to determine whether the alleged misconduct might result in expulsion, suspension, or disciplinary removal from University housing.[28] Students subject to those sanctions shall be accorded a hearing before the appropriate conduct board. All other cases shall be resolved in the Office of Student Conduct after an informal disciplinary conference, as set forth in Part 32 and 33 of this *Code*.

31. Students referred to a conduct board hearing may elect instead to have their case resolved in accordance with Parts 32 and 33. The full range of sanctions authorized by this *Code* may be imposed, although the right of appeal shall not be applicable.

Disciplinary Conferences[(29)]

32. Students subject to or electing to participate in a disciplinary conference in the Office of Student Conduct are accorded the following procedural protections:

    (a) Written notice of charges at least three days prior to the scheduled conference.

    (b) Reasonable access to the case file[30] prior to and during the conference.

    (c) An opportunity to respond to the evidence against them and to call appropriate witnesses on their behalf.

    (d) The option to be accompanied and assisted by a representative, who may be an attorney. Representatives have the right to make opening and closing statements, to advise their clients during the course of the proceedings, and to petition for recesses. All representatives are subject to the restrictions of Parts 35 and 36 of this *Code*.

33. Disciplinary conferences shall be conducted by the Director of Judicial Programs or a designee.[31] Complex or contested cases may be referred by the Director to a conference board, consisting of one member of the Central Board, one member of the Appellate Board, and a staff member in the Division of Student Affairs. Conference Board members shall be selected on a rotating basis by the Director of Judicial Programs.

Hearing Procedures

34. The following procedural guidelines shall be applicable in disciplinary hearings:

    (a) Respondents shall be given notice of the hearing date and the specific charges against them at least five days in advance and shall be accorded reasonable access to the case file, which will be retained in the Office of Student Conduct.

    (b) The presiding officer of any board may subpoena witnesses upon the motion of any board member or of either party and shall subpoena witnesses upon request of the board advisor. Subpoenas must be approved by the Director of Student Conduct and shall be personally delivered or sent by certified mail, return receipt requested. University students and employees are expected to comply with subpoenas issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.[32]

    If the Director of Student Conduct or his or her designee determines that a fair hearing cannot be held without the testimony of a particular witness, and, after good faith attempts are made, the witness either fails to or refuses to appear, the disciplinary hearing will be postponed until the witness agrees to appear or the charges will be dismissed.

    (c) Respondents who fail to appear after proper notice will be deemed to have pleaded guilty to the charges pending against them.

    (d) Hearings will be closed to the public, except for the immediate members of the respondent's family and for the respondent's representative. An open hearing may be held, at the discretion of the presiding officer, if requested by the respondent.

    (e) The presiding officer of each board shall exercise control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Except as provided in section (o) of this Part, any person, including the respondent, who disrupts a hearing may be excluded by the presiding officer or by the board advisor.

    (f) Hearings may be tape recorded or transcribed. If a recording or transcription is not made, the decision of the board must include a summary of the testimony and shall be sufficiently detailed to permit review by appellate bodies and by staff members in the Office of Student Conduct.

    (g) Any party or the board advisor may challenge a board member on the grounds of personal bias. Board members may be disqualified upon majority vote of the remaining members of the board, conducted by secret ballot,[33] or by the Director of Student Conduct.

    (h) Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of perjury, pursuant to Part 9 (h) of this *Code*.

    (i) Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses, and the public shall be excluded during board deliberations.

    (j) The burden of proof shall be upon the complainant, who must establish the guilt of the respondent by clear and convincing evidence.

    (k) Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this *Code*.[34] The presiding officer of each board shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.[35]

    (l) Respondents shall be accorded an opportunity to question those witnesses who testify for the complainant at the hearing.

    (m) Affidavits shall not be admitted into evidence unless signed by the affiant and witnessed by a University employee, or by a person designated by the Director of Student Conduct..

    (n) Board members may take judicial notice of matters which would be within the general experience of University students.[36]

    (o) Board advisors may comment on questions of procedure and admissibility of evidence and will otherwise assist in the conduct of the hearing. Advisors will be accorded all the privileges of board members, and the additional responsibilities set forth in this *Code*, but shall not vote. All advisors are responsible to the Director of Student Conduct and shall not be excluded from hearings or board deliberations by any board or by the presiding officer of any board.

    (p) The Director of Student Conduct may appoint a special presiding officer to any board in complex cases or in any case in which the respondent is represented by an attorney. Special presiding officers may participate in board deliberations, but shall not vote.[37]

(q) A determination of guilt shall be followed by a supplemental proceeding in which either party and the board advisor may submit evidence or make statements concerning the appropriate sanction to be imposed. The past disciplinary record38 [38] of the respondent shall not be supplied to the board by the advisor prior to the supplementary proceeding.

(r) Final decisions of all conduct panels shall be by majority vote of the members present and voting. A tie vote will result in a recommended acquittal in an original proceeding. A tie vote in an appellate proceeding will result in an affirmation of the original decision.

(s) Final decisions of all boards, except conference boards, shall be accompanied by a brief written opinion.

Attorneys and Representatives

35. Representatives of both complainants and respondents in hearings pursuant to this *Code* have the right to call witnesses to testify, to question in person all witnesses who appear at the hearing, to voice timely objections, to make opening and closing statements, to petition for recesses in the proceedings and to zealously and lawfully assert their client's position under the Declaration of Student Rights and the *Code of Student Conduct*.[39] All presenters and representatives who participate in disciplinary hearings and disciplinary conferences shall not:

(a) Intentionally engage in conduct to disrupt a hearing;

(b) Intentionally attempt to improperly influence an officer of the Office of Student Conduct, a hearing advisor or member of a conduct board;

(c) Intentionally fail to obey a reasonably definite and specific order by a presiding officer;

(d) Knowingly make a false statement of material fact, law or representation of the *Code* to other participants in a hearing;

(e) Knowingly fail to disclose a material fact in a hearing when disclosure is necessary to avoid assisting a future criminal or fraudulent act;

(f) Knowingly offer false evidence, falsify evidence, counsel or induce witnesses to testify falsely, or offer improper inducements to testify;

(g) Recklessly and unlawfully obstruct another party's access to evidence, or alter, destroy or conceal material not protected by privilege having potential evidentiary value;

(h) If the representative is an attorney, otherwise fail to follow any obligations under relevant standards of professional responsibility in matters pertaining to the representation.

36. (a) Any participant in a hearing may refer complaints about suspected violations of the provisions of Part 35 of this *Code* to the Senate Committee on Student Conduct.

(b) Within a reasonable time after such referral, the chairperson of the Senate Committee on Student Conduct will review the complaint. After review the chairperson shall dismiss complaints which are anonymous, manifestly frivolous, which cannot be reasonably construed to allege a violation of Part 35, or are based on hearsay alone. Those which are not dismissed will be referred to the full Committee which will convene a hearing no sooner that 10 business days after sending a copy of the evidence presented to the representative named in the complaint. The hearing shall be held under the relevant rules and procedures governing disciplinary hearings outlined in Parts 34-36 of this *Code*.

(c) A client shall not be compelled either directly or through their representative to waive the attorney-client privilege.

(d) Representatives found responsible for violations of the provisions of Part 35 may be suspended from the privilege of representation for such time as the Committee may deem appropriate. In addition, the Committee may refer their findings to the Attorney Grievance Commission, or other appropriate disciplinary body.

(e) Appeals from decisions of the Senate Committee on Student Conduct regarding violations under Part 35 may be made by parties found responsible. Appeals should be made in writing to the Senate Campus Affairs Committee within 10 business days of receipt of the letter notifying the party of the decision. Appeals will be conducted in accordance with the standards for the hearing of student disciplinary appeals. Decisions of the Campus Affairs Committee regarding these appeals shall be final.

Student Groups and Organizations

37. Student groups and organizations may be charged with violations of this *Code*.

38. A student group or organization and its officers may be held collectively[40] or individually responsible when violations of this *Code* by those associated with[41] the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons.

39. The officers or leaders or any identifiable spokespersons[42] for a student group or organization may be directed by the Vice President for Student Affairs or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Vice President's directive shall be considered a violation of Part 9(n) of this *Code*, both by the officers, leaders or spokespersons for the group or organization and by the group or organization itself.

40. Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to Part 10(f) of this *Code*.

Appeals

41. Any determination made pursuant to this *Code* resulting in expulsion or suspension[43] may be appealed by the respondent to the Senate Committee on Student Conduct. The Senate Committee shall also hear appeals from denials of petitions to void disciplinary records, pursuant to Part 51 of this *Code*.

42. Final decisions of residence boards, the Central Board and ad hoc boards, not involving the sanctions specified in Part 41, may be appealed by the respondent to the Appellate Board.[44]

43. Requests for appeals must be submitted in writing to the Office of Student Conduct within seven business days from the date of the letter notifying the respondent of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.[45]

44. A written brief in support of the appeal must be submitted to the Office of Student Conduct within 10 business days from the date of the letter notifying the respondent of the original decision. Failure to submit a written brief within the allotted time will render the decision of the lower board final and conclusive.[46]

45. Appeals shall be decided upon the record of the original proceeding and upon written briefs submitted by the parties. De novo hearings shall not be conducted.

46. Appellate bodies may:

(a) Affirm the finding and the sanction imposed by the original board.

(b) Affirm the finding and reduce, but not eliminate, the sanction, in accordance with Parts 47 and 47(a).

(c) Remand the case to the original board, in accordance with Parts 47 and 47(b).

(d) Dismiss the case, in accordance with Parts 47 and 47(c).

47. Deference shall be given to the determinations of lower boards.[47]

(a) Sanctions may only be reduced if found to be grossly disproportionate to the offense.

(b) Cases may be remanded to the original board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the respondent a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent respondent before or during the original hearing.[48] On remand, no indication or record of the previous conduct hearing will be introduced or provided to members of the new conduct panel, except to impeach contradictory testimony at the discretion of the presiding officer. The board will be directed by the committee not to repeat the specified errors that caused the remand.

(c) Cases may be dismissed only if the finding is held to be arbitrary and capricious.[49]

(d) Decisions of the Appellate Board shall be recommendations to the Director of Student Conduct.[50] Decisions of the Senate Committee on Student Conduct shall be recommendations to the Vice President for Student Affairs. Decisions altering the determinations of all hearing boards and the Senate Committee on Student Conduct shall be accompanied by a brief written opinion.

48. The imposition of sanctions will normally be deferred during the pendency of appellate proceedings, at the discretion of the Director of Student Conduct.

Disciplinary Files and Records

49. Case referrals may result in the development of a disciplinary file in the name of the respondent, which shall be voided if the respondent is found innocent of the charges.[51] The files of respondents found guilty of any of the charges against them will be retained as a disciplinary record for three years from the date of the letter providing notice of final disciplinary action.[52] Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.

50. Disciplinary records may be voided[53] by the Director of Student Conduct for good cause, upon written petition of respondents. Factors to be considered in review of such petitions shall include:

    (a) the present demeanor of the respondent.

    (b) the conduct of the respondent subsequent to the violation.

    (c) the nature of the violation and the severity of any damage, injury, or harm resulting from it.

51. Denials of petitions to void disciplinary records shall be appealable to the Senate Committee on Student Conduct, which will apply the standard of review specified in Part 47 and 47(c). The requirements for appeals as set forth in Part 43 and 44 shall be applicable.[54]

52. Disciplinary records retained for less than 90 days or designated as "permanent" shall not be voided without unusual and compelling justification.[55]

Annotations

1. The University is not designed or equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or to others. It may be necessary, therefore, to remove those individuals from the campus and to sever the institutional relationship with them, as provided in this *Code of Student Conduct* and by other University regulations.

   Any punishment imposed in accordance with the *Code* may have the value of discouraging the offender and others from engaging in future misbehavior. In cases of minor disciplinary violations, the particular form of punishment may also be designed to draw upon the educational resources of the University in order to bring about a lasting and reasoned change in behavior. The underlying rationale for punishment need not rest on deterrence or "reform" alone, however. A just punishment may also be imposed because it is "deserved" and because punishment for willful offenses affirms the autonomy and integrity of the offender. The latter concept was expressed by D.J.B. Hawkins in his essay "Punishment and Moral Responsibility" in 7 *Modern Law Review* 205:

   The vice of regarding punishment entirely from the points of view of reformation and deterrence lies precisely in forgetting that a just punishment is deserved. The punishment of men then ceases to be essentially different from the training of animals, and the way is open for the totalitarian state to undertake the forcible improvement of its citizens without regard to whether their conduct has made them morally liable to social coercion or not. But merit and demerit, reward and punishment, have a different significance as applied to men and as applied to animals. A dog may be called a good dog or a bad dog, but his goodness or badness can be finally explained in terms of heredity and environment. A man, however, is a person, and we instinctively recognize that he has a certain ultimate personal responsibility for at least some of his actions. Hence merit and demerit, reward and punishment, have an irreducible individual significance as applied to men. This is the dignity and the tragedy of the human person.

   A similar view was expressed by Justice Powell, dissenting in Goss v. Lopez (42 L. Ed. 2d 725, 745):

   Education in any meaningful sense includes the inculcation of an understanding in each pupil of the necessity of rules and obedience thereto. This understanding is no less important than learning to read and write. One who does not comprehend the meaning and necessity of discipline is handicapped not merely in his education but throughout his subsequent life. In an age when the home and church play a diminishing role in shaping the character and value judgments of the young, a heavier responsibility falls upon the schools. When an immature student merits censure for his conduct, he is rendered a disservice if appropriate sanctions are not applied.

2. An effort is made in the *Code* to use a simplified numbering and lettering system, without use of Roman numerals or subsets of letters and numbers. Any part of the *Code* can be found by reference to one number and one letter [e.g., Part 10a explains the meaning of expulsion].

3. Culpable conduct should include conscious acts posing a substantial risk or harm to others (e.g. throwing a heavy object out a tenth floor window above a sidewalk). If the act itself, however, is unintended (e.g. one is distracted by a noise while climbing a flight of stairs and drops a heavy object) the individual may have failed to use reasonable care, but is not normally deserving of the moral stigma associated with a "conviction" for a disciplinary offense.

4. Former students may be charged for violations which allegedly occurred during their enrollment at the University.

5. Colleges and universities are not expected to develop disciplinary regulations which are written with the scope of precision of a criminal *Code*. Rare occasions may arise when conduct is so inherently and patently dangerous to the individual or to others that extraordinary action not specifically authorized in the rules must be taken.

6. The terms "suspension" and "interim suspension" are to be distinguished throughout the *Code* and are not interchangeable.

7. Disciplinary removal from University housing should be distinguished from administrative removal for violations of the residence contract. The latter does not leave students with a disciplinary record and does not come under the purview of this *Code*.

8. The standard set forth here represents the minimal procedural protection to be accorded to students charged with most disciplinary violations. Students who are subject to lengthy suspensions or to expulsion may be entitled to more formal procedures, including a hearing with a right to cross-examine the witnesses against them. *Goss v. Lopez*, 419 U.S. 565 (1975).

