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**OFFERS OF APPOINTMENT/APPOINTMENT AGREEMENT**

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## **5 OFFERS OF APPOINTMENT AND APPOINTMENT AGREEMENT**

### **5.1 UNIVERSITY SYSTEM POLICY ON APPOINTMENT, RANK, AND TENURE OF FACULTY**

(Sections I.B and I.C, excerpted from [Board of Regents Policies and Procedures II-1.00 - University System Policy on Appointment, Rank, and Tenure of Faculty](#); Approved by the Board of Regents April 5, 1989; Amended November 12, 1993; Amended October 6, 1995; Amended April 4, 1997; Amended July 11, 1997; Amended July 10, 1998; Amended December 4, 1998; Amended April 7, 2000; Amended October 27, 2000; Amended December 8, 2000; Technical Amendment September 2002; Amended February 21, 2003; Amended October 22, 2004; Amended June 22, 2005; Amended June 20, 2008)

#### **B. OFFERS OF APPOINTMENT**

1. A final offer of appointment can be made only with the approval of the chief executive officer of the institution, or designee.
2. All faculty appointments shall be made to a designated rank and shall be effective on a specific date. Each institution shall develop a standard contract or letter of appointment for each rank and tenure status, which shall be approved by the Office of the Attorney General for form and legal sufficiency. Each institution shall also develop a faculty handbook which shall include system-wide policies and procedures approved by the Board of Regents and institutional policies and procedures approved by the chief executive officer of the institution that set forth faculty rights and responsibilities. The contract or letter of appointment shall constitute a contractually binding agreement between the institution and the appointee.

#### **C. PROVISIONS RELATED TO APPOINTMENTS, PROMOTION, TENURE, AND PERMANENT STATUS**

The following provisions are to be furnished to all new faculty at time of initial appointment.

1. Adjustments in salary or advancement in rank may be made under these policies, and, except where a definite termination date is a condition of appointment, the conditions pertaining to the rank as modified shall become effective as of the date of the modification.
2. Appointments to the rank of full-time Instructor are for a term not to extend beyond the end of the fiscal year during which the appointment becomes effective. An appointment to the rank of full-time Instructor will be renewed automatically for the second year and succeeding years unless the appointee is notified in writing to the contrary by March 1 during the first year of service and by December 15 during the second year and succeeding years of service.

Except where tenure has been granted pursuant to this paragraph, appointments to the rank of Instructor are for a term not to extend beyond the

end of the fiscal year during which the appointment becomes effective. An appointment to the rank of full-time Instructor will be renewed automatically for a second year and succeeding years unless the appointee is notified in writing to the contrary by March 1 during the first year of service and by December 15 during the second year and succeeding years of service. A full-time Instructor may receive, during an appointment year, a formal review for tenure as Instructor. An Instructor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service commencing on or after July 1, 1990, shall receive during that sixth year a formal review for tenure as Instructor. The appointee reviewed for tenure shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision either to grant or deny tenure. A full-time appointee who has completed six consecutive years of service at the institution as an Instructor, and who has been notified that tenure has been denied, shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for tenure. An Instructor with or without tenure may be promoted to Assistant Professor. If an Instructor without tenure is appointed as an Assistant Professor, the provisions of I.C.3 and I.C.4 apply to the appointment, except that the appointee's review for tenure must occur no later than the sixth year of continuous full-time employment, commencing on or after July 1, 1990, in the ranks of Instructor and Assistant Professor. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review. Such appointments may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11.

3. Subject to any special conditions specified in the letter of appointment, full-time appointments to the rank of Assistant Professor shall be for an initial term of one to three years. The first year of the initial appointment shall be a probationary year, and the appointment may be terminated at the end of that fiscal year if the appointee is so notified by March 1. In the event that the initial appointment is for two years, the appointment may be terminated if the appointee is so notified by December 15 of the second year. After the second year of the initial appointment, the appointee shall be given one full year's notice if it is the intention of the institution not to renew the appointment. If the appointee does not receive timely notification of non-renewal, the initial appointment shall be extended for one additional year. An initial appointment may be renewed for an additional one, two, or three years. Except as set forth in Paragraph 4 below, an appointment to any term beyond the initial appointment shall terminate at the conclusion of that additional term unless the appointee is notified in writing that it is to be renewed for another term allowable under University System policies, or the appointee is granted tenure. Such appointments may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11.
4. An Assistant Professor whose appointment is extended to a full six years shall receive, no later than the sixth year, a formal review for tenure. The appointee shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision to grant or deny tenure. Notwithstanding anything in Paragraph 3 to the contrary, a full-time

appointee who has completed six consecutive years of service at the institution as an Assistant Professor, and who has been notified that tenure has been denied, shall be granted an additional and terminal one-year appointment in that rank, but, barring exceptional circumstances, shall receive no further consideration for tenure.

5. Full-time appointments or promotions to the rank of Associate Professor or Professor require the written approval of the chief executive officer of the institution. Promotions to the rank of Associate Professor or Professor carry immediate tenure. New full-time appointments to the rank of Associate Professor or Professor may carry immediate tenure. Otherwise, such appointments shall be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and shall terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. An Associate Professor or Professor who is appointed without tenure shall receive a formal review for tenure. If the appointment is for an initial period of one year, then the formal review must be completed, and notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If the appointment is for more than two years, then the formal review must be completed, and notice must be given that tenure has been granted or denied, by no later than one year prior to the expiration of the appointment. Appointments carrying tenure may be terminated at any time as described under Paragraphs I.C.6 through I.C.11.
6. A term of service may be terminated by the appointee by resignation, but it is expressly agreed that no resignation shall become effective until the termination of the appointment period in which the resignation is offered except by mutual agreement between the appointee and the chief executive officer of the institution or designee.
7. (a) The chief executive officer of the institution may terminate the appointment of a tenured or tenure-track appointee for moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty, provided that the charges be stated in writing, that the appointee be furnished a copy thereof, and that the appointee be given an opportunity prior to such termination to request a hearing by an impartial hearing officer appointed by the chief executive officer or a faculty board of review as provided for by the relevant institutional policy body. With the consent of the chief executive officer, the appointee may elect a hearing by the chief executive officer rather than by a hearing officer or a faculty board of review. Upon receipt of notice of termination, the appointee shall have thirty calendar days to request a hearing. The hearing shall be held no sooner than thirty calendar days after receipt of such a request. The date of the hearing shall be set by mutual agreement of the appointee and the hearing officer or faculty board

of review. If the chief executive officer appoints a hearing officer or a faculty board of review is appointed, the hearing officer or board shall make a recommendation to the chief executive officer for action to be taken. The recommendation shall be based only on the evidence of record in the proceeding. Either party to the hearing may request an opportunity for oral argument before the chief executive officer prior to action on the recommendation. If the chief executive officer does not accept the recommendation of the hearing officer or board of review, the reasons shall be communicated promptly in writing to the appointee and the hearing officer or board. In the event that the chief executive officer elects to terminate the appointment, the appointee may appeal to the Board of Regents, which shall render a final decision.