9. The Supreme Court has recently rejected the theory that state schools are bound by principles of federal administrative law requiring agencies to follow their own regulations. *Board of Curators, University of Missouri v. Horowitz* 55 L.Ed 2d 124, 136. See, generally, "Violation by Agencies of Their Own Regulations" 87 *Harvard Law Review* 629 (1974).

10. Respondents in disciplinary proceedings may be directed to answer questions concerning their conduct. Students who refuse to answer on grounds of the Fifth Amendment privilege may be informed that the hearing panel could draw negative interferences from their refusal which might result in their suspension or dismissal. If the student then elects to answer, his/her statements could not be used against him/her in either state or federal court. *Garrity v. New Jersey*, 385 U.S 493 (1967). See also *Furutani v. Ewigleben*, 297 F. Supp. 1163 (N.D.Cal. 1969).

11. The "controlled substances" or "illegal drugs" prohibited in this section are set forth in Schedules I through V in Article 27, Part 279 of the Annotated Code of Maryland.

12. Colleges and universities should be a forum for the free expression of ideas. In the recent past, however, unpopular speakers have been prevented from addressing campus audiences by students who effectively "shouted them down." Both Yale and Stanford Universities have treated such actions (which are to be distinguished from minor and occasional heckling) as serious disciplinary violations. See the "Report from the Committee on Freedom of Expression at Yale University" which is available in the Office of Student Conduct.

    The following language from the Yale report may be used to elaborate upon the intent and scope of Part 9(j) of this *Code*.

    A. "There is no right to protest within a University building in such a way that any University activity is disrupted. The administration, however, may wish to permit some symbolic dissent within a building but outside the meeting room, for example, a single picket or a distributor of handbills."

    B. "[A] member of the audience may protest in silent, symbolic fashion, for example, by wearing a black arm band. More active forms of protest may be tolerated such as briefly booing, clapping hands or heckling. But any disruptive activity must stop [and not be repeated] when the chair or an appropriate University official requests silence.

    C. "Nor are racial insults or any other 'fighting words' a valid ground for disruption or physical attack... The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, unscholarly, or untrue."

13. A compilation of published regulations which have been reviewed and approved by the Vice President shall be available for public inspection during normal business hours in the Office of Student Conduct.

14. The "controlled substances" or "illegal drugs" prohibited in this section are set forth in Schedules I through V in Article 27, Part 279 of the *Annotated Code of Maryland*.

15. This Part and Parts 12 and 13 represent an attempt to give needed guidance to those who are assessing penalties. Moreover the direction of the guidance is toward imposition of more severe disciplinary sanctions in serious cases. Nonetheless, the language concerning "mitigating factors" is broad enough to give decision-makers considerable leeway to "do justice," depending upon the facts in each case. The burden of establishing facts in mitigation should, of course, be upon the respondent.

16. There does not seem to be any rational basis for imposing less severe penalties for attempts than for completed violations. The authors of the *Model Penal Code*, for example, have written that:

    To the extent that sentencing depends upon the antisocial disposition of the actor and the demonstrated need for a corrective action, there is likely to be little difference in the gravity of the required measures depending on the consummation or the failure of the plan. See LaFave, *Criminal Law Treatise* p. 453.

17. These procedures are analogous to those found in the "emergency" disciplinary rules adopted by the Board of Regents in 1971 and are consistent with the formal opinion of the Maryland Attorney General on this subject, dated January 23, 1969. See also *Goss v. Lopez*, 419 U.S. 565 (1975).

    Nothing in this provision would prohibit the Vice President from modifying the terms of an interim suspension, so long as the hearing requirement specified in Part 18 was met. For example, a suspended student might be allowed to enter University premises solely for the purpose of attending classes.

18. Staff members in the Office of Student Conduct should endeavor to arrange a balanced presentation before the various conduct boards and may assist both complainants and respondents.

19. This language does not effect any change in previous policy concerning the powers of conduct boards. All board decisions, including those rendered by Conference Boards, shall be treated as recommendations.

20. See Annotation 1, supra. The deterrent effect of punishment is diminished if the community is unaware of the number and general nature of sanctions imposed. The Director of Student Conduct may, for example, arrange for publication of the statistical report in the campus press each semester.

21. Boards established pursuant to this section might include modified versions of the present "Greek" or residence hall boards.

22. It is intended that a quorum will consist of three members (out of five). The authority to appoint ad hoc boards should be broadly construed and might be especially useful, for example, when a conduct board or the Senate Committee is charged with hearing a case involving one of its own members. The final determination as to whether a panel is "unable to hear a case" should be within the discretion of the Director of Student Conduct.

23. The power of confirmation represents a significant grant of authority to the Senate Committee. The committee is presently under-utilized and might best contribute to the judicial system by becoming more involved with it. Moreover, confirmation procedures will give committee members direct contact with board members and will also allow the committee to exercise more control over the quality of Conduct Board decisions.

24. Proposed bylaws must be submitted to the Attorney General for review.

25. It could be a public embarrassment for the University to have a student charged with or convicted of a serious crime sit in judgment over other students in disciplinary proceedings. The various state criminal *Codes* are usually so broad and archaic, however, that automatic suspension or removal should not result from any violation of any law (e.g., New York makes it a criminal misdemeanor for anyone "to dance continuously in a dance contest for 12 or more hours without respite").

26. Case referrals should not be limited to members of the "campus community." A student who assaults another person on campus should not escape University judicial action merely because the person assaulted was a visitor (or, as in a recent case, a former student who had just withdrawn from the University).

27. The Director of Student Conduct may appoint a trained volunteer from the campus community to serve as the complainant. It would be preferable, however, to employ a "community advocate" to present all disciplinary cases.

    Several measures in the *Code* are designed to restore balance in disciplinary proceedings, even in those cases in which the complainant is inexperienced with administrative adjudication:

    (a) A hearing officer may be appointed in complex or serious cases. See Part 34(p).

    (b) The role of attorneys or advisors may be restricted. See Parts 35 and 36, and Annotation 39.

    (c) The "disciplinary conference" procedure is designed to eliminate adversary proceedings in minor cases. See Parts 32-33 and Annotation 29.

28. Staff members may consider the mitigating factors specified in Part 11 to determine the permissible sanction to be imposed if the respondent is found guilty of charges. For example, a student involved in a minor altercation might be charged pursuant to Part 9(a), but referred to a disciplinary conference, thereby precluding the possibility of expulsion or suspension for the alleged misconduct.

29. The hearing procedures specified at Part 34 need not be followed in disciplinary conferences. Instead a disciplinary conference would normally consist of an informal, nonadversarial meeting between the respondent and a staff member in the Office of Student Conduct. Complainants would not be required to participate, unless their personal testimony was essential to the resolution of a dispositive factual issue in the case. Documentary evidence and written statements could be relied upon, so long as respondents are given access to them in advance and allowed to respond to them at the conference. Respondents would also be allowed to bring appropriate witnesses with them and might be accompanied by a representative, who may participate in discussions, although not in lieu of participation by the respondent.

    The conference procedure is designed to reduce the steady growth of unnecessary legalism in disciplinary proceedings. The worst features of the adversary system (including the concept that judicial proceedings are a "contest" to be "won by clever manipulation of procedural rules) undermine respect for the rule of law. Colleges and universities can and should be a testing ground for development of carefully reasoned alternatives to current procedural excesses in the larger society.**

    Procedures comparable to the disciplinary conference (referred to as "structured conversations") are suggested by David L. Kirp in his 1976 article "Proceduralism and Bureaucracy: Due Process in the School Setting" 38 *Stanford Law Review* 841.

    The benefits of such conversations in the school setting may better be appreciated by contrasting them with the typical due process hearing. Hearings are designed to determine the facts of a particular controversy, and apply predetermined rules to the facts thus found. At that point, the function of the hearing is at an end. The wisdom of the underlying substantive rules has no relevance, nor is broader discussion of grievances generally encouraged, unless it is somehow pertinent to the dispute at hand.

    Conversation knows no such limits. It too serves as a vehicle for resolving what are likely to be factually uncomplicated disputes, but it does more than that. It enables students to feel that they are being listened to and may encourage them to raise underlying grievances. It provides administrators with a relatively inexpensive vehicle for monitoring, and hence a basis for reshaping institutional relationships. The outcome of these 'orderly thoughtful conversations' may well be decisions different in their particulars from what might otherwise have been anticipated; repeated conversations which touch upon similar student grievances may ultimately lead disciplinarians to reassess whether control is so vital, and collaboration so improbable, as a means of assuring institutional order.

    The conference procedure would not be used in any case which might result in any form of separation from the University. Accordingly, the procedure appears to meet or exceed the due process requirements set forth by the United States Supreme Court for cases involving suspensions of ten days or less. In *Goss v. Lopez* the Court held:

    [W]e stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial-type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process.

On the other hand, requiring effective notice and an informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination, and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced (42 L. Ed. 725, 740).

30. The case file consists of materials which would be considered "education records," pursuant to the Family Educational Rights and Privacy Act. Personal notes of University staff members or complainants are not included.

31. Determinations made in accordance with Parts 32 and 33 are not appealable.

32. Internal subpoenas may be desirable, since cases have arisen in which complainants or respondents were unable to present an effective case due to the indifference and lethargy of potential witnesses. A student who refused to respond to a subpoena may be charged with a violation of Part 9(n) of the *Code*. The Director of Student Conduct should not approve a subpoena unless the expected testimony would be clearly relevant. Likewise, a subpoena designed to embarrass or harass a potential witness should not be authorized. The subpoena power specified here is not designed to reach documents or other materials.

33. Board members should be disqualified on a case basis only; permanent removal should be accomplished in accordance with Part 27. Board members should not be readily disqualified. The term "personal bias" involves animosity toward a party or favoritism toward the opposite party. See, generally, Davis, *Administrative Law Treatise* "Bias" Section 12.03.

34. The exclusionary rule generally does not apply to civil administrative proceedings. Furthermore, the University of Maryland is exempted by statute from the applicable portions of the Administrative Procedure Act. The Maryland Court of Appeals, however, has barred evidence from administrative proceedings where a respondent establishes that officials were improperly motivated to illegally seize the evidence. See *Sheetz v. City of Baltimore*, 315 Md. 208 (1989).

35. Testimony containing hearsay may be heard, if relevant. A final determination should not be based on hearsay alone.

36. Every statement or assertion need not be proven. For example, board members may take notice that many students commute to the University.

37. Student presiding officers are often at a disadvantage when the respondent is represented by an attorney. The proceedings might progress more rapidly and efficiently if a special presiding officer were appointed. Generally, a staff member in the Office of Student Conduct would be selected for such a responsibility, although other University employees with legal training might also be called upon.

38. Information pertaining to prior findings of disciplinary and residence hall violations might be reported, as well as relevant criminal convictions. Prior allegations of misconduct should not be disclosed.

39. The dynamics of a judicial hearing in a University setting are not the same as those of a courtroom. Strict adherence to the conventions of courtroom advocacy may not be in the best interest of clients in University judicial proceedings.

    The presiding officer and the board advisor are authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant facts, to prevent the harassment of participants, to insure that proceedings are not disrupted and the interests of fairness are served. This may include regulating the timing, length and manner of presentations and objections, declaring recesses in the proceedings, and other appropriate actions. Presiding officers should have training and experience appropriate to the demands of the office.

    Before hearings, presenters for both complainants and respondents shall be presented with a written statement approved by the Senate Committee on Student Conduct regarding their rights and obligations during hearings and the powers of the presiding officer to control behavior in hearings.

40. Punishment of one or several individuals for the acts of others should be avoided if the identities of the specific offenders can be readily ascertained.

41. Association does not require formal membership. Individuals who might reasonably be regarded as regular participants in group or organization activities may be held to be associated with the group or organization.

42. Leaders or spokespersons need not be officially designated or elected. For example, if a group or organization accepted or acquiesced in the act or statement of an individual associated with it, that individual might reasonably be regarded as a leader or a spokesman for the group or organization.

43. "Suspension" includes deferred suspension but not interim suspension or suspension which is withheld. See Annotation 6.

44. Students left with a disciplinary record after a disciplinary conference may request that their record be voided, in accordance with Part 49. Denials may be appealed, pursuant to Part 51.

45. The decision will be "final and conclusive" on the part of the conduct board, but will remain a recommendation to the Director of Student Conduct.

46. This Part is intended to discourage frivolous appeals. Respondents who are genuinely interested in pursuing an appeal can reasonably be expected to prepare a written brief..

47. Appellate bodies which do not give deference (i.e., a presumption of validity) to lower board decisions will distort the entire disciplinary system. Respondents would be encouraged to "test their strategy" and "perfect their technique" before lower boards, since the matter would simply be heard again before a "real" board with final authority.

    Lower board members usually have the best access to the evidence, including an opportunity to observe the witnesses and to judge their demeanor. Members of appellate bodies should be especially careful not to modify a sanction or to remand or dismiss a case simply because they may personally disagree with the lower board's decision.

48. Respondents who obtain information at the hearing which might lead to new evidence are required to request an adjournment rather than wait to raise the matter for the first time on appeal.

49. An arbitrary and capricious decision would be a decision "unsupported by any evidence." The cited language has been adopted by the Federal Courts as the proper standard of judicial review, under the due process clause, of disciplinary determinations made by the state boards or agencies. *See McDonald v. Board of Trustees of the University of Illinois*, 375 F. Supp. 95, 108 (N.D. Ill., 1974).

50. See Annotation 19.

51. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave any student with disciplinary record.

52. Disciplinary records may be reported to third parties, in accordance with University regulations and applicable state and federal law.

53. Void records shall be treated in the manner set forth in Annotation 51.

54. The scope of review shall be limited to the factors specified at Part 50. An inquiry into the initial determination of guilt or innocence is not permitted. For example, when considering the "nature" of the violation, pursuant to Part 50 (c), it is to be assumed that the violation occurred and that the respondent was responsible for it.

55. Some discretion must be retained to void even "permanent" disciplinary records. It may be unnecessary, for example, to burden a graduating senior with a lifelong stigma for an act committed as a freshman. Social norms also change rapidly. "Unacceptable" conduct in one generation may become permissible and commonplace in the next.

* **See the procedures for mandatory medical withdrawal developed by the Vice President for Student Affairs**

** **See Macklin Fleming,** *The Price of Perfect Justice*: **"in our pursuit of . . . perfectibility, we necessarily neglect other elements of an effective procedure, notably the resolution of controversies within a reasonable time at a reasonable cost, with reasonable uniformity . . . we impair the capacity of the legal order to achieve the basic values for which it is created, that is, to settle disputes promptly and peaceably, to restrain the strong, to protect the weak, and to conform the conduct of all the settled rules of law."**

*** **See the due process standard set forth in** *Dixon v. Alabama*, **294 F.2nd 150, 158-159 (Fifth Cir., 1961), Cert. den 368 U.S. 930.**

Appendix D: University Policy on Disclosure of Student Records – Family Educational Rights and Privacy Act

Approved by President, 1 August 1991; updated April 15, 1996, June 2, 1997, and October 1, 2002 by President's Legal Office.

I. POLICY

A. It is the policy of UMCP to comply with the requirements of the Federal Family Educational Rights and Privacy Act, known as the Buckley Amendment, concerning the disclosure of student records. Following is an outline of the policy, and an explanation of the procedures by which students may obtain access to education records. A copy of this policy shall be furnished annually to each student with registration materials.

II. DEFINITIONS

A. "Attendance"

"Attendance" includes but is not limited to attendance in person or by correspondence; and the period during which a person is working under a work-study program.

B. "Directory Information"

"Directory Information" means information which would generally not be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, a student's name, address, telephone listing, e-mail address, date and place of birth, major field of study, full-time/part-time status, participation in officially recognized activities and sports, weight and height of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

C. "Disclosure"

"Disclosure" means to permit access to or the release, transfer, or other communication of education records to any party by any means, including oral, written, or electronic means.

D. "Education Records"

"Education Records" means those records maintained by UMCP which contain information directly related to a student except:

(1) Records made by instructors, professors, and administrators for their own use, and not shown to others.

(2) Records maintained by UMCP Police solely for law enforcement purposes and kept separately from the education records described above.

(3) Records of employment which relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose.

(NOTE: If a currently enrolled student is employed as a result of his or her status as a student, records relating to that employment are education records.)

(4) Records on a student who is eighteen years of age or older made by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional made or used only for treatment purposes and available only to persons providing treatment.

(NOTE: Treatment for the purposes of this definition does not include remedial educational activities.)

(5) Alumni records which contain only information relating to a person's activities after that person is no longer a student at UMCP and do not relate to that person as a student.

"Parent" means a parent of a student, and includes a natural or adoptive parent, a guardian, or, in the absence of natural or adoptive parents, an individual acting as a parent.

"Party" means an individual, agency, institution, or organization.

"Personally identifiable information" means a student's name, a name of a student's parent or family members, an address of a student or a student's family, a personal identifier, such as a social security number or student number, a list of personal characteristics or any information that would make a student's identity traceable.

"Record" means any information recorded in any way including but not limited to handwriting, print, tape, film, microfilm, and microfiche.

"Student" means any individual who is or has been in attendance at UMCP and on whom education records are maintained.

III. RIGHT OF ACCESS

Each student in attendance at UMCP has a right to inspect and review his or her education records.

A. Procedure

(1) Form of Request

Requests for access to education records must be made in writing, signed by the student, and must include the student's social security number.

(2) Place of Request

Requests are made to:
Registrar's Office
Mitchell Building
College Park, Maryland 20742-5231

(3) Response by UMCP

UMCP will comply with a request for access within a reasonable time, not to exceed 45 days. Whenever possible, arrangements shall be made for the student to read his or her records in the presence of a staff member.

(4) Reproduction of Records

A student may ordinarily obtain copies of education records by paying the cost of reproduction. The fee for photocopies is $.25 per page. There is no charge for staff time to search for or collect education records. Only copies of a student's current UMCP transcript will be provided. Official University of Maryland transcripts with the seal of the University will be provided at a higher cost.

B. Procedure

Types and Locations of Education Records Maintained at UMCP

(NOTE: All requests must be routed through the Registrar's Office.)

(1) Admissions

Applications and transcripts from institutions previously attended.

a. Undergraduate:
Director of Admissions
Mitchell Building

b. Graduate:
Director of Graduate Records
Lee Building

(2) Registrations

All on-going academic and biographical records, undergraduate and graduate:

Director of Registrations
Mitchell Building

(3) Departments

Departmental Offices
Chair of the Department

(4) Deans

Miscellaneous records
Dean's office of each school

(5) Resident Life

Student's housing records
Director of Resident Life

(6) Advisors

Letters of evaluation, personal information sheet, transcript, test scores (with student permission).

Pre-law advisor: Hornbake Library
Pre-dental advisor: Hornbake Library
Pre-medical advisor: Hornbake Library

(7) Judicial Affairs

Student's judicial and disciplinary records
Director of Judicial Programs
Mitchell Building

(8) Counseling Center

Biographical data, summaries of conversations with students, test results

Director
Shoemaker Hall

(NOTE: Where records are used only for treatment purposes, they are not education records and are not subject to this policy.)

(9) Financial Aid

Financial Aid applications, needs analysis statements, awards made

Undergraduate:
Director of Financial Aid
Lee Building

Graduate:
Deans' Offices

(NOTE: There is no student access to parents' confidential statements.)

(10) Career Development Center

Recommendations, unofficial copies of academic records

Director
Hornbake Library

(11) Office of the Bursar

Student accounts receivable, records of students' financial charges and credits with UMCP

Bursar
Lee Building

C. Waiver of Access to Confidential Recommendations

A student may waive the right of access to confidential recommendations in the following areas:

(1) admission to any educational institution;

(2) job placement;

(3) receipt of honors and awards.

The waiver must be in writing, and UMCP shall not require such waivers as a condition to admission, or the receipt of any service or benefit. If right of access is waived, a student will be notified, upon written request, of the names of all persons making confidential recommendations. Such recommendations shall be used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and will only apply to subsequent recommendations.

IV. DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

It is the policy of UMCP to limit disclosure of personally identifiable information without a student's prior written consent, subject to the following limitations and exceptions:

A. Directory Information (defined above)

(1) This information may be disclosed and may appear in public documents unless a student files a written notice not to disclose any or all of the information within three weeks of the first day of the semester in which the student begins each year. This notice must be filed annually with the Registrar's Office within the allotted time to avoid automatic disclosure of directory information.

(2) Students will be given annual notice of the categories of information designated as directory information.

B. Prior Consent Not Required

Prior consent is not required for disclosure of education records to the following parties:

(1) School officials of UMCP who are or may be in a position to use the information in furtherance of a legitimate educational objective.

A school official is:

a. A person employed by the University of Maryland System in an administrative, supervisory, academic, research or support staff position.

b. A member of the Board of Regents.

c. A person employed by or under contract to the University to perform a special task, such as an attorney or auditor.

A school official has a legitimate educational interest if the official is:

a. Performing a task that is specified in his or her position description or by a contract agreement.

b. Performing a task related to a student's education.

c. Performing a task related to the discipline of a student.

d. Providing a service or benefit relating to the student's family, such as health care, counseling, job placement, or financial aid.

(2) Officials of other schools in which a student seeks or intends to enroll or is enrolled. A student will be provided with a copy of the records which have been transferred upon request and payment of copying fees as described above.

(3) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, the Commissioner of the Office of Education, the Director of the National Institute of Education, the Administrator of the Veterans' Administration, the Assistant Secretary of Education, and State educational authorities, but only in connection with the audit or evaluation of federally supported education programs, or in connection with the enforcement of or compliance with federal legal requirements relating to these programs. Subject to controlling federal law, these officials will protect information received so as not to permit personal identification of students to outsiders.

(4) Authorized persons and organizations who are given work in connection with a student's application for or receipt of financial aid to the extent necessary.

(5) State and local officials to which such information is required to be reported by effective state law adopted prior to November 19, 1974.

(6) Organizations conducting education studies for the purpose of developing, validating, or administering predictive tests, administering student programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to outsiders, and the information is to be destroyed when no longer needed for these purposes.

(7) Accrediting organizations for purposes necessary to carry out their functions.

(8) Parents of a student who is dependent for income tax purposes.

(9) Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(10) In response to a court order or subpoena. Unless the issuing entity orders the university against prior notification, the university will make reasonable efforts to notify the student before complying with the court order.

(11) To an alleged victim of any crime of violence of the results of any institutional disciplinary proceedings against the alleged perpetrator of that crime with respect to that crime.

C. Prior Consent Required In All Other Cases

UMCP will not release personally identifiable information in education records, or allow access to those records without prior consent from the student. The consent must be in writing, signed by the student, and dated. The student must specify the records to be disclosed, the identity of the recipient, and the purpose of the disclosure. A copy of the record disclosed will be provided to the student upon request and payment of copy fees described above.

D. Record of Disclosures

(1) Maintenance of List

UMCP shall maintain a list of each request and each disclosure of personally identifiable information with each student's education records. The list shall include:

a. the parties who have requested or received the information;

b. the legitimate interest the parties had in requesting or receiving the information.

(2) Inspection of List

The list of disclosures may be inspected by:

a. the student;

b. the official custodian of the record; and

c. other UMCP and governmental officials.

(3) Exceptions

The following disclosures are not listed:

a. disclosures to the student;

b. disclosures pursuant to written consent;

c. disclosures to instructional or administrative officials of UMCP;

d. disclosures of directory information.

V. CORRECTION OF EDUCATION RECORDS

It is the policy of UMCP to provide students the opportunity to seek corrections to education records which are believed to be inaccurate, misleading, or which violate the right to privacy or other rights.

A. Request to Correct an Education Record

(1) A request must be in writing to the Registrar's Office.

(2) A request must contain:

a. the specific document(s) being challenged; and

b. the basis for the challenge.

(3) UMCP shall decide within a reasonable time whether to amend the document(s). The student shall be notified of the decision in writing, and if the decision is to refuse to amend, the student shall be notified of the right to a hearing.

B. Right to a Hearing

Upon request, a student shall be provided an opportunity for a hearing to challenge the content of education records. A request for a hearing must be made in writing to the Registrar's Office. Within a reasonable time, the student shall be notified in writing of the date, place, and time. The student shall be given reasonable advance notice of the hearing.

C. Conduct of Hearing

(1) The hearing shall be conducted by a UMCP official with no direct interest in the outcome.

(2) The student shall have a full and fair opportunity to present evidence, and may be represented by individuals of his or her choice, including an attorney. The cost for such representation shall be the responsibility of the student.

D. Decision

(1) The student shall be notified in writing within a reasonable amount of time.

(2) The decision is to be based solely upon evidence presented at the hearing, and must include a summary of the basis of the decision.

(3) In cases where the challenged information is found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the education records shall be amended accordingly within a reasonable time.

(4) In cases where the challenged information is not found to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of a student, the student shall be informed in writing of the right to place in the challenged record a statement commenting on the information and explaining any reasons for disagreeing with the decision.

(5) The statements described above shall be kept as part of the student's record and disclosed whenever that portion of the record is disclosed.

VI. RIGHT TO FILE A COMPLAINT

Student alleging noncompliance with the Family Educational Rights and Privacy Act may file a complaint with the Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202-4605.

Appendix E: Smoking Policy and Guidelines

Approved by the President
March 6, 1993
Amended September 24, 2001

A. Policy

UMCP has found that a significant percentage of faculty, staff and students do not smoke, smoke is offensive to many non-smokers, it is harmful and even debilitating to some individuals due to their physical condition, and there is evidence suggesting that passive smoke inhalation is harmful to non-smokers. In response to the above considerations, it is hereby established as the policy of UMCP to achieve a public facility environment as close to smoke-free as practicably possible. Obtaining and maintaining this result will require the willingness, understanding, and patience of all members of the Campus community.

It is the policy of UMCP to follow all federal, state, or local laws regarding smoking. This Smoking Policy is in addition to any such policies which may be in effect.

B. Guideline

1. Smoking is prohibited in indoor locations.

2. Smoking is prohibited outside of buildings within 15 feet of any building entrance, air intake duct or window.

C. Implementation

Unit heads, or their designees, are responsible for:

1. Assuring that this policy is communicated to everyone within their jurisdiction and to all new members of the Campus community.
2. Implementing the policy and guideline and assuring that appropriate notice is provided.
3. Developing guidelines to embrace all special circumstances in the campus is impossible. If unit heads find circumstances in their areas that they believe warrant exception from particular provisions in this Smoking Policy and Guidelines, they may address requests for specific local exceptions to the President or his or her designee.

D. Compliance

This policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. It is the responsibility of all members of the Campus community to observe this Smoking Policy and Guideline.

Complaints or concerns regarding this policy or disputes regarding its implementation should be referred to the immediate supervisor for resolution. If a resolution cannot be reached, the matter will be referred by the supervisor to the appropriate department head or vice president for mediation.

E. Review

The provisions and guidelines attaching to this Smoking Policy shall be subject to future review and revision to ensure that the objective is obtained. Especial attention shall be given to determining if voluntary compliance without disciplinary sanctions has proven satisfactory.

Appendix F: Academic Integrity

The academic regulations and requirements of the University of Maryland, College Park, are designed to provide and enhance a maximum educational environment for the entire campus academic community. The success of the design depends upon the mutual respect, courteous treatment, and consideration of everyone involved. The following statements contain procedures and expectations for both faculty and students. For questions about the interpretation of these statements, students should contact their academic advisor, department chair, or dean.

Resolution on Academic Integrity

Approved by Board of Regents
May 8, 1981

WHEREAS, it is the responsibility of the University of Maryland to maintain integrity in teaching and learning as a fundamental principle on which a university is built; and

WHEREAS, all members of the university community share in the responsibility for academic integrity; therefore

BE IT RESOLVED, that the University of Maryland Board of Regents hereby adopts the following Statement of Faculty, Student and Institutional Rights and Responsibilities for Academic Integrity.

Statement of Faculty, Student and Institutional Rights and Responsibilities for Academic Integrity

Preamble

At the heart of the academic enterprise are learning, teaching, and scholarship. In universities these are exemplified by reasoned discussion between student and teacher, a mutual respect for the learning and teaching process, and intellectual honesty in the pursuit of new knowledge. In the traditions of the academic enterprise, students and teachers have certain rights and responsibilities which they bring to the academic community. While the following statements do not imply a contract between the teacher or the university and the student, they are nevertheless conventions which the university believes to be central to the learning and teaching process.

Faculty Rights and Responsibilities

1. Faculty shall share with students and administration the responsibility for academic integrity.
2. Faculty are accorded freedom in the classroom to discuss subject matter reasonably related to the course. In turn they have the responsibility to encourage free and honest inquiry and expression on the part of students.

3. Faculty are responsible for the structure and content of their courses, but they have the responsibility to present courses that are consistent with their descriptions in the university catalog. In addition, faculty have the obligation to make students aware of the expectations in the course, the evaluation procedures, and the grading policy.
4. Faculty are obligated to evaluate students fairly and equitably in a manner appropriate to the course and its objectives. Grades shall be assigned without prejudice or bias.
5. Faculty shall make all reasonable efforts to prevent the occurrence of academic dishonesty through the appropriate design and administration of assignments and examinations, through the careful safeguarding of course materials and examinations, and through regular reassessment of evaluation procedures.
6. When instances of academic dishonesty are suspected, faculty shall have the right and responsibility to see that appropriate action is taken in accordance with university regulations.