- (b) Under exceptional circumstances and following consultation with the chair of the faculty board of review or appropriate faculty committee, the chief executive officer may direct that the appointee be relieved of some or all of his or her institutional duties, without loss of compensation and without prejudice, pending a final decision in the termination proceedings. (In case of emergency involving threat to life, the chief executive officer may act to suspend temporarily prior to consultation.)
  - (c) The appointee may elect to be represented by counsel of his or her choice throughout termination proceedings.
8. If an appointment is terminated in the manner prescribed in Paragraph 7 the chief executive officer of the institution may, at his or her discretion, relieve the appointee of assigned duties immediately or allow the appointee to continue in the position for a specified period of time. The appointee's compensation shall continue for a period of one year commencing on the date on which the appointee receives notice of termination. A faculty member whose appointment is terminated for cause involving moral turpitude or professional or scholarly misconduct shall receive no notice or further compensation beyond the date of final action by the chief executive officer or the Board of Regents.
9. The institution may terminate any appointment because of the discontinuance of the department, program, school or unit in which the appointment was made; or because of the lack of appropriations or other funds with which to support the appointment. Such decisions must be made in accordance with standards and procedures set forth in written institutional policies. The chief executive officer of the institution shall give a full-time appointee holding tenure notice of such termination at least one year before the date on which the appointment is terminated.
10. Notwithstanding any other provisions to the contrary, the appointment of any non-tenured faculty member 50% or more of whose compensation is derived from research contracts, service contracts, gifts or grants, shall be subject to

termination upon expiration of the research funds, service contract income, gifts or grants from which the compensation is payable.

11. Appointments shall terminate upon the death of the appointee. Upon termination for this cause the institution shall pay to the estate of the appointee all of the accumulated and unpaid earnings of the appointee plus compensation for accumulated unused annual leave.
12. Appointments to all other ranks not specifically mentioned in II.A.1 and all part-time appointments are for terms not to extend beyond the end of the fiscal year unless otherwise stipulated in the letter of appointment. Faculty appointed to ranks not specifically mentioned in II.A.1 on a full-time basis for a term not less than one academic year shall receive notice of non-renewal of contract based upon their length of continuous full-time service in such ranks. If such service is less than seven years, at least 90 days notice is required. If such service equals or exceeds seven years, at least six months notice is required. If the required notice is not provided prior to the termination of the then-current contract, this condition may be remedied by extending the contract by the number of days necessary to meet the notice requirement.
13. If in the judgment of the appointee's department chair or supervisor a deficiency in the appointee's professional conduct or performance exists that does not warrant dismissal or suspension, a moderate sanction such as a formal warning or censure may be imposed, provided that the appointee is first afforded an opportunity to contest the action through the established faculty grievance procedure.
14. Unless the appointee agrees otherwise, any changes that are hereafter made in paragraphs I.C.1-I.C.13 will be applied only to subsequent appointments.
15. Compensation for appointments under these policies is subject to modification in the event of reduction in State appropriations or in other income from which compensation may be paid.
16. The appointee shall be subject to all applicable policies and procedures duly adopted or amended from time to time by the institution or the University System, including but not limited to, policies and procedures regarding annual leave; sick leave; sabbatical leave; leave of absence; outside employment; patents and copyrights; scholarly and professional misconduct; retirement; reduction, consolidation, or discontinuation of programs; and criteria on teaching, scholarship and service.

## 5.2 UNIVERSITY SYSTEM POLICY ON FACULTY APPOINTMENT LETTERS OR CONTRACTS

([Board of Regents Policies and Procedures II-1.22](#); Approved by the Board of Regents July 7, 2000)

1. The terms and conditions of every faculty appointment shall be stated in a written letter or contract, which shall be signed by and which shall be in the possession of both the institution and the appointee before the appointment is begun.
2. Appointment letters or contracts for full-time faculty shall specify whether the appointee is required to serve for the academic year or the fiscal year. Typically, academic-year faculty appointments shall begin no later than one week before the first day of fall classes and end no earlier than the spring commencement date, and fiscal-year appointments shall begin on July 1 and end on June 30 of the following calendar year. In unusual circumstances, an appointment (academic or fiscal) may begin at other times or may be for only a portion of a year.
3. Each institution shall develop a written policy on summer compensation for full-time faculty members on academic-year appointments. The policy shall be filed with the Office of the Chancellor.

### 5.2.1 UMBC Policy on Faculty Appointment Letters or Contracts

(Approved by the Faculty Senate February 13, 2001; pending final approval by the Office of the Attorney General. Implementation of [Board of Regents Policies and Procedures II-1.22](#) on Faculty Appointment Letters or Contracts, approved by the Board of Regents, July 7, 2000; Section headings and paragraph style adapted to the format of this *Handbook*.)

#### 5.2.1.1 Purpose

Pursuant to the new USM Policy concerning academic appointments, this UMBC policy is adopted to recognize academic year appointments of less than 9.5 months as full time appointments; and to provide terms under which additional compensation from UMBC may be earned by full-time faculty members on nine month academic year appointments.

#### 5.2.1.2 Introduction

The new USM policy permits each institution to specify whether a faculty member is appointed for an academic year or a fiscal year and to specify the beginning and end dates of the appointment. Each institution must also develop a policy on “summer compensation” for full-time faculty on academic year appointments.

UMBC has previously operated with 10 month and 9.5 month academic year appointments. Under this new policy, the standard academic year appointment for all new faculty appointments will be nine (9) months. Additionally, current faculty may opt for a change to the nine month academic year appointment, effective for the 2001-2002 academic year and thereafter.

As used in the USM Policy, the term “summer compensation” means activities engaged in by individual faculty members outside of the normal academic year and for which the faculty members

received compensation paid through UMBC. By long established practice and/or policy, this summer compensation or “additional compensation” as used in this policy, was limited to 26.3% of the academic year salary. Under the flexibility afforded by the new USM policy and in recognition of standard practices by other research universities nationwide, faculty members who opt to convert to a nine month academic year appointment, may now earn 33.3 % of their academic year salary as additional compensation.

By its adoption of this policy, UMBC seeks to encourage appropriate and properly sanctioned additional activities by the faculty that may result in extra compensation earned through UMBC. Such appropriate activities include, but are not necessarily limited to, teaching, research, professional consulting, invention and entrepreneurship, technical or professional innovation, and clinical practice. In recognition of the fact that these activities may not be limited to summer months, this policy addresses the concept of additional compensation in total, not merely compensation earned during the summer. Concurrently, we must observe current policies and monitoring mechanisms to preserve and ensure a balance within the professional commitments of the faculty, including the traditional basics of teaching, research, and service.

#### 5.2.1.3 Full Time Appointment

In accordance with USM Policy, the ordinary and minimum full time faculty appointment shall be not less than nine months, unless unusual circumstances apply as set forth in the USM policy. Beginning with the 2001- 2002 Academic Year, all new, full time faculty academic year appointments shall be for a period of nine months, from August 23 to May 22. The 9.5 month appointment term for new faculty is discontinued.