Student Rights and Responsibilities

1. Students shall share with faculty and administration the responsibility for academic integrity.
2. Students shall have the right of inquiry and expression in their courses without prejudice or bias. In addition, students shall have the right to know the requirements of their courses and to know the manner in which they will be evaluated and graded.
3. Students shall have the obligation to complete the requirements of their courses in the time and manner prescribed and to submit to evaluation of their work.
4. Students shall have the right to be evaluated fairly and equitably in a manner appropriate to the course and its objectives.
5. Students shall not submit as their own work any work which has been prepared by others. Outside assistance in the preparation of this work, such as librarian assistance, tutorial assistance, typing assistance, or such assistance as may be specified or approved by the instructor is allowed.
6. Students shall make all reasonable efforts to prevent the occurrence of academic dishonesty. They shall by their own example encourage academic integrity and shall themselves refrain from acts of cheating and plagiarism or other acts of academic dishonesty.
7. When instances of academic dishonesty are suspected, students shall have the right and responsibility to bring this to the attention of the faculty or other appropriate authority.

Institutional Responsibility

1. Campuses or appropriate administrative units of the University of Maryland shall take appropriate measures to foster academic integrity in the classroom.
2. Campuses or appropriate administrative units shall take steps to define acts of academic dishonesty, to ensure procedures for due process for students accused or suspected of acts of academic dishonesty, and to impose appropriate sanctions on students guilty of acts of academic dishonesty.
3. Campuses or appropriate administrative units shall take steps to determine how admission or matriculation shall be affected by acts of academic dishonesty on another campus or at another institution. No student suspended for disciplinary reasons at any campus of the University of Maryland shall be admitted to any other University of Maryland campus during the period of suspension.

AND, BE IT FURTHER RESOLVED, that campuses or appropriate administrative units of the University of Maryland will publish the above Statement of Faculty, Student and Institutional Rights and Responsibilities for Academic Integrity in faculty handbooks and in student handbooks and catalogs; and

BE IT FURTHER RESOLVED, that the Board of Regents hereby directs each campus or appropriate administrative unit to review existing procedures or to implement new procedures for carrying out the institutional responsibilities for academic integrity cited in the above Statement; and

BE IT FINALLY RESOLVED, that the Board of Regents hereby directs each campus or appropriate administrative unit to submit to the President or designee for approval the campus' or unit's procedure for implementation of the institutional responsibility provisions of the above Statement.

Appendix G: Statute of Limitations for the Termination of Degree Programs

Committee on Academic Procedures and Standards
Approved December 7, 1989

The following policies apply to all undergraduate degree programs terminated at the University of Maryland at College Park at the beginning of the Spring, 1990 Semester and thereafter.

1. All students enrolled at the University of Maryland, College Park or at a Maryland community college program articulated with the terminated degree program during the semester in which the program is terminated must complete the major requirements of the terminated degree program within five calendar years of the date upon which the program is terminated. If only a few students are enrolled in a terminated program, a shorter time limit may be imposed based on a study of the academic records of all students enrolled in the program. If a shorter time period is imposed, all students enrolled in the program will be notified of its length.
2. Students who, prior to the termination date had been enrolled in the terminated program or a Maryland community college articulated with the terminated program, but who subsequently interrupt their studies at the University of Maryland, College Park or the community college for one or more semesters will be allowed to enter or re-enter the program only if a careful analysis of their records by the appropriate dean indicates they will be able to complete the major requirements of the terminated program within the remaining time period specified.
3. When a program is terminated the University of Maryland, College Park will make a good faith effort to notify those students who had interrupted their studies in that program. As part of that good faith effort, the University of Maryland at College Park will publish in its re-enrollment forms, catalogues, and schedules of classes a statement advising returning students that programs may have been terminated and that the student needs to check the current status of the program.
4. At the end of the time period specified for completion of major requirements after the termination date of the program, the relevant department or college will evaluate the records of each student enrolled in the program for fulfillment of departmental major requirements and will notify students whether they have completed these requirements. Such notice shall be in writing and sent to the student's last known addresses.
5. When a degree program is terminated, the university will send notification of the time limit for completion of the major requirements to all students enrolled in the program at that time. It will also attempt to send notification to students who interrupted their studies while enrolled in the program in the preceding three years, insofar as such students can reasonably be identified. This notification will be sent to the students' last known addresses on file with the university. Such notifications also will be sent to the Maryland community colleges having programs articulated with the terminated program.

Appendix H: VIII-2.70 Policy on Student Classification for Admission, Tuition and Charge-Differential Purposes

USM Bylaws, Policies and Procedures of the Board of Regents
Approved by the Board of Regents August 28, 1990;
Amended July 10, 1998;
Amended November 27, 2000;
Amended April 11, 2003

I. Policy

It is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the categories of In-State and Out-of-State students for the purpose of admission, tuition, and charge differentials at those institutions where such differentiation has been established.

A. An In-State student is a student whom the University determines to be a permanent resident of the State of Maryland. For the purposes of this Policy, "permanent resident" is defined as a person who satisfies all the following conditions and has done so for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the person seeks In-State Status:

   1. Is not residing in the State of Maryland primarily to attend an educational institution; and,

2. Owns and continuously occupies or rents and continuously occupies living quarters in Maryland."There must exist a genuine deed or lease in the individual's name reflecting payments/rents and terms typical of those in the community at the time executed. Persons not having such a lease may submit an affidavit reflecting payments/rents and terms as well as the name and address of the person to whom payments are made which may be considered as meeting this condition."As an alternative to ownership or rental of living quarters in Maryland, a student may share living quarters in Maryland which are owned or rented and occupied by a parent, legal guardian, or spouse; and,
3. Maintains within Maryland substantially all personal property; and,
4. Pays Maryland income tax on all earned taxable income including all taxable income earned outside the State; and,
5. Registers all owned motor vehicles in Maryland in accordance with Maryland law; and,
6. Possesses a valid Maryland driver's license, if licensed, in accordance with Maryland law; and,
7. Is registered in Maryland, if registered to vote; and,
8. Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland; and,
9. Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.

B. In addition, persons with the following status shall be accorded the benefits of In-State Status for the period in which they hold such status:
1. A full-time or part-time (at least 50 percent time) regular employee of the University System of Maryland.
2. The spouse or financially dependent child of a full-time or part-time (at least 50 percent time) regular employee of the USM.
3. A full-time active member of the Armed Forces of the United States whose home of residency is Maryland or one who resides or is stationed in Maryland, or the spouse or a financially dependent child of such a person.
4. For UMUC, a full-time active member of the Armed Forces of the United States on active duty, or the spouse of a member of the Armed Forces of the United States on active duty.
5. A graduate assistant appointed through the University System of Maryland for the semester/term of the appointment."Except through prior arrangement, this benefit is available only for enrollment at the institution awarding the assistantship

C. Students not entitled to In-State Status under the preceding paragraphs shall be assigned Out-of-State Status for admission, tuition, and charge-differential purposes.

D. Assignment of In-State or Out-of-State classification will be made by the University upon an assessment of the totality of facts known or presented to it."The person seeking In-State Status shall have the burden of proving that he or she satisfies all requirements.

E. Either of the following circumstances raise a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution,
1. The student was attending high school or residing outside Maryland at the time of application for admission to a USM institution OR,
2. The student is both (a) not financially independent and (b) is financially dependent upon a person not a resident of Maryland.

The burden shall be on the student to rebut the presumption.

II. Procedures

A. An initial determination of In-State Status will be made by the University at the time a student's application for admission is under consideration."The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.

B. A change in status must be requested by submitting a USM "Petition for Change in Classification for Admission, Tuition and Charge Differential"."A student applying for a change to In-State Status must furnish all required documentation with the Petition by the last published date to register for the forthcoming semester/term for which the change in classification is sought.

C. The student shall notify the institution in writing within"fifteen (15) days of any change in circumstances which may alter In-State Status.

D. In the event incomplete, false, or misleading information is presented, the institution may, at its discretion, revoke in-state status and take disciplinary action provided for by the institution's policy."Such action may include suspension or expulsion."If In-State Status is gained due to false or misleading information, the University reserves the right to retroactively assess all Out-of-State charges for each semester/term affected.

E. Each institution of the University System of Maryland shall develop and publish additional procedures to implement this policy."Procedures shall provide that on request the President or designee has the authority to waive any residency criterion set forth in Section I. if it is determined that the student is indeed a permanent resident and the application of the criteria creates an unjust result."These procedures shall be filed with the Office of the Chancellor.

III. Definitions

A. Financially Dependent:" For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes or who receives more than one-half of his or her support from another person during the twelve (12) month period immediately prior to the last published date for registration for the semester or session. If a student receives more than one-half of his or her support in the aggregate from more than one person, the student shall be considered financially dependent on the person providing the greater amount of support.

B. Financially Independent:" A financially independent student is one who (1) declares himself or herself to be financially independent as defined herein; (2) does not appear as a dependent on the Federal or State income tax return of any other person; (3) receives less than one-half of his or her support from any other person or persons; and (4) demonstrates that he or she provides through self-generated support one-half or more of his or her total expenses.

C. Parent:" A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.

D. Guardian:" A guardian is a person so appointed by a court order recognized under the law of the State of Maryland.

E. Spouse: A spouse is a partner in a legally contracted marriage.

F. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.

G. Self-Generated:" Self-generated describes income which is derived solely from compensation for an individual's own efforts as evidenced, for example, by federal or state W-2 forms or IRS Form 1099 where interest income is based upon finances created from one's own efforts."For the purposes of this policy, grants, stipends, awards, benefits, loans and gifts (including federal and State aid, grants, and loans) may not be used as self-generated income.

H. Regular Employee:" A regular employee is a person employed by USM who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system."Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.

IV. Implementation Period

This policy as amended by the Board of Regents on November 27, 2000 shall be applied to all student residency classification decisions made on or after this date.

Appendix I: Undergraduate Student Grievance Procedure

Approved by the President August 1, 1991

I. Purpose

This procedure provides a means for an undergraduate student to seek redress for acts or omissions of individual faculty members as well as academic departments, programs, colleges, or divisions without fear of reprisal or discrimination.

II. Scope of Grievances: Expectations of Faculty and Academic Units

The scope of the matters which may constitute a grievance under this procedure is limited to believed violations of the expectations of faculty and academic units as set forth below.

A. Faculty

The following are considered to be reasonable expectations of faculty:

1. There shall be a written description at the beginning of each undergraduate course specifying in general terms the content and nature of assignments, examination procedures, and the basis for determining final grades. In cases where all or some of this information cannot be provided at the beginning of the course, a clear explanation of the delay and the basis of course development shall be provided.
2. There shall be reasonable notice of major papers and examinations in the course.
3. There shall be a reasonable number of recitations, performances, quizzes, tests, graded assignments and/or student/instructor conferences to permit evaluation of student progress throughout the course.
4. Unless prohibited by statute or contract, there shall be a reasonable opportunity to review papers and examinations after evaluation by the instructor, while materials are reasonably current.
5. There shall be a reasonable approach to the subject which attempts to make the student aware of the existence of different points of view.
6. There shall be reasonable access to the instructor during announced regular office hours or by appointment.
7. There shall be regular attendance by assigned faculty unless such attendance is prevented by circumstances beyond the control of the faculty member.
8. There shall be reasonable adherence to published campus schedules and location of classes and examinations. Classes not specified in the schedules are to be arranged at a mutually agreeable time on campus, unless an off-campus location is clearly justified.
9. Reasonable confidentiality of information gained through student-faculty contact shall be maintained.
10. There shall be public acknowledgement of significant student assistance in the preparation of materials, articles, books, devices and the like.
11. There shall be assignment of materials to which all students can reasonably expect to have access.

B. Academic Units

The academic units (programs, departments, colleges, schools, divisions) in cooperation with the Office of the Dean for Undergraduate Studies and the Office of Admissions and the Office of the Registrar shall, whenever possible, provide the following:

1. Accurate information on academic requirements through designated advisors and referral to other parties for additional guidance.
2. Specific policies and procedures for the award of academic honors and awards, and impartial application thereof.
3. There shall be equitable course registration in accordance with University policy and guidelines.

III. Alternative Grievance Procedures

No other University grievance procedure may be used simultaneously or consecutively with the Undergraduate Student Grievance Procedure with respect to the same or substantially same issue or complaint, or with issues or complaints arising out of or pertaining to the same set of facts.

The procedures of the Human Relations Code and/or any University grievance procedure may not be utilized to challenge the procedures, actions, determinations or recommendations of any person(s) or board(s) acting pursuant to the Undergraduate Student Grievance Procedure.

IV. Limitations

Notwithstanding any provision of this Undergraduate Student Grievance Procedure to the contrary, the following matters do not constitute the basis for a grievance under this policy:

A. Policies, regulations, decisions, resolutions, directives and other acts of the Board of Regents of the University of Maryland System, The Office of the Chancellor of the University of Maryland System, and the Office of the President of the University of Maryland College Park;

B. Any statute, regulation, directive, or order of any department or agency of the United States or the State of Maryland;

C. Any matter outside the control of the University of Maryland System;

D. Course offerings;

E. The staffing and structure of any academic department or unit;

F. The fiscal management and allocation of resources by the University of Maryland System and the University of Maryland at College Park;

G. Any issue(s) or act(s) which does (do) not affect the complaining party directly;

H. Matters of academic judgment relating to an evaluation of a student's academic performance and/or academic qualifications; except that the following matters of a procedural nature may be reviewed under these procedures if filed as a formal grievance within thirty days of the first meeting of the course to which they pertain:

1. Whether reasonable notice has been given as to the relative value of all work considered in determining the final grade and/or assessment of performance in the course. The remedy for a successful grievance based upon this subsection shall be the giving of notice by the instructor.
2. Whether a reasonably sufficient number of examinations, papers, laboratories and/or other academic exercises have been scheduled to present the student with a reasonable opportunity to demonstrate academic merit. The remedy for a successful grievance under this subsection shall be the scheduling of such additional academic exercises as the instructor, in consultation with the department chair or dean, and upon consideration of the written opinion of the divisional hearing board shall deem appropriate.

9. "Class" grievances are not cognizable under these procedures. A screening or hearing board may, in its discretion consolidate grievances presenting similar facts and issues, and recommend generally applicable relief as it deems warranted;
10. There may be no challenge to the award of a specific grade under these procedures.

V. Finality

Any student who elects to use the Undergraduate Student Grievance Procedure agrees to abide by the final disposition arrived thereunder, and shall not subject this disposition to review under any other procedure within the University of Maryland System. For the purpose of this limitation, a student shall be deemed to have elected to utilize the Undergraduate Student Grievance Procedures at the time a written grievance is filed.

VI. Procedure for Grievance Involving Faculty Member or Academic Unit

A. Informal Resolution

The initial effort in all cases shall be toward achieving a resolution of the grievance through the following informal means:

1. Grievance Against an Individual Faculty Member

The student should first contact the faculty member, present the grievance in its entirety, and attempt a complete resolution.

If all or part of the grievance remains unresolved, the student may present the grievance to the immediate administrative supervisor of the faculty member.

A student may present a grievance directly to the instructor's supervisor if the instructor is not reasonably available to discuss the matter.

The supervisor shall attempt to mediate the dispute, and if a mutually acceptable resolution is reached, the case shall be closed.

2. Grievance Against an Academic Department

The student should contact the department head, director, or dean and present the grievance in its entirety.

The department head, director, or dean shall attempt a complete resolution of the dispute.

B. Formal Resolution

Divisional Screening Board

A student who has attempted informal resolution, and remains dissatisfied may obtain a formal resolution of a grievance pursuant to the following procedure:

1. The student shall file a written grievance with the Screening Board for Academic Grievances of the Division (hereinafter referred to as the divisional screening board).
2. The writing shall contain:
   - the act, omission, or matter which is the subject of the complaint;
   - all facts the student believes are relevant to the grievance;
   - the resolution sought;
   - all arguments in support of the desired solution.
3. A grievance must be filed in a timely manner or it will not be considered. In order to be timely, a grievance must be received by the appropriate divisional screening board within thirty days of the act, omission or matter which constitutes the basis of the grievance, or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever occurs first. It is the responsibility of the student to insure timely filing.
4. The divisional screening board shall immediately notify an instructor or academic unit head of the a timely grievance. A copy of the grievance and all relevant material shall be provided.
5. The instructor or academic unit head shall make a complete written response to the divisional screening board within ten days of receipt of a grievance. In cases where a grievance is received within ten days of the final day of classes, a response

   is due within ten days of the beginning of the next semester in which the faculty member is working on campus. This extension is not available to persons whose appointments terminate on or before the last day of the semester in which the grievance is filed.
6 A copy of the faculty member's response shall be sent by the divisional screening board to the student filing the grievance.
7. The divisional screening board may request further written information from either party.
8. The divisional screening board shall review the case to determine if a formal hearing is warranted.

   All or part of a grievance shall be dismissed if the divisional screening board concludes the grievance is:
   - untimely,
   - based upon a non-grievable matter,
   - being concurrently reviewed in another forum,
   - previously decided pursuant to this or any other review procedure,
   - frivolous or filed in bad faith.

   All or part of a grievance may be dismissed if the divisional screening board concludes in its discretion that the grievance is:
   - insufficiently supported,
   - premature,
   - otherwise inappropriate or unnecessary to present to the divisional hearing board.

   The divisional screening board shall meet to review grievances in private. A decision to dismiss a grievance requires a majority vote of at least three members.

   If a grievance is dismissed in whole or in part, the student filing the grievance shall be so informed, and shall be given a concise written statement of the basis for the dismissal.

   A decision to dismiss a grievance is final and is not subject to appeal.
9. If the divisional screening board determines a grievance to be appropriate for a hearing, the dean shall be informed. The dean shall convene a divisional hearing board within fifteen days thereafter. The time may be extended for good cause at the discretion of the dean.

C. Divisional Hearing Board

The following rules apply to the conduct of a hearing by the divisional hearing board:

1. Reasonable notice of the time and place of the hearing shall be provided to both parties. Notice shall include a brief statement of the allegations and the remedy sought by the student. Hearings shall be held on campus.
2. A record of the hearing, including all exhibits shall be kept by the chairperson of the screening board. All documents and materials filed with the divisional screening board shall be forwarded to the divisional hearing board, and shall become a part of the record.
3. Hearings are closed to the public unless a public hearing is specifically requested by both parties.
4. Presentation of Evidence

   Each party shall have the opportunity to make an opening statement, present written evidence, present witnesses, cross-examine witnesses, offer personal testimony, and such other material as is relevant.

   Incompetent, irrelevant, immaterial and unduly repetitious evidence may be excluded by the chairperson of the hearing board.

   It is the responsibility of each party to have their witnesses available and to be completely prepared at the time of the hearing. The student shall present the case first, and the faculty member shall respond.

   Upon completion of the presentation of all evidence, both parties shall be given the opportunity to present oral arguments and make closing statements within the time limits set by the chairperson of the hearing board.

   Upon the request of either party, all persons to be called as witnesses shall be sequestered.

   Each party may be assisted in the presentation of the case by a student or faculty member of his/her choice.

   It is the responsibility of the chairperson of the hearing board to manage the hearing, and to decide all questions relating to the presentation of evidence and appropriate procedure, and the chairperson is the final authority in such matters except as established herein. The chairperson may seek the advice of UMCP counsel.

   The hearing board shall have the right to examine any person or party testifying before it, and on its own motion, may request the presence of any person for the purpose of testifying and the production of evidence.
5. The above enumerated procedures and powers of the divisional hearing board are non-exclusive. The chairperson may take any such action as is reasonably necessary to facilitate the orderly and fair conduct of the hearing which is not inconsistent with the procedures set forth herein.
6. Upon completion of the hearing, the hearing board shall meet privately to consider the validity of the grievance. The burden of proof rests with the student to show by a preponderance of the evidence that a substantial departure from the expectations set forth in section "B" above has occurred, and that has operated to the actual prejudice and injury of the student.

   A decision upholding a grievance shall require the majority vote of at least three members of the divisional hearing board.

   A decision of the hearing board shall address only the validity of the grievance. The decision shall be forwarded to the dean in written opinion. In the event the decision is in whole or in part favorable to the student, the hearing board may submit an informal recommendation concerning relief believed to be warranted based upon the facts presented at the hearing.
7. The dean shall immediately, upon receipt of the written opinion, forward copies to the student and the faculty member or head of academic unit. Each party has ten days from the date of receipt to file a written appeal with the dean.
8. Appeals

   The appeal shall be in writing and set forth in complete detail the grounds for the appeal.

   A copy of the appeal shall be sent to the opposing party, who shall have ten days following receipt to respond in writing to the dean.

   The sole grounds for appeal shall be:
   - a substantial prejudicial procedural error committed in the conduct of the hearing in violation of the procedures established herein. Discretionary decisions of the chairperson shall not constitute the basis of an appeal.
   - the existence of new and relevant evidence of a significant nature which was not reasonably available at the time of hearing.

9. In the absence of a timely appeal, or following receipt and consideration of all timely appeals, the dean may:
   - dismiss the grievance, grant such redress as is believed appropriate,
   - reconvene the divisional hearing board to rehear the grievance in part or whole and/or to hear new evidence,
   - convene a new divisional hearing board to rehear the case in its entirety.
10. The dean shall inform all parties of the decision in writing and the grievance shall thereafter be concluded. The decision of the dean shall be final and binding, and not subject to review or appeal.

    In non-departmental colleges, the Dean for Undergraduate Studies shall assume the duties of the dean for purposes of this procedure.

VII. Grievance Procedures Against the Dean for Office of Undergraduate Studies

A. Informal Resolution

The initial effort in all cases shall be to achieve resolution of the grievance through informal means.

1. The student should first contact the administrative dean, present the grievance in its entirety, and attempt a complete resolution.
2. If any portion of the grievance remains unresolved, the student may present such part to the Vice President for Academic Affairs. A grievance may be initially presented to the Vice President for Academic Affairs if the dean is not reasonably available to discuss the matter.
3. The Vice President shall attempt to mediate the dispute. Should a mutually acceptable resolution be reached, the case shall be closed.

B. Formal Resolution

Should a student remain dissatisfied with the disposition of the grievance following attempts at informal resolution, a formal resolution may be obtained pursuant to the following procedure:

1. The student shall file with the President a timely written grievance.
2. The writing shall contain:
   - the act, omission or matter which is the subject of the complaint,
   - all facts the student believes to be relevant to the grievance,
   - the resolution sought,
   - all arguments upon which the student relies in seeking such resolution.
3. No grievance will be considered unless it is timely.

   In order to be timely, a grievance must be received by the President within thirty days of the act, omission or matter which is the basis for the grievance, or within thirty days of the date the student is first placed upon reasonable notice thereof, whichever is later.

   It is the responsibility of the student to ensure timely filing of the grievance.
4. Upon receipt of a timely grievance, the President shall forward the grievance to a divisional screening board of a division other than the one from which the grievance has arisen.

   The divisional screening board shall immediately notify the administrative dean against whom the grievance has been filed and provide a copy of the grievance and all relevant materials.
5. The administrative dean against whom the grievance has been filed shall respond in writing to the divisional screening board within ten days. In the event the grievance is received by the administrative dean after the last day of classes of a semester, the time for written response shall be ten days after the first day of classes of the semester immediately following.

   A copy of the response from the administrative dean shall be sent to the student.
6. In its discretion, the divisional screening board may request further written submissions from the student and/or the administrative dean.
7. The divisional screening board shall review and act upon a grievance against an administrative dean in the same manner and according to the same requirements as for the review of grievances against faculty members, academic departments, programs and colleges set forth in this procedure.
8. If the divisional hearing board determines that a grievance is appropriate for a hearing, the President shall be so informed.

   The President shall convene a campus hearing board within fifteen days to hear the grievance. This time may be extended for good cause at the discretion of the President.
9. The campus hearing board shall conduct a hearing in accordance with the rules established in this procedure for the conduct of hearings by divisional hearing boards.

   Upon completion of a hearing, the campus hearing board shall meet privately to consider the grievance in the same manner and according to the same rules as set forth for the consideration of grievances by divisional hearing boards, except that the decision shall be forwarded to the President.

   In the event the campus hearing board decides in whole or on part in favor of the student, it may submit an informal recommendation to the President with respect to such relief as it may believe is warranted by the facts as proven in the hearing.
10. The President shall immediately, upon receipt of the written opinion, forward copies to the student and the administrative dean. Each party shall have ten days from the date of receipt to file an appeal with the President.
11. Appeal

    Each party has ten days from receipt of the written decision to file an appeal with the President.

    The grounds for an appeal shall be the same as those set forth in this procedure for appealing a decision of a divisional hearing board.

    The appeal shall be in writing, and set forth in complete detail the grounds relied upon. A copy of the appeal shall be sent to the opposite party, who shall have ten days following receipt to file a written response with the President.
12. In the absence of a timely appeal, or following receipt and consideration of all timely appeals and responses, the President may:
    - dismiss the grievance
    - grant such redress as is believed appropriate.
    - reconvene the campus hearing board to rehearse the grievance in whole or in part and/or review new evidence
    - convene a new campus hearing board to rehear the case in its entirety.
13. The President shall inform all parties of the decision in writing, and the grievance shall be thereafter concluded. The decision of the President is final and binding, and is not subject to appeal or review.

VIII. Composition of Screening and Hearing Boards

The following procedures are directives only, and for the benefit and guidance of deans and the President in the selection and establishment of divisional and campus hearing boards. The selection and establishment of a board is not subject to challenge by a party, except that at the start of a hearing, a party may challenge for good cause a member or members of the hearing board before whom the party is appearing. The chairperson of the hearing board shall consider the challenge and may replace any member where it is believed necessary to achieve an impartial hearing and decision.

A. Divisional Screening Boards for Academic Grievances

1. Prior to the beginning of each academic year, the divisional council of each division shall choose at least fifteen faculty members and fifteen students to be eligible to serve on boards considering academic grievances from that division. Concurrently, it shall choose three other faculty members to be eligible to serve on boards considering academic grievances for the Administrative Dean for Office of Undergraduate Studies. The names shall be forwarded to the Administrative Dean.
2. Prior to the beginning of each academic year, the Administrative Council of the Administrative Dean for Office of Undergraduate Studies shall choose at least fifteen students to be eligible to serve on a screening board to review grievances arising within academic units under the administration of the Administrative Dean for Office of Undergraduate Studies. These names shall be forwarded to the Administrative Dean.

B. Establishment of Screening Boards

1. Upon receipt of the names of the designated faculty and students, the dean shall appoint a five member divisional screening board. The screening board shall consist of three faculty members and two students, and each shall serve for the academic year or until a new board is appointed by the dean, whichever occurs later. The dean shall also designate two alternate faculty members and two alternate students from the names presented by the divisional council.

   The dean shall designate one of the faculty members to be the chairperson of the divisional screening board.

   Members of the divisional screening board shall not serve on a divisional hearing during the same year, except that the alternate members may serve on a hearing board other than one considering a case in which the member has previously been involved in the screening process.

   A member of the divisional screening board shall not review a grievance arising out of his/her own department or program, in such instance, an alternate member shall serve.

2. Upon receipt of the names of the faculty members designated by each divisional council and students designated by the administrative council, the Administrative Dean for Office of Undergraduate Studies shall appoint a five member screening board to review grievances arising within the academic units under his/her administration.

C. Divisional Hearing Boards for Academic Grievances

For each grievance referred by the divisional screening board, the dean shall appoint a five-member divisional hearing board.

The divisional hearing board shall be composed of three faculty members and two students selected by the dean from among those names previously designated by the divisional screening board. The dean shall designate one faculty member as chairperson.

No faculty member or student shall be appointed to hear a grievance arising out of his/her own department or program.

The Administrative Dean for Office of Undergraduate Studies shall appoint in the same manner, a hearing board to hear each grievance referred by the screening board reviewing grievances arising from the academic units under his/her administration. The members of the hearing board shall be selected from among those names previously forwarded to the Administrative Dean for Office of Undergraduate Studies by the divisional councils and from those who have not been appointed to the screening board.

D. Campus Hearing Board for Academic Grievances

For each case referred by a divisional hearing board to the President for a hearing, the President shall appoint a five-member campus hearing board. The campus hearing board shall be composed of three faculty members and two students selected by the President from among those names designated by the divisional councils and remaining after the establishment of screening boards.

The President shall designate one faculty member as chairperson.

No faculty member or student shall be appointed to hear a grievance arising out of his/her own division or administrative unit.

IX. Definitions

A. Day refers to days of the academic calendar, not including Saturdays, Sundays, or holidays observed by UMCP.

B. Party refers to the student and the individual faculty member or head of the academic unit against whom the grievance is made.

Appendix J: Procedures for Review of Alleged Arbitrary and Capricious Grading

Approved by President December 4, 1990

I. Purpose

The following procedures are designed to provide a means for undergraduate students to seek review of final course grades alleged to be arbitrary and capricious. Before filing a formal appeal, students are urged to resolve grievances informally with the instructor and/or the administrator of the academic unit offering the course. Students who file a written appeal under the following procedures shall be expected to abide by the final disposition of the appeal, as provided in Paragraph E, below, and shall be precluded from seeking review of the matter under any other procedure within the University.

II. Definitions

When used in these procedures

A. The term "arbitrary and capricious" grading means:

1. the assignment of a course grade to a student on some basis other than performance in the course; or,
2. the assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied to other students in that course; or,
3. the assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.

B. The words "day" or "days" refer to normal working days at the University, excluding Saturdays, Sundays and University holidays.

C. The word "administrator" is defined as the administrative head of the academic unit offering the course.

III. Procedures

A. A student who believes his/her final grade in a course is improper and the result of arbitrary and capricious grading should first confer promptly with the instructor of the course. If the instructor has left the University, is on approved leave, or cannot be reached by the student after a reasonable effort, the student shall consult with the administrator. If the student and the instructor or administrator are unable to arrive at a mutually agreeable solution, the student may file an appeal within twenty days after the first day of instruction of the next semester (excluding summer terms) to a standing committee consisting of three tenured faculty members of the academic unit offering the course. If the instructor of the course is a member of the committee, that instructor shall be disqualified and replaced by a tenured faculty member selected by the administrator.