Any current full time faculty member with an appointment of 9.5 months or greater duration (e.g., academic year appointments of 9.5 or 10 months or 12 month, fiscal year appointments ) may request to change her/his appointment term. The term “Full time faculty member” as used in this policy means full time, tenured and tenure-track professors and other full time faculty members holding appointments as lecturers, instructors or visiting faculty. The procedures to effect this change are described below.

#### 5.2.1.4 Procedures for Requesting a Change in Appointment Term

Any eligible full time faculty member, as specified above, may request to change her/his length of appointment by submitting the request to the Provost. Changes in the length of the appointment term of full time faculty members must be routed through the respective offices of department chair and dean and must be received by the Office of the Provost not later than April 1 of the academic year prior to the academic year for which the change is requested. For example, requests for appointment changes beginning with Academic Year 2001 - 2002, must be routed through the offices of the department chair and Dean and received by the Office of the Provost not later than April 1, 2001.

The requester will receive notification of the approval of the request on or before May 31 via a letter from the Provost modifying the appointment term accordingly. Once the change in appointment term has been made, no reversion back to a 9.5 or 10 month appointment will be allowed.



### 5.2.1.5 Compensation from Additional Activities (Summer and other additional compensation)

The total amount of extra compensation earned through UMBC by an individual faculty member on a full time, nine month academic year appointment, in total, during any year, shall not exceed thirty-three and one-third percent (33.3%) of the faculty member's academic year salary. The time period under which the calculation of total compensation is made (Calculation Period) is the one year period from August 23 of the base year to August 22 of the succeeding year. Compensation in excess of this limit and paid through UMBC must be requested and authorized in advance as overload payments in accordance with the UMBC policy entitled *Overload Compensation from Additional Activities*.<sup>1</sup>

### 5.2.1.6 Limitations on Availability

Availability of additional compensation shall also be subject to prohibitions, limitations and/or restrictions contained in sponsored research agreements, USM or UMBC policies, federal and/or state law, or terms contained in appointment letters or agreements with individual faculty members. For example, National Science Foundation limitation on summer salary may restrict full summer earnings paid under the NSF grant to two months. The 33.3% limit set forth in Paragraph 5 would not entitle the faculty member to the additional month of salary from UMBC or NSF.

The faculty member is responsible for knowing and complying with the limitations and conditions imposed by her/his individual circumstances and for informing the chair of all UMBC-funded activities.

## 5.3 UNIVERSITY SYSTEM OF MARYLAND POLICY ON THE EMPLOYMENT OF FULL-TIME, NON-TENURE TRACK INSTRUCTIONAL FACULTY IN THE UNIVERSITY SYSTEM OF MARYLAND

([Board of Regents Policies and Procedures II-1.05](#); Approved by the Board of Regents October 11, 2002; Technical Amendment August 26, 2004; Amendment to Section V.C.7. proposed for consideration by Committee of the Whole, April 13, 2007; Effective July 1, 2007)

### I. PURPOSE

This policy is designed to govern practices at institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for full-time non-tenure-track (FTNTT) instructional faculty to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for FTNTT faculty in all USM institutions.

### II. APPLICABILITY

This policy applies only to those faculty members of the USM institutions (i) who are employed full-time, (ii) who are neither tenured nor eligible for tenure, and (iii) whose responsibilities are primarily or exclusively in the instructional program.

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<sup>1</sup>This policy was subsequently renamed the "UMBC Policy on Additional Compensation (see [Section 5.2.2](#))

### III. DEFINITION OF “FULL-TIME”

The institutional president or designee shall assure that each department or unit that has instructional faculty adopts a definition of “full-time.” The workload expectation for FTNTT instructional faculty shall be specified on an academic-year basis, not on a semester basis.

### IV. RANKS

Current BOR policy (II-1.00) lists the following approved ranks that may be used for FTNTT instructional faculty. Institutions shall confer on each FTNTT instructional faculty member one of the following ranks, as appropriate and commensurate with credentials and professional experience. (Institutions are not required to use all available ranks.)

Assistant Instructor  
Lecturer  
Senior Lecturer

The University of Maryland University College may also assign ranks in the Collegiate series (See USM Policy II-1.00, Section II.C.6.a.-d.).

### V. POLICY

#### A. Search

1. **Credentials:** Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to FTNTT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.
2. **Search Procedures:** The institutional president or designee shall assure that each department or unit has in place written procedures for selecting faculty. These procedures shall include verification of credentials. Search procedures shall reflect the commitment of the institutions and the University System of Maryland to equal opportunity and affirmative action.

#### B. Hiring

1. **Contracts/Letters of Appointments:** Each FTNTT faculty member shall be provided with a written contract or letter of appointment prior to the beginning of the assignment. The contract or letter shall state that the appointment is full-time and state the academic rank, length of appointment, time of service (9 months, 9.5 months, one year), salary, whether or not the appointment is renewable, nature of the assignment, benefits (see below, Section C.7.), and performance-evaluation policies and procedures.
2. **Information for Faculty:** Upon signing the contract, the FTNTT faculty member shall have access to the institution’s Faculty Handbook, in a written or electronic version.

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3. Term of Employment: Normally, initial contracts shall be for one academic year. Subsequent contracts may be for longer terms, not to exceed three years (five years in the case of UMUC Collegiate faculty). Notice of non-renewal shall be provided in accordance with Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty ([Section 1.C.12](#)).

C. Working Conditions

1. Support for Teaching: The appointing department or unit shall provide each FTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee's duties. Provision should be made for new appointees to attend departmental and institutional orientation sessions. Support shall also include the following:
  - a. information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);
  - b. official schedule of classes, including academic calendar and time frames of class meetings;
  - c. assistance in ordering textbook(s) for the course(s), ancillaries for the text(s), and office supplies;
  - d. copying services for course materials;
  - e. an appropriate place for meeting with students during scheduled office hours, except if instruction is completely technology-mediated;
  - f. an institutional email account along with computer access; and
  - g. telephone access.
2. Professional Development: Professional development opportunities for FTNTT instructional faculty members should be supported to the extent possible. Examples include extending invitations to departmental and institutional faculty development events, arranging mentoring by senior faculty, and providing financial support for attending professional conferences when funds permit.
3. Teaching Assignment: The appointing department or unit shall provide FTNTT faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
4. Performance Evaluation: The institutional president or designee shall assure that each department or unit has in place written procedures for evaluating faculty performance on a regular schedule, as required by Board of Regent's Policy II-1.20. Departments shall evaluate the teaching of FTNTT faculty

members on the same basis used to evaluate the teaching of tenure-track faculty members. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, salary, and any subsequent contract are made.

5. Faculty Participation: FTNTT faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit, and institution. Institutional shared-governance procedures shall include FTNTT faculty.
6. Salaries: Every effort should be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.
7. Benefits: FTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointees shall be provided with access to relevant BOR policies governing the provision of benefits to USM faculty and staff. At a minimum, each institution shall provide each of the following benefits, or its equivalent, to FTNTT instructional faculty:
  - a. Health Benefits. FTNTT instructional faculty who are not on regular faculty lines that provide a state subsidy for health benefits may enroll in the State health benefits program consistent with COMAR 17.04.13.04(B)(2). The institution shall reimburse a faculty member who enrolls in the State health benefits plan for the cost of individual coverage, less the amount of the premiums that would be paid by a faculty member on a regular faculty line to receive comparable health benefits in the State health benefits program.
  - b. Retirement Benefits.
    - (i) Fall 2008 Semester. FTNTT instructional faculty with ten or more consecutive years of full service before the Fall 2008 semester, who are not on regular faculty lines that provide either an employer contribution to or service credit for participation in a State-sponsored retirement or pension plan, shall be entitled to a payment of 7.25% of annual salary in lieu of an employer contribution to or service credit for a State-sponsored retirement or pension plan.
    - (ii) Fall 2009 Semester. FTNTT instructional faculty with six or more consecutive years of service as of or after the Fall 2009 semester, who are not on regular faculty lines that provide either an employer contribution to or service credit for participation in a State-sponsored retirement or pension plan, shall be entitled to a payment of 7.25% of annual salary in lieu of an employer contribution to or service credit for a State-sponsored retirement or pension plan.

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- c. USM Benefits. FTNTT instructional faculty shall be eligible for the benefits listed below, subject to the terms of the policy cited.
- (i) Tuition remission for faculty member (See [USM Policy VII-4.10](#));
  - (ii) Tuition remission for dependents (see [USM Policy VII-4.20](#));
  - (iii) Family and medical leave (see [USM Policy II-2.31](#));
  - (iv) Annual leave (see [USM Policy II-2.40](#));
  - (v) Earned sick leave (see [USM Policy II-2.30](#));
  - (vi) Collegial sick leave (see [USM Policy II-2.30](#));
  - (vii) Personal leave (see [USM Policy II-2.40](#));
  - (viii) Leave for jury service (see [USM Policy II-2.50](#));
  - (ix) Leave without pay (see [USM Policy II-2.20](#)).

Full-time non-tenure-track faculty shall be ineligible for sabbatical leave or for terminal leave, regardless of length of service.

- d. Institutional Benefits. FTNTT instructional faculty shall be eligible for institution-controlled benefits provided to full-time tenured and tenure-track faculty and their spouses and dependent children.
- e. Implementation Procedures. Each institution shall develop procedures for the payment and other aspects of implementation of the above benefits, and each President shall send a letter to the Chancellor affirming that this has occurred before the beginning of the Fall, 2008 semester.
- f. Taxation of Benefits. The taxability of all benefits, and withholding on the amount or value of, benefits provided under this policy shall be determined in accordance with federal and state law.
- g. Definition. For the purposes of this policy:
- 1. "Regular faculty status" means any position that is established as a line item and appears in the personnel detail of an institution's budget.
  - 2. "Consecutive Year of Full Service for "FTNTT instructional faculty"
    - (i) Means teaching a full instructional load, as defined by the institution, for the fall and spring semesters of a given academic year.
    - (ii) A disruption in service due to certain family and serious health conditions as defined by the Policy on Family and Medical Leave for Faculty (Policy II-2.31) shall not be considered a break in the continuous nature of a faculty member's years of full service.

#### 5.4 POLICY ON THE EMPLOYMENT OF SALARIED PART-TIME, NON-TENURE TRACK INSTRUCTIONAL FACULTY IN THE UNIVERSITY SYSTEM OF MARYLAND

([Board of Regents Policies and Procedures II-1.06](#); Approved by the Board of Regents October 11, 2002; Technical Amendment August 26, 2004; Amended December 3, 2010)

##### I. PURPOSE

This policy is designed to govern practices at institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for salaried part-time, non-tenure-track PTNTT instructional faculty to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for PTNTT faculty in all USM institutions.

##### II. APPLICABILITY

- A. Application to Salaried PTNTT Faculty. This policy applies only to faculty members of the USM institutions (i) who are employed on a less than full-time basis, (ii) who are neither tenured nor eligible for tenure, (iii) whose responsibilities are primarily or exclusively in the instructional program, and (iv) who are compensated on a salary basis.
- B. Adjunct Faculty Policies. PTNTT Faculty who are compensated on a per-course basis are “adjunct faculty” under USM policies and are not included in this policy. Adjunct faculty are covered instead by USM Policy II – 1. – Policy On The Employment Of Adjunct Faculty In The University System of Maryland.

##### III. PERCENT OF EFFORT

The percent of effort of PTNTT faculty members shall be based on the definition pursuant to USM Policy II-1.05 and shall be calculated either on a semester or an academic-year basis, depending on the length of the appointment. If the appointment is for an academic year, the calculation shall not be done on a semester basis, even though there may be disparities between semesters in the assigned teaching load.

##### IV. RANKS

Current BOR policy (II-1.00) lists the following approved ranks that may be used for PTNTT instructional faculty. Institutions shall confer on each PTNTT instructional faculty member one of the following ranks, as appropriate and commensurate with credentials and professional experience. (Institutions are not required to use all available ranks.)

- a. Assistant Instructor
- b. Lecturer
- c. Senior Lecturer
- d. Adjunct Assistant Professor
- e. Adjunct Associate Professor
- f. Adjunct Professor

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The University of Maryland University College may also assign ranks in the Collegiate series (See USM Policy II-1.00, Section II.C.6.a.-d.).

V. POLICY

A. Search

1. Credentials. Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to PTNTT instructional faculty ranks. These standards may vary depending on the level of courses to be taught.
2. Search Procedures. The institutional president or designee shall assure that each department or unit has in place written procedures for selecting faculty. These procedures shall include verification of credentials. Search procedures shall reflect the commitment of the institutions and the University System of Maryland to equal opportunity and affirmative action.

B. Hiring

1. Contracts/Letters of Appointment. Each PTNTT faculty member shall be provided with a written contract or letter of appointment prior to the beginning of the assignment. The contract or letter shall state the academic rank, length of appointment, time of service (9 months, 9.5 months, one year), percent of full-time, salary, whether or not the appointment is renewable, nature of the assignment, benefits (if any), and performance-evaluation policies and procedures. In addition, all contracts/letters of offer shall specify what happens if a course is canceled prior to the start of class.
2. Information for Faculty. Upon signing the contract, the PTNTT faculty member shall have access to the institution's Faculty Handbook, in a written or electronic version.
3. Term of Employment. Initial contracts shall be for a period of one semester, but subsequent contracts may be for longer periods not to exceed three years.