B. The student shall file an appeal by submitting to the committee a written statement detailing the basis for the allegation that a grade was improper and the result of arbitrary and capricious grading, and presenting relevant evidence. The appeal shall be dismissed if:

1. the student has submitted the same, or substantially the same complaint to any other formal grievance procedure; or,
2. the allegations, even if true, would not constitute arbitrary and capricious grading;
3. the appeal was not timely; or,
4. the student has not conferred with the instructor or with the instructor's immediate administrative supervisor, in accordance with Paragraph A of these procedures.

C. If the appeal is not dismissed, the committee shall submit a copy of the student's written statement to the instructor with a request for a prompt written reply. If it then appears that the dispute may be resolved without recourse to the procedures specified in Paragraph D, below, the committee will attempt to arrange a mutually agreeable solution.

D. If a mutually agreeable solution is not achieved, the committee shall proceed to hold an informal, non-adversarial fact-finding meeting concerning the allegations. Both the student and the instructor shall be entitled to be present throughout this meeting and to present any relevant evidence, except that the student shall not be present during the discussion of any other student. Neither the student nor the faculty member shall be accompanied by an advocate or representative. The meeting shall not be open to the public.

E. The committee shall deliberate privately at the close of the fact-finding meeting. If a majority of the committee finds the allegation supported by clear and convincing evidence, the committee shall take any action which they feel would bring about substantial justice, including, but not limited to:

1. directing the instructor to grade the student's work anew; or
2. directing the instructor to administer a new final examination or paper in the course; or
3. directing the cancellation of the student's registration in the course; or
4. directing the award of a grade of "pass" in the course, except that such a remedy should be used only if no other reasonable alternative is available. The committee is not authorized to award a letter grade or to reprimand or otherwise take disciplinary action against the instructor. The decision of the committee shall be final and shall be promptly reported in writing to the parties. The administrator of the academic unit shall be responsible for implementing the decision of the committee.

Appendix K: Policy on Participation by Students in Class Exercises That Involve Animals

Students who are concerned about the use of animals in teaching have the responsibility to contact the instructor, prior to course enrollment, to determine whether animals are to be used in the course, whether class exercises involving animals are optional or required and what alternatives, if any, are available. If no alternatives are available, the refusal to participate in required activities involving animals may result in a failing grade in the course. Departments including courses where animals are used must actively inform students of such courses, including, but not limited to, notices in the Catalog.

The University of Maryland, College Park campus, affirms the right of the faculty to determine course content and curriculum requirements. The University, however, also encourages faculty to consider offering alternatives to the use of animals in their courses. In each course, the instructor determines whether the use of animals in the classroom exercises will be a course requirement or optional activity. The following departments have courses that may require animals to be used in class activities: Animal and Avian Sciences, Cell Biology and Molecular Genetics, Psychology, Veterinary Medicine, Biology, and courses with the NFSC prefix.

Committee on Academic Procedures and Standards
April 27, 1990

Appendix L: Completion of Interrupted Degree

Students whose registration at the University of Maryland, College Park, has lapsed for more than 10 years shall be required to complete a minimum of 15 credit hours at College Park after their return to campus in order to earn a baccalaureate degree.

Recommendations about courses needed to satisfy the remaining degree requirements will be made at the department level, with approval of the Dean's Office required. The reason for requiring these credits is that many fields change sufficiently in 10 years to require that students take current courses if they are to be awarded a current degree. Exceptions to the requirement for a minimum of 15 credits earned at College Park upon return to the campus can be recommended by the Deans for approval in the Office of the Vice President for Academic Affairs.

College Park Senate
October 1995

Appendix M: Required Disclosure of University Procedure on the Collection, Use and Protection of Student Social Security Numbers (SSN)

Section 15-110 of the Education Article of the Annotated Code of Maryland prohibits the use of SSN on University identification cards. Section 7(b) of the Privacy Act of 1974 (5 U.S.C. 522a) and section 10-624 of the State Government Article of the Annotated Code of Maryland, also require that when any Federal, State, or local government agency requests an individual to disclose his or her Social Security Number (SSN), that individual must also be advised whether the disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, what use will be made of it, the specific consequences for failure to provide the information, whether the information is generally available for public inspection and whether the information is made available or transferred to or shared with any entity other than the University.

Accordingly, each applicant for admission is advised that disclosure of his or her SSN is required as a condition for making application to the University of Maryland for purposes of administering federal financial aid programs and complying with various State and Federal reporting requirements including reporting to the IRS. The University may use a student's SSN to accurately report federally required data, to generate various federal tax and financial aid reports, and to ensure the accuracy of student data that is exchanged within the University of Maryland, between post-secondary education institutions, with the University System of Maryland and other outside entities as necessary or required for the conduct of legitimate University business and consistent with applicable law. The SSN will be maintained in a secure and confidential manner and not be re-disclosed for any other purpose.

The authority for requesting disclosure of a student's SSN is grounded in various federal laws including but not limited to: 42 USC 405c, affecting wage reporting and withholdings; 34 CFR 668.14 and 34 CFR 668.16, relating to student aid programs; and 26 CFR 1.6050S-1, addressing Internal Revenue Code reporting requirements pertaining to tuition payments.

In addition, it should be noted that the SSN of a parent, guardian or spouse of an applicant is also requested if the student claims dependency on that person for financial aid or residency for tuition purposes. A parent, guardian or spouse is advised that disclosure of his or her SSN is necessary for the above student purpose and failure to provide it may affect the student's financial aid or tuition status. A parent's, guardian's or spouse's SSN will only be used for the purpose for which it was collected and will not be maintained in any other system of records.

A unique U ID Number is assigned to students as part of their initial enrollment and is used for all University identification purposes."

Appendix N: Transfer Credit Policy–Maryland Higher Education Commission (Title 13 B)

Subtitle 06 GENERAL EDUCATION AND TRANSFER
Chapter 01 PUBLIC INSTITUTIONS OF HIGHER EDUCATION
Authority: Education Article, 11-201 - 11-206, Annotated Code of Maryland

.01 Scope and Applicability.

This chapter applies only to public institutions of higher education.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms defined.

(1) "A.A. degree" means the Associate of Arts degree.

(2) "A.A.S. degree" means the Associate of Applied Sciences degree.

(3) "Arts" means courses that examine aesthetics and the development of the aesthetic form and explore the relationship between theory and practice. Courses in this area may include fine, performing and studio art, appreciation of the arts, and history of the arts.

(4) "A.S. degree" means the Associate of Sciences degree.

(5) "Biological and physical sciences" means courses that examine living systems and the physical universe. They introduce students to the variety of methods used to collect, interpret, and apply scientific data, and to an understanding of the relationship between scientific theory and application.

(6) "English composition courses" means courses that provide students with communication knowledge and skills appropriate to various writing situations, including intellectual inquiry and academic research.

(7) "General education" means the foundation of the higher education curriculum providing a coherent intellectual experience for all students.

(8) "General education program" means a program that is designed to:
(a) Introduce undergraduates to the fundamental knowledge, skills, and values that are essential to the study of academic disciplines;
(b) Encourage the pursuit of life-long learning; and
(c) Foster the development of educated members of the community and the world.

(9) "Humanities" means courses that examine the values and cultural heritage that establish the framework for inquiry into the meaning of life. Courses in the humanities may include the language, history, literature, and philosophy of Western and other cultures.

(10) "Mathematics" means courses that provide students with numerical, analytical, statistical and problem-solving skills.

(11) "Native student" means a student whose initial college enrollment was at a given institution of higher education and who has not transferred to another institution of higher education since that initial enrollment.

(12) "Parallel program" means the program of study or courses at one institution of higher education which has comparable objectives as those at another higher education institution, for example, a transfer program in psychology in a community college is definable as a parallel program to a baccalaureate psychology program at a 4-year institution of higher education.

(13) "Receiving institution" means the institution of higher education at which a transfer student currently desires to enroll.

(14) "Recommended transfer program" means a planned program of courses, both general education and courses in the major, taken at a community college, which is applicable to a baccalaureate program at a receiving institution and ordinarily the first 2 years of the baccalaureate degree.

(15) "Sending institution" means the institution of higher education of most recent previous enrollment by a transfer student at which transferable academic credit was earned.

(16) "Social and behavioral sciences" means courses that examine the psychology of individuals and the ways in which individuals, groups, or segments of society behave, function, and influence one another. The courses include, but are not limited to, subjects which focus on:
(a) History and cultural diversity;
(b) Concepts of groups, work, and political systems;
(c) Applications of qualitative and quantitative data to social issues; and
(d) Interdependence of individuals, society, and the physical environment.

(17) "Transfer student" means a student entering an institution for the first time having successfully completed a minimum of 12 semester hours at another institution which is applicable for credit at the institution the student is entering.

.03 General Education Requirements for Public Institutions.

A. While public institutions have the autonomy to design their general education program to meet their unique needs and mission, that program shall conform to the definitions and common standards in this chapter. A public institution shall satisfy the general education requirement by:

(1) Requiring each program leading to the A.A. or A.S. degree to include not less than 30 and no more than 36 semester hours and each baccalaureate degree program to include not less than 40 and no more than 46 semester hours of required core courses, with the core requiring, at a minimum, coursework in each of the following five areas:
(a) Arts and humanities
(b) Social and behavioral sciences
(c) Biological and physical sciences
(d) Mathematics and
(e) English composition

(2) Conforming with COMAR 13B.02.02.16D(2)(b)-(c).

B. Each core course used to satisfy the distribution requirements of (1) of this regulation shall carry at least 3 semester hours.

C. General education programs of public institutions shall require at least:
(1) one course in each of two disciplines in arts and humanities;

(2) one course in each of two disciplines in social and behavioral sciences;

(3) two science courses, at least one of which shall be a laboratory courses;

(4) one course in mathematics at or above the level of college algebra; and

(5) one course in English composition.

D. Interdisciplinary and Emerging Issues.

(1) In addition to the five required areas in §A of this regulation, a public institution may include up to 8 semester hours in a sixth category that addresses emerging issues that institutions have identified as essential to a full program of general education for their students. These courses may:
(a) be integrated into other general education courses or may be presented as separate courses; and
(b) include courses that:
(i) provide an interdisciplinary examination of issue across the five areas, or
(ii) address other categories of knowledge, skills, and values that lie outside of the five areas.

(2) Public institutions may not include the courses in this section in a general education program unless they provide academic content and rigor equivalent to the areas in §A(1) of this regulation.

E. General education programs leading to the A.A.S. degree shall include at least 20 semester hours from the same course list designated by the sending institution for the A.A. and A.S. degrees. The A.A.S. degree shall include at least one 3-semester-hour course from each of the five areas listed in §(A)(1) of this regulation.

F. A course in a discipline listed in more than one of the areas of general education may be applied only to one area of general education.

G. A public institution may allow a speech communication or foreign language course to be part of the arts and humanities category.

H. Composition and literature courses may be placed in the arts and humanities area if literature is included as part of the content of the course.

I. Public institutions may not include physical education skills courses as part of the general education requirements.

J. General education courses shall reflect current scholarship in the discipline and provide reference to theoretical frameworks and methods of inquiry appropriate to academic disciplines.

K. Courses that are theoretical may include applications, but all applications courses shall include theoretical components if they are to be included as meeting general education requirements.

L. Public institutions may incorporate knowledge and skills involving the use of quantitative data, effective writing, information retrieval, and information literacy when possible in the general education program.

M. Notwithstanding §A(1) of this regulation, a public 4-year institution may require 48 semester hours of required core courses if courses upon which the institution's curriculum is based carry 4 semester hours.

N. Public institutions shall develop systems to ensure that courses approved for inclusion on the list of general education courses are designed and assessed to comply with the requirements of this chapter.

.04 Transfer of General Education Credit.

A. A student transferring to one public institution from another public institution shall receive general education credit for work completed at the student's sending institution as provided by this chapter.

B. A completed general education program shall transfer without further review or approval by the receiving institution and without the need for a course-by-course match.

C. Courses that are defined as general education by one institution shall transfer as general education even if the receiving institution does not have that specific course or has not designated that course as general education.

D. The receiving institution shall give lower-division general education credits to a transferring student who has taken any part of the lower-division general education credits described in Regulation .03 of this chapter at a public institution for any general education courses successfully completed at the sending institution.

E. Except as provided in Regulation .03M of this chapter, a receiving institution may not require a transfer student who has completed the requisite number of general education credits at any public college or university to take, as a condition of graduation, more than 10-16 additional semester hours of general education and specific courses required of all students at the receiving institution, with the total number not to exceed 46 semester hours. This provision does not relieve students of the obligation to complete specific academic program requirements or course prerequisites required by a receiving institution.

F. Each sending institution shall designate on or with the student transcript those courses that have met its general education requirements as well as indicate whether the student has completed the general education program.

G. A.A.S. Degrees.

(1) While there may be variance in the numbers of hours of general education required for A.A., A.S., and A.A.S. degrees at a given institution, the courses identified as meeting general education requirements for all degrees shall come from the same general education course list and exclude technical or career courses.

(2) An A.A.S. student who transfers into a receiving institution with fewer than the total number of general education credits as designated by the receiving institution shall complete the difference in credits according to the distribution as designated by the receiving institution. Except as provided in 03M, the total general education credits for baccalaureate degree-granting public receiving institutions shall not exceed 46 semester hours.

H. Student responsibilities. A student is held

(1) Accountable for the loss of credits that:
(a) result from changes in the individual's selection of the major program of study
(b) were earned for remedial coursework; or
(c) exceed the total course credits accepted in transfer as allowed by this chapter and

(2) responsible for meeting all requirements of the academic program of the receiving institution.

.05 Transfer of Nongeneral Education Program Credit.

A. Transfer to Another Public Institution.

(1) Credit earned at any public institution in the State is transferable to any other public institution if the
(a) credit is from a college or university parallel course or program
(b) grades in the block of courses transferred average 2.0 or higher and
(c) acceptance of the credit is consistent with the policies of the receiving institution governing native students following the same program.

(2) If a native student's "D" grade in a specific course is acceptable in a program, then a "D" earned by a transfer student in the same course at a sending institution is also acceptable in the program. Conversely, if a native student is required to earn a grade of "C" or better in a required course, the transfer student shall also be required to earn a grade of "C" or better to meet the same requirement.

B. Credit earned in or transferred from a community college is limited to

(1) 1/2 the baccalaureate degree program requirement, but may not be more than 70 semester hours; and

(2) The first 2 years of the undergraduate education experience.

C. Nontraditional Credit.

(1) The assignment of credit for AP, CLEP, or other nationally recognized standardized examination scores presented by transfer students is determined according to the same standards that apply to native students in the receiving institution, and the assignment shall be consistent with the State minimum requirements.