C. Working Conditions

1. Support for Teaching. The appointing department or unit shall provide each PTNTT instructional faculty member with the support it determines to be necessary for the execution of the appointee's duties. Provision should be made for new appointees to attend departmental and institutional orientation sessions. Support shall also include the following:
  - a. information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);
  - b. official schedule of classes, including academic calendar and time frames of class meetings;

- c. assistance in ordering textbook(s) for the course(s), ancillaries for the text(s), and office supplies;
  - d. copying services for course materials;
  - e. an appropriate place for meeting with students during scheduled office hours, except if instruction is completely technology-mediated;
  - f. an institutional email account along with computer access; and
  - g. telephone access.
2. Professional Development: Professional development opportunities for PTNTT instructional faculty members should be supported to the extent possible. This may include extending invitations to departmental, institutional, and external faculty development events.
3. Teaching Assignment. The appointing department or unit shall provide PTNTT faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes. Notice of 45 days is suggested.
4. Performance Evaluation. The institutional president or designee shall assure that each department or unit has in place written procedures for evaluating faculty performance on a regular schedule, as required by Board of Regent's Policy II-1.20. Departments shall evaluate the teaching of PTNTT faculty members on the same basis used to evaluate the teaching of tenure-track faculty members. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, salary, and any subsequent contract are made.
5. Faculty Participation. PTNTT faculty members shall be integrated into the scholarly, intellectual, academic, and social life of the department or unit, and institution. Institutional shared-governance procedures shall include PTNTT faculty.
6. Salaries. Every effort should be made to make salaries professionally appropriate and competitive to the extent allowed by available fiscal resources.
7. Benefits. PTNTT instructional faculty contracts and letters of appointment shall include a written statement of benefits available to the appointees. Appointees shall be provided with access to relevant BOR policies governing the provision of those benefits to USM faculty and staff. PTNTT instructional faculty in their fifth semester of appointment at 50% time or more shall be eligible for the benefits listed in sections 7.a. and 7.b., subject to the terms of the policy cited.
  - a. USM Benefits
    - (i) Tuition remission for faculty member (See USM Policy VII-4.10);



- (ii) Tuition remission for dependents (see USM Policy VII-4.20);
- (iii) Family and medical leave (see USM Policy II-2.31);
- (iv) Annual leave (see USM Policy II-2.40);
- (v) Earned sick leave (see USM Policy II-2.30);
- (vi) Collegial sick leave (see USM Policy II-2.30);
- (vii) Personal leave (see USM Policy II-2.40);
- (viii) Leave for jury service (see USM Policy II-2.50);
- (ix) Leave without pay (see USM Policy II-2.20).

Part-time non-tenure-track faculty shall be ineligible for sabbatical leave or for terminal leave, regardless of length of service.

- b. Institutional Benefits: Institution-controlled benefits provided to part-time tenured and tenure-track faculty and their spouses and dependent children.

## 5.5 POLICY ON THE EMPLOYMENT OF ADJUNCT FACULTY IN THE UNIVERSITY SYSTEM OF MARYLAND

([Board of Regents Policies and Procedures II-1.07](#); Approved by the Board of Regents, December 3, 2010)

### I. PURPOSE

This policy is designed to establish baseline standards for the institutions of the University System of Maryland (USM) related to search processes, appointments, contracts, and conditions of employment for adjunct faculty. The goal of the policy is to assure a high quality of instruction by individuals with appropriate credentials and experience and to provide a set of policies that will lead to continuous improvement in the status of adjunct faculty in all USM institutions.

### II. APPLICABILITY

- A. Adjunct Faculty. This policy applies only to adjunct faculty, defined for the purposes of this policy as faculty members of the USM institutions who are:
  - 1. Employed to provide instructional services;
  - 2. Neither tenured nor eligible for tenure; and
  - 3. Appointed to teach specific courses and compensated on a course-by-course basis.
- B. Policies for Salaried Part-Time, Non-Tenure Track Faculty. Part-Time, Non-Tenure Track (PTNTT) faculty who are appointed to salaried positions are not included as “Adjunct Faculty” for the purposes of this policy, and are covered instead by USM Policy II – 1.06 – Policy On The Employment Of Salaried Part-Time, Non-Tenure-Track Instructional Faculty In The University System Of Maryland.

- C. University of Maryland University College Overseas Programs. This policy does not apply to the overseas programs of the University of Maryland University College, which must comply with the Status of Forces Agreements, contractual provisions of the Department of Defense, and local and national employment laws in the nations where programs are located.

### III. CATEGORIES OF ADJUNCT FACULTY

For the purposes of this policy, adjunct faculty shall be designated as one of the following:

- A. “Adjunct Faculty I”: All adjunct faculty, except those faculty members who meet the criteria for designation by an institution as Adjunct Faculty II”;
- B. “Adjunct Faculty II”: Adjunct faculty members who are determined by an institution to have a consistent record of high-quality instruction as follows:
  - 1. Each institution shall grant Adjunct Faculty II status to adjunct faculty members who meet the following criteria:
    - a. After establishing a record of teaching consistently for multiple semesters at a USM institution, according to criteria to be determined by the Chancellor no later than December 31, 2010.<sup>2</sup>
    - b. Supported by a series of high-level performance evaluations over the course of multiple semesters at the institution; and
    - c. Upon written request by the faculty member to the institution.
  - 2. An institution may adopt alternative criteria for the designation of Adjunct Faculty II status, provided that the institution’s requirements are not more restrictive than those listed in paragraph III.B.1, above, of this section.

### IV. ADJUNCT FACULTY POSITION TITLES

In addition to designation of adjunct faculty as Adjunct Faculty I or Adjunct Faculty II, each institution may establish a range of position titles for its adjunct faculty, consistent with the goals of this policy.

### V. RECRUITMENT AND SELECTION OF ADJUNCT FACULTY

- 1. Credentials. Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment as adjunct faculty. These standards may vary depending on the level of courses to be taught.
- 2. Selection Procedures. The institutional president or designee shall assure that each department or unit has in place written procedures for selecting

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<sup>2</sup>The Chancellor has determined that the criteria will be three years of teaching at the institution for more than 12 courses of three credits or more. *Chancellor’s Letter to Presidents of USM Institutions*, February 4, 2011.

adjunct faculty. These procedures shall include verification of credentials, and shall reflect the commitment of the institution and the University System of Maryland to equal opportunity and affirmative action.

VI. PROFESSIONAL DEVELOPMENT AND WORKING CONDITIONS

- A. Support for Teaching. The institution shall provide each adjunct faculty member with the support it determines to be necessary for the execution of the appointee's duties, which may include access through the institution's website or other electronic resources, including the following:
1. Information on the department's policies, requirements, and goals for each course, along with access to examples of past course syllabi (if available);
  2. Official schedule of classes, including academic calendar and time frames of class meetings;
  3. Assistance in the selection of textbook(s) for the course(s) and ancillaries for the text(s), if these are not otherwise selected by an institutional designee;
  4. An institutional email account along with access to on-campus computer facilities; and
  5. For adjunct faculty teaching face-to-face classes on campus:
    - a. Telephone or other voice access, as appropriate;
    - b. Necessary office supplies;
    - c. Copying services for course materials; and
    - d. Appropriate space for meeting with students during scheduled office hours.
- B. Professional Development. Professional development opportunities for adjunct faculty shall be supported to the extent feasible, and may include invitations to departmental, institutional, and external faculty development events.
- C. Performance Evaluation. The institutional president or designee shall assure that each department or unit has in place approved written procedures for evaluating adjunct faculty performance on a regular schedule, as required by Board of Regents' Policy II-1.20.
1. Departments shall evaluate the teaching of adjunct faculty members in a manner that identifies high-level performance, according to institution or departmental standards.
  2. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions about promotion, compensation, and any subsequent appointment are made.

## VII. APPOINTMENT AND ASSIGNMENT

### A. Appointment of Adjunct Faculty Members.

1. Contracts and Letters of Appointment. Each adjunct faculty member, including both Adjunct Faculty I and Adjunct Faculty II, shall be provided a written contract or formal letter of appointment prior to the beginning of the assignment, which includes:
  - a. Position title,
  - b. Contract term,
  - c. Per-course compensation,
  - d. Description of the assignment,
  - e. Institution benefits, if any,
  - f. Performance-evaluation policies and procedures,
  - g. Explanation of the implications of the cancellation of a course before its start date.
  
2. Provisions for Adjunct Faculty II.
  - a. After designation as Adjunct Faculty II at an institution, a faculty member:
    - i. Shall receive a compensation increment of at least 10% of the minimum, annual per-course compensation for adjunct faculty at the institution, consistent with State and USM budget policies.
    - ii. Shall be given priority consideration, to the extent operationally feasible, among adjunct faculty for future teaching assignments in the subjects for which the faculty member has had consistent instructional experience at the institution.
    - iii. May be eligible for longer term appointments that assure the faculty member assignment to a fixed number of classes during the term of the appointment.
  
  - b. The designation of a faculty member as Adjunct Faculty II will not prevent the faculty member from competition for or selection into a position as salaried PTNTT or other faculty.
  
  - c. Each institution has the discretion to:
    - i. Adopt standards and protocols for the periodic evaluation of a faculty member's status as Adjunct Faculty II;
    - ii. Provide additional compensation or other benefits to Adjunct Faculty II;
    - iii. Determine the compensation increment for Adjunct Faculty II based upon the minimum compensation for adjunct faculty in a particular school, department, or other unit; and

- iv. Administer alternative adjunct faculty promotion and compensation systems, provided that they meet or exceed the requirements of this section.
- 3. Teaching Assignments. The appointing department or unit shall provide adjunct faculty with reasonable and adequate notice of projected teaching assignments prior to the start of classes.
  - a. Each institution shall have the goal of providing such notice 45 days before the class start date, to the extent feasible. Nothing in this section shall prevent a department or unit from making an adjunct faculty teaching appointment on short notice based on changed circumstances in class enrollments, the availability of resources, or other factors.
  - b. If the institution cancels a fall or spring semester class to which an adjunct faculty member has been assigned less than 30 days before the class start date, and has been unable to offer the faculty member re-assignment to a comparable class, the institution shall compensate the faculty member 10% of the payment amount specified in the contract or appointment letter for that class.
- B. Notice of Policies and Procedures. Upon signing a contract or otherwise accepting an appointment, the adjunct faculty member will receive access, electronically or in print, to the institution's faculty handbook and institution or University System of Maryland policies, including those policies explaining the benefits for which the faculty member may be eligible.

## VIII. COMPENSATION AND BENEFITS

- A. Compensation. Every effort should be made to make adjunct faculty compensation professionally appropriate and competitive to the extent allowed by available fiscal resources.
- B. Benefits for Adjunct Faculty. An institution may provide designated institutional benefits to adjunct faculty, in either or both of the Adjunct Faculty I and Adjunct Faculty II categories, at the discretion of the President.
- C. Sabbatical and Terminal Leave. Adjunct faculty are ineligible for sabbatical leave or for terminal leave, regardless of length of service.

## IX. GRIEVANCE AND APPOINTMENT RIGHTS

- A. Grievance Procedure. With the exception of those policies and procedures that relate to the appointment, rank and tenure of tenured and tenure-track faculty, adjunct faculty shall have available the same grievance procedure as all other faculty, consistent with the USM Policy on Faculty Grievances, No. II-4.00.
- B. Process Related to the Termination of Adjunct Faculty. All adjunct faculty members shall have the opportunity for an informal hearing at the level of the appropriate

dean's office before termination of an appointment within the term of the faculty member's contract. The institution may remove the adjunct faculty member from the classroom, while continuing to pay the faculty member, pending the outcome of the hearing.

- C. Subsequent Appointments. The decision whether to re-appoint an adjunct faculty member after the term of the faculty member's contract remains within the discretion of the institution:
  - a. Consistent with Section VII.A.2 of this policy;
  - b. Provided that the decision was not made for unlawful reasons or in retaliation for the faculty member's exercise of grievance rights or shared governance activities.

## X. PARTICIPATION IN THE CAMPUS COMMUNITY

- A. Integration into Institution Life. Adjunct faculty members shall be invited, to the extent feasible, to participate in the scholarly, intellectual, academic, and social life aspects of the department or unit, and institution.
- B. Shared Governance Participation.
  - 1. Institutions shall provide opportunities for adjunct faculty to communicate their concerns to campus administration, provide advice in the development and implementation of policies and procedures related to adjunct faculty, and otherwise participate fully in shared governance, through the selection of either:
    - a. Participation in existing shared governance bodies, with sufficient numbers of positions designated for adjunct faculty to ensure their significant representation; or
    - b. The formation of an adjunct faculty advisory committee that will meet periodically with campus administration, either within existing faculty shared governance bodies or as a separate body, with representatives elected by the adjunct faculty members.
  - 2. Such shared governance participation will provide adjunct faculty representatives with the opportunity to meet with campus administration, including the institution's vice presidents for academic affairs and administration and finance, at least twice annually.
  - 3. In recognition that adjunct faculty are compensated only for course-by-course instructional services, each campus shall provide reimbursement for travel and other reasonable expenses, consistent with University System of Maryland and institution travel policies, to each adjunct faculty member who serves on an institution-wide shared governance body.

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## XI. IMPLEMENTATION

The provisions of this policy, and any policies and procedures adopted by the institutions for the administration of this policy, shall be implemented by each institution employing adjunct faculty no later than September 1, 2011; and each President shall submit a report to the Chancellor summarizing the measures taken to implement this policy no later than November 1, 2011. The Chancellor will report to the Board of Regents on the impact of the implementation of this policy on the status of adjunct faculty no later than November 1, 2012.

### 5.6 POLICY ON PART-TIME TENURE-TRACK AND PART-TIME TENURED FACULTY

([Board of Regents Policies and Procedures II-1.10](#); Approved by the Board of Regents, April 26, 1990)

An institution may employ tenure-track and tenured faculty members on a part-time basis. In order to be considered tenure-track or to be granted tenure, a part-time faculty member's commitment shall be at least fifty percent time.

1. Each institution which employs part-time tenure-track and/or part-time tenured faculty shall develop written procedures for the appointment, promotion, and granting of tenure to such faculty. Appointment, reappointment, tenure, promotion, and termination of part-time tenure-track and part-time tenured faculty members shall be consistent with the policies and procedures established for permanent full-time faculty members.
2. The length of the probationary period for tenure consideration shall ordinarily be based upon the number of full-time equivalent years accrued by the faculty member at the institution in a tenure-track rank. Part-time tenure-track and part-time tenured faculty are eligible for full-time positions consistent with institutional policies.
3. Part-time tenure-track and part-time tenured faculty members shall be entitled to participate in the institution's benefit programs on a proportional basis or otherwise, as permitted by those programs.