(2) Transfer of credit from the following areas shall be consistent with COMAR 13B.02.02. and shall be evaluated by the receiving institution on a course by-course basis:
(a) technical courses from career programs
(b) course credit awarded through articulation agreements with other segments or agencies
(c) credit awarded for clinical practice or cooperative education experiences and
(d) credit awarded for life and work experiences.

(3) The basis for the awarding of the credit shall be indicated on the student's transcript by the receiving institution.

(4) The receiving institution shall inform a transfer student of the procedures for validation of course work for which there is no clear equivalency. Examples of validation procedures include ACE recommendations, portfolio assessment, credit through challenge, examinations, and satisfactory completion of the next course in sequence in the academic area.

(5) The receiving baccalaureate degree-granting institution shall use validation procedures when a transferring student successfully completes a course at the lower division level that the receiving institution offers at the upper division level. The validated credits earned for the course shall be substituted for the upper division course.

D. Program Articulation.

(1) Recommended transfer programs shall be developed through consultation between the sending and receiving institutions. A recommended transfer program represents an agreement between the two institutions that allows students aspiring to the baccalaureate degree to plan their programs. These programs constitute freshman/sophomore level coursework to be taken at the community college in fulfillment of the receiving institution's lower division coursework requirement.

(2) Recommended transfer programs in effect at the time that this regulation takes effect, which conform to this chapter, may be retained.

.06 Academic Success and General Well-Being of Transfer Students.

A. Sending Institutions.

(1) Community colleges shall encourage their students to complete the Associate degree or to complete 56 hours in a recommended transfer program which includes both general education courses and courses applicable toward the program at the receiving institution.

(2) Community college students are encouraged to choose as early as possible the institution and program into which they expect to transfer.

(3) The sending institution shall:
(a) Provide to community college students information about the specific transferability of courses at 4-year colleges.
(b) Transmit information about transfer students who are capable of honors work or independent study to the receiving institution and
(c) Promptly supply the receiving institution with all the required documents provided the student has met all financial and other obligations of the sending institution for transfer.

B. Receiving Institutions.

(1) Admission requirements and curriculum prerequisites shall be stated explicitly in institutional publications.

(2) The receiving institution shall admit transfer students from newly established public colleges that are functioning with the approval of the Maryland Higher Education Commission on the same basis as applicants from regionally accredited colleges.

(3) The receiving institution shall evaluate the transcripts of degree seeking transfer students as expeditiously as possible and notify students of the results no later than mid-semester of the students' first semester of enrollment at the receiving institution provided that all official transcripts have been received at least 15 working days before mid-semester. The receiving institution shall inform students of which courses are acceptable for transfer credit and which of those are applicable to the student's intended program of study.

(4) The receiving institution shall give transfer students the option of satisfying institutional graduation requirements that were in effect at the receiving institution at the time the student enrolled as a freshman at the sending institution. In the case of major requirements, a transfer student may satisfy the major requirements in effect at the time when the student was identifiable as pursuing the recommended transfer program at the sending institution. These conditions are applicable to the student who has been continuously enrolled at the sending institution.

.07 Programmatic Currency.

A. Receiving institutions shall provide to the community college current and accurate information on recommended transfer programs and the transferability status of courses. Community college students shall have access to this information.

B. Recommended transfer programs shall be developed with each community college whenever new baccalaureate programs are approved by the degree-granting institution.

C. When considering curricular changes, institutions shall notify each other of the proposed changes that might affect transfer students. An appropriate mechanism shall be created to ensure that both 2- and 4-year public colleges provide input or comments to the institution proposing the change. Sufficient lead time shall be provided to affect the change with minimum disruption. Transfer students are not required to repeat equivalent coursework successfully completed at the community college.

.08 Transfer Mediation Committee.

A. There shall be a Transfer Mediation Committee, which shall be representative of the public 4-year colleges and universities and the community colleges.

B. Sending and receiving institutions that disagree on the interpretation of the transfer of general education courses as defined by this chapter shall submit their disagreements to the Transfer Mediation Committee. The Transfer Mediation Committee shall also address questions raised by any institutions about the acceptability of new general education courses. As appropriate, the Committee shall consult with faculty on curricular issues.

C. The findings of the Transfer Mediation Committee shall be considered binding on both parties.

.09 Appeal Process.

A. Notice of Denial of Transfer Credit by the Receiving Institution.

(1) Except as provided in §A(2) of this Regulation, the receiving institution shall inform a transfer student in writing of the denial of transfer credit not later than mid-semester of the transfer student's first semester provided that all official transcripts have been received at least 15 working days before mid-semester.

(2) If transcripts are submitted after 15 working days before mid-semester of the student's first semester, the receiving institution shall inform the student of credit denied within 20 working days of receipt of the official transcript.

(3) The receiving institution shall include in the notice of denial of transfer credit
(a) a statement of the student's right to appeal and
(b) a notification that the appeal process is available in the institution's catalog.

(4) The statement of the student's right to appeal the denial shall include notice of the time limitations in §B of this regulation.

B. A student believing that the receiving institution has denied the student transfer credits in violation of this chapter may initiate an appeal by contacting the receiving institution's Transfer Coordinator or other responsible official of the receiving institution within 20 working days of receiving notice of the denial of credit.

C. Response by Receiving Institution

(1) A receiving institution shall
(a) establish expeditious and simplified procedures governing the appeal of a denial of transfer of credit and
(b) respond to a student's appeal within 10 working days.

(2) An institution may either grant or deny an appeal. The institution's reasons for denying the appeal shall be consistent with this chapter and conveyed to the student in written form.

(3) Unless a student appeals to the sending institution, the writing decision in §C(2) of this regulation constitutes the receiving institution's final decision and is not subject to appeal.

D. Appeal to Sending Institution.

(1) If a student has been denied transfer credit after an appeal to the receiving institution, the student may request the sending institution to intercede on the student's behalf by contacting the transfer coordinator of the sending institution.

(2) A student shall make an appeal to the sending institution within 10 working days of having received the decision of the receiving institution.

E. Consultation Between Sending and Receiving Institutions.

(1) Representatives of the two institutions shall have 15 working days to resolve the issues involved in an appeal.

(2) As a result of a consultation in this section, the receiving institution may affirm, modify, or reverse its earlier decision.

(3) The receiving institution shall inform a student in writing of the result of the consultation

(4) The decision arising out of a consultation constitutes the final decision of the receiving institution and is not subject to appeal.

.10 Periodic Review.

A. Report by Receiving Institution.

(1) A receiving institution shall report annually the progress of students who transfer from two-year and four-year institutions within the State to each community college and to the Secretary of the Maryland Higher Education Commission.

(2) An annual report shall include ongoing reports on the subsequent academic success of enrolled transfer students, including graduation rates, by major subject areas.

(3) A receiving institution shall include in the reports comparable information on the progress of native students.

B. Transfer Coordinator. A public institution of higher education shall designate a transfer coordinator, who serves as a resource person to transfer students at either the sending or receiving campus. The transfer coordinator is responsible for overseeing the application of the policies and procedures outlined in this chapter and interpreting transfer policies to the individual student and to the institution.

C. The Maryland Higher Education Commission shall establish a permanent Student Transfer Advisory Committee that meets regularly to review transfer issues and recommend policy changes as needed. The Student Transfer Advisory Committee shall address issues of interpretation and implementation of this chapter.

Administrative History
Effective date: December 4, 1995 (22:24 Md. R. 1901)
Regulations .02, .03, and .05 amended. Effective date: July 1, 1996 (23:13 Md. R. 946)

Appendix O: Code of Academic Integrity

Amended Effective Fall 2002,
Spring 2005

Introduction

The University is an academic community. Its fundamental purpose is the pursuit of knowledge. Like all other communities, the University can function properly only if its members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty. Accordingly, the *Code of Academic Integrity* is designed to ensure that the principle of academic honesty is upheld. While all members of the University share this responsibility, the *Code of Academic Integrity* is designed so that special responsibility for upholding the principle of academic honesty lies with the students.

Definitions

1. ACADEMIC DISHONESTY: any of the following acts, when committed by a student, shall constitute academic dishonesty:
(a) CHEATING: intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise.
(b) FABRICATION: intentional and unauthorized falsification or invention of any information or citation in an academic exercise.
(c) FACILITATING ACADEMIC DISHONESTY: intentionally or knowingly helping or attempting to help another to violate any provision of this *Code*.
(d) PLAGIARISM: intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise.

Responsibility to Report Academic Dishonesty

2. Academic dishonesty is a corrosive force in the academic life of a university. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, a responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of academic dishonesty is not a neutral act. Histories of institutions demonstrate that a laissez-faire response will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for academic dishonesty are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by students and faculty alike.

All members of the University community–students, faculty, and staff–share the responsibility and authority to challenge and make known acts of apparent academic dishonesty.

Honor Statement

3. Letters informing both graduate and undergraduate students of their acceptance at the University, as well as appointment letters for members of the faculty, shall contain a short statement concerning the role of the Student Honor Council, as well as the obligation of all members of the University of Maryland, College Park community to promote the highest standards of academic integrity.

Honor Pledge

4. On every examination, paper or other academic exercise not specifically exempted by the instructor, the student shall write by hand and sign the following pledge:

I pledge on my honor that I have not given or received any unauthorized assistance on this examination.

Failure to sign the pledge is not an honors offense, but neither is it a defense in case of violation of this *Code*. Students who do not sign the pledge will be given the opportunity to do so. Refusal to sign must be explained to the instructor. Signing or non-signing of the pledge will not be considered in grading or judicial procedures. Material submitted electronically should contain the pledge, submission implies signing the pledge.

5. On examinations, no assistance is authorized unless given by or expressly allowed by the instructor. On other assignments, the pledge means that the assignment has been done without academic dishonesty, as defined above.
6. The pledge is a reminder that at the University of Maryland students carry primary responsibility for academic integrity because the meaningfulness of their degrees depends on it. Faculty is urged to emphasize the importance of academic honesty and of the pledge as its symbol. Reference on syllabuses to the pledge and to this *Code*, including where it can be found on the Internet and in the Undergraduate Catalog, is encouraged.

Self-Referral

7. Students who commit acts of academic dishonesty may demonstrate their renewed commitment to academic integrity by reporting themselves in writing to the Chair of the Honor Council. Students may not exercise the self-referral option more than once during their enrollment at the University.
8. If an investigation by the Honor Council Executive Committee or designee reveals that no member of the University had a suspicion of a self-referring student's act of academic dishonesty, then the student will not be charged with academic dishonesty, or left with a disciplinary record. Instead, the Student Honor Council will notify the Dean or a designee and the faculty member where the incident occurred. The Dean or designee shall then convene a conference between the student and the faculty member. The purpose of this conference will be to ensure that the self-referral provisions of this *Code* are followed, not to levy a sanction, or to create a disciplinary record. The Dean will notify the Student Honor Council in writing of the outcome of the conference.[1]
9. In all cases where a student self-referral is accepted, the student will be required to successfully complete the non-credit integrity seminar offered by the Student Honor Council. Also, the student will have any grade for the academic exercise in question reduced one letter grade, or to an "F" or a zero, in the discretion of the faculty member involved.
10. If the Honor Council Executive Committee or designee determines that a suspicion of academic dishonesty existed at the time the student admitted the act, then the matter will be resolved in accordance with the procedures specified in this *Code* for resolving academic dishonesty allegations. The student's admission may be considered a mitigating circumstance for purposes of sanctioning.

Procedures: Reporting and Informal Resolution

11. Any member of the University community who has witnessed an apparent act of academic dishonesty, or has information that reasonably leads to the conclusion that such an act has occurred or has been attempted, has the responsibility to inform the Honor Council promptly in writing.
12. If the Honor Council determines that a report of academic dishonesty is supported by reasonable cause[2], the case shall be referred to the Dean of the College where the incident occurred.[3] The Dean or designee, (who must not be the referring faculty member), will inform the accused student in writing of the charges, and shall offer him/her an opportunity for an informal meeting to review the case.[4] The faculty of the course may be included in the meeting. The Dean or designee shall also provide the accused student with a copy of this *Code*, and a statement of procedural rights approved by the Honor Council[5], which shall include the right of the student to request the presence of a member of the Honor Council at the informal meeting.
13. If the accused student has no prior record of academic dishonesty or serious disciplinary misconduct[6], the Dean or designee and the student may reach an agreement concerning how the case should be resolved. The standard "XF" grade penalty will normally be imposed if it is agreed by the student that he/she committed an act of academic dishonesty. Any other sanction agreed upon by the student and the Dean or designee will constitute a recommendation to the Honor Council, and must be supported by a written statement signed by the student and the dean or designee. The written statement will be reviewed by the Honor Council[7], which shall inform both the student and the Dean or designee of the sanction imposed.

Procedures: Resolution by an Honor Review

14. Cases not resolved in accordance with Part 10 of this *Code* shall result in an Honor Review.[8] An Honor Review is conducted by an Honor Board. The Board is convened by the Student Honor Council. It will normally consist of six persons, five of whom will be voting members. Determinations of the Honor Board will be by a majority vote (three votes or more). Honor Boards are selected as follows:
    (a) Three students selected by the Student Honor Council from among its members. In the event the student accused of academic dishonesty is a graduate student, then at least two of the student members shall be graduate students.
    (b) Two faculty members selected in accordance with procedures established by the Vice President for Academic Affairs. In the event the student accused of academic dishonesty is a graduate student, then at least one of the persons selected shall be a regular member of the graduate faculty.
    (c) The Honor Board shall have one non-voting member, who shall serve as the Presiding Officer. The Presiding Officer may be a student, faculty, or staff member of the University. The Presiding Officer will be selected by the Director of Student Conduct.
15. If the Vice President for Academic Affairs determines that the Student Honor Council or an Honor Board cannot be convened within a reasonable period of time after an accusation is made, the Vice President or a designee may review the case. If there is reasonable cause to believe that an act of academic dishonesty has occurred or has been attempted, the Vice President or designee will convene an ad hoc Honor Board by selecting and appointing two students and one faculty/staff member. Whenever possible, student members of ad hoc Honor Boards shall be members of the Student Honor Council. A non-voting presiding officer shall be appointed by the Director of Student Conduct.
16. The Campus Advocate or a designee shall serve as the Complainant at an Honor Review. The principal responsibilities of the Complainant are:
    (a) To prepare a formal charge of academic dishonesty, and deliver it to the student and the Honor Board. The student will be deemed to have received such notice on the date of personal delivery, or if certified mail is used, on the date of delivery at the most recent address provided to the University by the student;
    (b) To present the evidence and analysis upon which the charge is based to the Honor Board during the Honor Review;
    (c) To perform such other duties as may be requested by the Student Honor Council or the Honor Board.
17. The charge of academic dishonesty serves to give a student a reasonable understanding of the act and circumstances to be considered by the Honor Board, thereby placing the student in a position to contribute in a meaningful way to the inquiry. It also serves to provide initial focus to that inquiry. It is not, however, a technical or legal document, and is not analogous to an indictment or other form of process. The charge may be modified as the discussion proceeds, as long as the accused student is accorded a reasonable opportunity to prepare a response.
18. The purpose of an Honor Review is to explore and investigate the incident giving rise to the appearance of academic dishonesty, and to reach an informed conclusion as to whether or not academic dishonesty occurred. In keeping with the ultimate premise and justification of academic life, the duty of all persons at an Honor Review is to assist in a thorough and honest exposition of all related facts.