### 5.7 UMBC STATEMENT ON RECRUITMENT AND APPOINTMENT OF PART-TIME FACULTY

Except in unusual circumstances, the recruitment and appointment of part-time faculty rests with the academic department or other instructional unit. Unless clearly spelled out to the contrary in [the] letter of appointment, all part-time appointments are for one semester only (or one Special Session term). Part-time appointments are not normally tenure-track appointments and, as such, would not count in the probationary period toward tenure in the event of a subsequent full-time, tenure-track appointment.

All questions regarding the terms of appointment are negotiated between the appointee and the Department Chairperson or Program Director or his/her designee. At minimum, these negotiations should lead to understandings regarding rank, salary, and teaching responsibilities, including designations and schedules. A letter indicating an "intention to recommend" the candidate and stipulating the terms of the appointment is issued from the

Chairperson or Director to the candidate. The appointee's acceptance of the appointment as described in that letter completes the contractual process and formalizes the appointment. Any subsequent questions that may arise regarding the appointment should be addressed to the appropriate Chairperson or Director. Appointments for subsequent semesters will be initiated by another exchange of correspondence beginning with a new "intention to recommend" letter from the Chairperson or Directors.

## 5.8 VISITING FACULTY APPOINTMENTS

(Paragraph 2, excerpted from [Board of Regents Policies and Procedures II-1.00](#) - University System Policy on Appointment, Rank, and Tenure of Faculty; Approved by the Board of Regents April 5, 1989; Amended November 12, 1993; Amended October 6, 1995; Amended April 4, 1997; Amended July 11, 1997; Amended July 10, 1998; Amended December 4, 1998; Amended April 7, 2000; Amended October 27, 2000; Amended December 8, 2000; Technical Amendment September 2002; Amended February 21, 2003; Amended October 22, 2004; Amended June 22, 2005; Amended June 20, 2008 )

1. Visiting faculty appointments are usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a search process before or after the initial appointment in accordance with the institution's procedures, including adherence to affirmative action guidelines. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as probationary years for purposes of consideration for tenure.

## 5.9 POLICY ON FACULTY EMPLOYMENT OF MEMBERS OF SAME FAMILY

([Board of Regents Policies and Procedures II-5.00](#); Approved by Board of Regents April 26, 1990)

It is the policy of the University System of Maryland that appointment and promotion of faculty be based on the qualifications and performance of the person(s) under consideration.

In keeping with this policy, members of the same family, including husband and wife, are eligible for employment as faculty members. However, a direct supervisory relationship shall not exist between the parties in these instances at the time of employment or thereafter, nor shall one member of the family assume for the other the formal role of advocate or judge with respect to conditions of employment, promotion, or tenure. Where members of the same family are recommended for employment in the same department or unit, the arrangement shall be approved in advance and in writing by the President or the President's designee.

## 5.10 UMBC MOVING EXPENSE POLICY & PROCEDURES

(Revised: August 2004)

This policy has been developed to help department personnel facilitate the payment of moving expenses which may be incurred by the campus when employees are being recruited. This policy and procedure is developed in compliance with the University of Maryland (UMS) Board of Regents Policy and Procedure VII - 4.40-1 concerning "Moving Expenses".



### Pre-Approval

All agreements which include the payment of moving expenses are to be approved by the Provost or the respective Vice President or their designee prior to the agreement being offered. If the payment of moving expenses is approved, the employment offer letter must detail the agreement including the maximum amount of moving expenses that will be paid or reimbursed.

### Payment for Moving Expense

All costs related to the relocation of the employee, their immediate family, and the movement of household goods and personal effects that were paid by the employee should be submitted for reimbursement on a completed Universal Voucher form. The original invoices (with proof of payment), and/or receipts must be submitted with this form. If the move is contracted by the University, the department should follow normal Procurement Policy and submit a Purchase Requisition prior to the move. The correct account number for these expenses is 7089915. A separate Reimbursement of Moving Expenses Per Offer of Employment form should be submitted with the Universal Voucher form. You are required to separate the costs into the following three categories:

1. Transportation and storage of household goods.
2. Travel and lodging during the actual move.
3. All other expenses including all meals, all costs related to house hunting trips and the cost of temporary quarters.

UMBC is required to report all moving expense reimbursements to the IRS on a calendar year basis. Certain types of expenses are reportable while others are both reportable and taxable. The above breakdown of expenses is necessary to allow UMBC to correctly report to the IRS. See IRS Publication 521 "Moving Expenses" for the current IRS rules regarding the reporting and taxation of employee moving expenses. IRS Publications are available on the web at [www.irs.gov](http://www.irs.gov).

The Internal Revenue Service Code says that reimbursed costs must be reasonable and in compliance with a pre-approved agreement between the University and the employee.

A copy of the employee's signed offer letter showing UMBC's commitment to pay or reimburse moving expenses (including the maximum dollar amount allowed) must be forwarded with all reimbursement requests submitted to the Financial Services Accounts Payable section.

Undocumented expenses will not be reimbursed, with the following exceptions:

1. In lieu of gasoline receipts, the employee may claim mileage from starting point to ending point of the actual move at the current IRS "per mile" rate for relocation. The route driven must be the shortest, most direct route available by conventional transportation. Stopovers or side trips are not related to the move and may not be included in the mileage total. Tolls may be claimed (with receipts) in addition to this per mile rate. As of January 2003, the rate was 12 cents per mile. If a higher rate per mile is paid, the excess above 12 cents per mile will be reported to the IRS as taxable income to the employee. See [Publication 521](#) on the [IRS web site](#) to determine the

*current IRS rate per mile .*

2. In lieu of meal receipts, the employee may claim current per diem (per person) for meals consumed during the actual move.

If either of these options is elected, the employee must submit a signed statement detailing the items being claimed and showing the calculated dollar value of each. This signed statement must be attached to the Universal Voucher form.

#### Exclusions

Nothing in this policy or the UMBC Board of Regent's Policies and Procedures requires the payment of moving expenses.

The payment of moving expenses is authorized under this policy only when the distance between the new place of work and the former residence is greater than fifty (50) miles one way. Exceptions to this rule may be made at and for the convenience of UMBC and when pre-approved by the Provost or the respective Vice President or their designee.

IRS Distance Test: All funds reimbursed to the employee will become taxable income to the employee if the IRS distance test is not met. Refer to [Publication 521](#), "Moving Expenses" for a detailed discussion of this test.

As of January 2003, the IRS distance test was as follows:

Your *new* main job location must be at least 50 miles farther from **your former home** than your old main job location was from your former home.

The employee is also required, by Internal Revenue Code Section 217(c), to maintain full time employment with the University for thirty nine (39) weeks during the first twelve months after the move. If this requirement is not met, the employee will be required either to file an amended return or to include the previously claimed expenses on their current year's return.