The basic tenets of scholarship–full and willing disclosure, accuracy of statement, and intellectual integrity in hypothesis, in argument and in conclusion–must always take precedence over the temptation to gain a particular resolution of the case. An Honor Review is not in the character of a criminal or civil legal proceeding. It is not modeled on these adversarial systems; nor does it serve the same social functions. It is not a court or tribunal. Rather, it is an academic process unique to the community of scholars that comprise a university.

19. The role of the Presiding Officer is to exercise impartial control over the Honor Review in order to achieve an equitable, orderly, timely and efficient process. The Presiding Officer is authorized to make all decisions and rulings as are necessary and proper to achieve that end, including such decisions and rulings as pertain to scheduling and to the admissibility of evidence. If in the judgment of the Presiding Officer there is reasonable cause to question the impartiality of a board member, the Presiding Officer will so inform the Honor Council, which will reconstitute the board.
20. The Presiding Officer or designee will select the date, time and place for the Honor Review, and notify the student in writing a minimum of ten (10) days prior to the review.
21. The sequence of an Honor Review is necessarily controlled by the nature of the incident to be investigated and the character of the information to be examined. It thus lies within the judgment of the Presiding Officer to fashion the most reasonable approach. The following steps, however, have been found to be efficient, and are generally recommended:
    (a) Complainant, and then the student or the student's advocate, summarize the matter before the Honor Board, including any relevant information or arguments.
    (b) The Complainant, and then the student, present and question persons having knowledge of the incident, and offer documents or other materials bearing on the case. The Complainant, the student and all members of the Honor Board may question any person giving testimony.
    (c) The members of the Honor Board may ask the Complainant or the student any relevant questions. The members may also request any additional material or the appearance of other persons they deem appropriate.

(d) The Complainant, and then the student or the student's advocate, may make brief closing statements.
(e) The Honor Board meets privately to discuss the case, and reaches a finding by a majority vote.
(f) The Honor Board will not conclude that a student has attempted or engaged in an act of academic dishonesty unless, after considering all the information before it, a majority of members believe that such a conclusion is supported by clear and convincing evidence. If this is not the case, the Honor Board will dismiss the charge of academic dishonesty.
(g) If the Honor Board finds the student has engaged in an act of academic dishonesty, both the Complainant and the student or the student's advocate, may recommend an appropriate sanction. Pertinent documents and other material may be offered. The Honor Board then meets privately to reach a decision, which must be by a majority vote of its members.
(h) The Presiding Officer will provide the Complainant and the student with a written report of the Honor Board's determination.

22. Role of Advocate and Advisor:
(a) The accused student may be assisted by an advocate, who must be a registered, degree-seeking student at the University. The role of the advocate will be limited to:
I. Making brief opening and closing statements, as well as comments on appropriate sanction.
II. Suggesting relevant questions which the Presiding Officer may direct to witness.
III Providing confidential advice to the student.
(b) The accused student may also be accompanied by an advisor, who may be an attorney. The role of the advisor during an Honor Review will be limited to providing confidential advice only to the accused student, not the advocate, provided such advice is given without interfering with or disrupting the Honor Review. Even if accompanied by an advocate and/or an advisor, the student must take an active and constructive role in the Honor Review. In particular, the student must fully cooperate with the Honor Board and respond to its inquiries without undue intrusion by an advocate or advisor. In consideration of the limited role of advocates and advisors, and of the compelling interest of the University to expeditiously conclude the matter, the work of an Honor Board will not, as a general practice, be delayed due to the unavailability of an advocate or an advisor.
(c) Honor Reviews may be tape recorded or transcribed. If a recording or transcription is not made, the decision of the honor board must include a summary of the testimony and shall be sufficiently detailed to permit review on appeal.
(d) Presence at an Honor Review lies within the judgment of the Presiding Officer. An Honor Review is a confidential investigation. It requires a deliberative and candid atmosphere, free from distraction. Accordingly, it is not open to the public or other "interested" persons. However, at the student's request, the Presiding Officer will permit a student's parents or spouse to observe and may permit a limited number of additional observers. The Presiding Officer may remove from the Honor Review any person who disrupts or impedes the investigation, or who fails to adhere to the rulings of the Presiding Officer. The Presiding Officer may direct that persons, other than the accused student or the Complainant, who are to be called upon to provide information, be excluded from the Honor Review except for that purpose. The members of the Honor Board may conduct private deliberations at such times and places as they deem proper.
(e) It is the responsibility of the person desiring the presence of a witness before an Honor Board to ensure that the witness appears. If necessary, a subpoena may be requested, in accordance with Part 34 (b) of the *Code of Student Conduct*.[9] Because experience has demonstrated that the actual appearance of an individual is of greater value than a written statement, the latter is discouraged and should not be used unless the individual cannot or reasonably should not be expected to appear. Any written statement must be dated, signed by the person making it, and witnessed by a University employee or by a person approved by the Director of Student Conduct (e.g., a notary). The work of an Honor Board will not, as a general practice, be delayed due to the unavailability of a witness.
(f) An Honor Review is not a trial. Formal rules of evidence commonly associated with a civil or criminal trial may be counterproductive in an academic investigatory proceeding, and shall not be applied. The Presiding Officer will accept for consideration all matters which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious, irrelevant, or personally abusive material should be excluded.

23. If the Honor Board finds that an attempt or act of academic dishonesty did occur, it shall impose an appropriate sanction. The normal sanction for an undergraduate student shall be a grad of "XF" in the course. The normal sanction for a graduate student shall be dismissal (suspension or expulsion) from the University. The Honor Board may improve a lesser or more severe sanction. Generally, acts involving advance planning, falsification of papers, conspiring with others, or some actual or potential harm to other students will merit a severe sanction, i.e. suspension or expulsion, even for a first offense. An attempt to commit an act shall be punished to the same extent as the consummated act.

Appeals

24. In cases where an Honor Board has determined the appropriate sanction to be less than suspension or expulsion, both the finding of responsibility and the sanction(s) of an Honor Board will be final, unless, within 15 business days after the Board's written decision is sent to the student, and the Dean of the college where the incident occurred, the student or the Dean or designee notifies the Honor Council in writing of the intention of filing an appeal. The student may appeal both the findings and the penalty. The Dean or designee may appeal the penalty only.

A written brief supporting any appeal must be submitted in writing to the Student Honor Council Executive Committee within an additional ten business days. The Executive Committee or designee will provide the opposing party a reasonable opportunity to make a written response.

25. Any member of the Executive Committee who has taken part in an Honor Review that is the subject of an appeal is not eligible to hear the appeal. Substitute Executive Committee members may be selected from experienced Honor Council members, appointed in accordance with Honor Council bylaws.

26 Decisions of the Executive Committee will be by majority vote, based upon the record of the original proceeding and upon written briefs. De novo hearings shall not be conducted.

27. Deference shall be given by the Executive Committee to the determinations of Honor Boards.
(a) Sanctions may only be reduced if found to be grossly disproportionate to the offense. Likewise, upon an appeal by a Dean or designee, sanctions may be increased only if the original sanction is deemed to be grossly disproportionate to the offense.
(b) Cases may be remanded to a new Honor Board if specified procedural errors or errors in interpretation of this *Code* were so substantial as to effectively deny the accused student a fair hearing, or if new and significant evidence became available that could not have been discovered by a diligent respondent before or during the original Honor Board hearing. On remand, no indication or record of the previous hearing will be introduced or provided to the members of the new Honor Board, except to impeach contradictory testimony, at the discretion of the presiding officer.
(c) Cases may be dismissed only if the finding is held to be arbitrary and capricious.

28. If an Honor Board determines to suspend or expel a student, then the student may submit a written appeal to the Senate Committee on Student Conduct, in accordance with procedures set forth in Parts 43-48 of the *Code of Student Conduct*.

29. Regardless of whether an appeal is filed, suspension requires approval by the Vice President for Student Affairs, and may be altered, deferred, or withheld. Expulsion requires approval by the President, and may be altered, deferred, or withheld.

The Grade of "XF"

30. The grade of "XF" is intended to denote a failure to accept and exhibit the fundamental value of academic honesty. The grade "XF" shall be recorded on the student's transcript with the notation "failure due to academic dishonesty". The grade "XF" shall be treated in the same way as an "F" for the purposes of grade point average, course repeatability, and determination of academic standing.

31. No student with an "XF" on the student's transcript shall be permitted to represent the University in any extracurricular activity, or run for or hold office in any student organization which is allowed to use University facilities, or which receives University funds.

32. The student may file a written petition to the Student Honor Council to have the grade of "XF" removed and permanently replaced with the grade of "F". The decision to remove the grade of "XF" and replace it with an "F" shall rest in the discretion and judgment of a majority of a quorum of the Council provided that:
(a) At the time the petition is received, at least twelve months shall have elapsed since the grade of "XF" was imposed; and,
(b) At the time the petition is received, the student shall have successfully completed a non-credit seminar on academic integrity, as administered by the Office of Student Conduct; or, for the person no longer enrolled at the University, an equivalent activity as determined by the Office of Student Conduct; and,
(c) The Office of Student Conduct certifies that to the best of its knowledge the student has not been found responsible for any other act of academic dishonesty or similar disciplinary offense at the University of Maryland or another institution.

33. Prior to deciding a petition, the Honor Council will review the record of the case and consult with the Director of Student Conduct. Generally, the grade of "XF" ought not to be removed if awarded for an act of academic dishonesty requiring significant premeditation. If the "XF" grade is removed, records of the incident may be voided in accordance with Parts 50 and 51 of the *Code of Student Conduct*. The decision of the Honor Council shall not be subject to subsequent Honor Council review for four years, unless the Honor Council specifies an earlier date on which the petition may be reconsidered. Honor Council determinations pertaining to the removal of the "XF" grade penalty may be appealed to the Vice President for Academic Affairs. If the Vice President removes the grade of "XF" from the student's transcript, the Vice President shall provide written reasons to the Honor Council.

The Student Honor Council

34. There shall be a Student Honor Council. The Honor Council is composed of qualified graduate and undergraduate students in good academic standing, normally appointed in the Spring for the following academic year, and who may each be reappointed for additional one year terms.[10]

35. The members of the Honor Council are appointed by a committee consisting of the Vice President for Academic Affairs, the Vice President for Student Affairs, the Chair of the Graduate Student Association, the President of the Student Government Association, and the Chair of the Honor Council.

36. All council members are subject to the training and conduct requirements of Parts 26 and 27 of the *Code of Student Conduct*.

37. The Student Honor Council has the following responsibilities and authority:
    (a) To increase awareness throughout the campus of the importance of academic integrity.
    (b) To develop bylaws subject to approval by the University for legal sufficiency and consistency with the requirements of this *Code of Academic Integrity*, and the *Code of Student Conduct*.
    (c) To designate from its members students to serve as members of Honor Boards as specified in this *Code*.
    (d) To consider petitions for the removal of the grade of "XF" from University records in accordance with Part 29 of this *Code*.
    (e) To receive complaints or reports of academic dishonesty from any source.
    (f) To assist in the design and teaching of the non-credit seminar on academic integrity and moral development, as determined by the Director of Student Conduct.
    (g) To advise and consult with faculty and administrative officers on matters pertaining to academic integrity at the University.
    (h) To issue an annual report to the Campus Senate on academic integrity standards, policies, and procedures, including recommendations for appropriate changes.

38. The campus administration shall provide an appropriate facility, reserved for the primary use of the Honor Council, and suitable for the conduct of hearings. Clerical and secretarial assistance will also be provided..

Future Self Governance

39. Insofar as academic dishonesty is most immediately injurious to the student body, and because the student body is in a unique position to challenge and deter it, it is the intent of the University that ultimately this *Code* will evolve into one where the provisions are marked by complete student administration.

Terms

AD HOC HONOR BOARD–board consisting of two students and one faculty member appointed by the Vice President for Academic Affairs, and a Presiding Officer appointed by the Director of Student Conduct.
ACADEMIC DISHONESTY–see Part 1 of this *Code*.
CHARGE OF ACADEMIC DISHONESTY—a formal description of the case being considered by the Honor Board.
CLEAR AND CONVINCING EVIDENCE–that evidence which results in reasonable certainty of the truth of the ultimate fact in controversy. It requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt. Clear and convincing evidence will be shown where the truth of the facts asserted is highly probable.
EXECUTIVE COMMITTEE–a committee of Honor Council officers, selected in accordance with Honor Council bylaws.
HONOR BOARD–body appointed by the Student Honor Council to hear and resolve a case of academic dishonesty. The board consists of five voting members (three student members of the Honor Council and two faculty members).
HONOR REVIEW–the process leading to resolution of an academic dishonesty case.
COMPLAINANT–officer responsible for preparing the charge of academic dishonesty and presenting the case before the Honor Board. The Complainant must be a registered, degree-seeking student.
PRESIDING OFFICER–individual on the Honor Board responsible for directing proceedings during the Honor Review. The presiding officer is a non-voting member of the Honor Board selected by the Director of Student Conduct.
STUDENT HONOR COUNCIL–students appointed by the Vice Presidents for Academic and Student Affairs, as well as by the President of the Student Government Association, the Chair of the Graduate Student Association, and the Chair of the Honor Council.

Footnotes

{1} The Dean's notice shall be maintained in a file of self-referrals, but shall not be considered a disciplinary record.
{2} Pertinent procedures for determining reasonable cause shall be set forth in the Honor Council bylaws.
{3} Cases involving graduate students should be reported to the Dean of the Graduate School.
{4} It is recommended that the meeting be held within ten business days after receipt of the Honor Council report by the Dean.
{5} The statement shall include a reference to the right to be represented by an advocate, as specified in Part 18(a) of this *Code*.
{6} In every case the Dean or designee shall check with the Office of Student Conduct to determine if a prior record exists.
{7} The term "Honor Council," used throughout the *Code*, permits reliance upon Honor Council committees, appointed in accordance with Council bylaws.
{8} Statements made by the parties in informal settlement discussions shall not be considered by the Honor Council. However, a student who provides false information to the Dean or designee or the Honor Council may be charged with a violation of the University *Code of Student Conduct*.
{9} Before issuing a subpoena, the Director of Student Conduct may require that a party requesting the subpoena make a reasonable effort to secure voluntary compliance by a potential witness.
{10} The screening committee shall try to create a broadly based Honor Council that reflects the diversity of the campus, and is of sufficient size to resolve cases as promptly as possible.

The determination whether an Honor Council applicant is "qualified" rests within the discretion of the selection committee, provided that no uniform grade point "cutoff" is applied. A history of disciplinary or felonious misconduct may be sufficient grounds to disqualify any candidate.