#### Other Information

If the new employee is moving laboratory equipment to UMBC, it is the responsibility of the department to send a memorandum of this transfer to the Plant Funds Accountant in Financial Services. The expenses of moving this type of equipment should be contracted for on a Purchase Requisition. This cost should be charged to Other Contract Services account code 7089900.

### 5.11 UMBC SPONSORED RESEARCH APPOINTMENTS

(Adopted by Provost Arthur T. Johnson, November, 2001.)

#### A. Background

The standard academic-year faculty appointment begins on August 23 and ends on May 22. As described in the *UMBC Policy on Faculty Appointment Letters or Contracts*, the standard 9-month appointment applies to all new academic-year appointments, and current faculty

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members with 9.5 or 10-month appointments may convert to the 9-month appointment period.<sup>3</sup>

The *UMBC Policy on Additional Compensation* (see [Section 5.2.2](#) above) defines the limits on additional compensation that can be earned by faculty members. As permitted by this policy, many faculty members receive summer salary from externally funded grants and contracts. The contracts and grants awarded to these faculty support their research, enhance the reputation of the university, and generate additional funding for UMBC through indirect cost recovery. However, some benefits available to faculty with fiscal-year appointments are not available to those with academic-year appointments, even when they have sufficient external funding to receive all allowable additional compensation. These benefits include annual leave, personal leave, and retirement benefits on the additional compensation.

B. Purpose

The program described herein permits faculty members with sufficient external funding to qualify, on an annual basis, for fiscal-year, 12-month appointments that begin on July 1 and end on June 30 of the following year.

C. Eligibility

To apply for a fiscal-year Sponsored Research Appointment, a faculty member must meet the following eligibility criteria:

1. Full-time faculty appointment at UMBC.
2. Official notice, from one or more external funding sources, of grants, contracts, or similar awards active during the entire fiscal year for which the appointment is requested.
3. Sufficient external funding to augment the faculty member's current academic-year base salary by an additional 20%.
4. Sufficient external funding to pay a proportionate share of all fringe benefits during the appointment period.

D. Terms

Sponsored Research Appointments will be full-time fiscal-year appointments beginning July 1 and ending June 30 of the succeeding calendar year. Appointees will be subject to all policies and procedures affecting 12-month faculty including biweekly submission of time sheets and limitations on carryover of unused annual leave. There will be no payout for unused annual leave.

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<sup>3</sup>The appointment period for faculty on 9.5-month contracts ranges from August 17 to May 31 each year; for faculty with 10-month contracts, it ranges from August 17 to June 15, with June 1 to June 15 designated as annual leave.

Applicants for Sponsored Research Appointments must inform the funding agency of any re-budgeting that may result before they are appointed. If the funding agency is required to approve the re-budgeting before it can go into effect, the candidate, through UMBC's Office of Sponsored Programs Administration, will make the request for approval to the appropriate agency personnel.

E. Leave and Benefits

Sponsored Research Appointees will have the same benefits, including leave and retirement benefits, as other 12-month faculty. These include 3 days personal leave, 22 (or 25<sup>4</sup>) days of annual leave, and 15 days of accrued sick leave per year. Requests to use leave or to carry over unused annual leave from one calendar year to another must be made in writing in accordance with the *UMBC Implementation Procedures for the Policy Enabling Twelve-Month Faculty to Accumulate Annual Leave*. Permission to carryover leave is granted on a case by case basis and only in extraordinary circumstances.

Any increases in the state-supported salary, including merit, COLA, and equity increases, shall be determined solely on the basis of the state portion of the faculty member's salary (i.e., the academic-year base salary).

F. Application

In the spring of each year, the Provost will issue a call for applications and for certification of continuing eligibility for Sponsored Research Appointments. These documents will be submitted to the Vice Provost for Faculty Affairs, who will review them and make recommendations to the Provost. Inability or failure to document continuing eligibility by the specified date will result in termination of the Sponsored Research Appointment and reversion to a 9-month appointment.<sup>5</sup> However, the faculty member will only be entitled to the State portion of his or her salary when the reversion takes effect. Upon termination, all issues related to the faculty member's employment, including fringe benefits, will be governed in accordance with UMBC's policies and procedures pertaining to the faculty member's then-current rank.

5.11 UMBC POLICY ON ENDOWED FACULTY CHAIRS AND PROFESSORSHIPS<sup>6</sup>

The University encourages the establishment of faculty chairs and professorships through endowments created by private gifts as a way to supplement departmental support for outstanding University faculty. This policy sets forth the principles and procedures that shall guide the establishment and activation of such faculty endowments. Responsibility for authorizing and administering endowed chairs and professorships lies with the Provost.

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<sup>4</sup>Upon completion of 25 years of service, faculty members with 12-month appointments accrue 25 days of annual leave per year.

<sup>5</sup>Faculty members who held 9.5-month or 10-month appointments at the time of their initial Sponsored Research Appointment will revert to their former appointment period unless they have elected to change to a 9-month appointment period in the interim.

<sup>6</sup>Adapted from the University of Maryland Policy on Endowed Faculty Chairs and Professorships.

## I. Purpose of the Faculty Endowment

Traditionally, faculty chairs and professorships are established as a means to honor and support the work of faculty pursuing scholarly activity in a particular field. An endowment also may be established to offer the administrative head of a component of the University an additional source of funds to support the activities of that unit (an "administrative" chair or professorship).

- A. An endowed chair or professorship is generally intended to provide special recognition to the faculty member to whom the title is awarded. It is held for a specific term, and during that time, interest revenue ("payout funds") from the endowment is used by the University to supplement departmental support of the faculty member's teaching, research, and public service activities. These payout funds may be used for part of the base salary, or for a salary supplement, subject to approval by the Provost. In addition, they may be used for graduate assistant stipends, secretarial assistance, travel expenses, research support, and for such other purposes as may be reasonably related to the purpose of the endowment. Following consultation with the appropriate campus administrator and consistent with the gift terms, the President may approve a proposal from the current holder of a chair or professorship to allocate a portion of the payout funds for support of the academic endeavors of the department or campus for a specified period.
- B. An endowed administrative chair or professorship is held ex officio by a University administrator, e.g., a Department Chair, the Director of an academic program or an organized research unit, a Dean, the Provost, or the President. Payout funds shall be used to support the teaching, research, and service activities of the department, research unit, school, college, or the University generally.

## II. Designated Titles

It is the prerogative of the University to designate the title of a chair or professorship, which will generally use the following format:

(Name selected in consultation with benefactor) Chair in (field)  
(Name selected in consultation with benefactor) Professorship in (field)

An alternative title may be established by the University following consultation with the benefactor and the Provost.

## III. Qualifications, Term of Title, and Selection Procedures

- A. The holder of a professorship or chair must normally be a tenured, full-time member of the University faculty at the rank of Professor but may also be held by a non-tenured Professor of the Practice, a distinguished visiting faculty member, or an especially promising junior faculty member, if stipulated by the endowment agreement
- B. The award of a chair or professorship should normally be for a fixed term, generally five years, rather than an indefinite length, and the term may be renewed. The chair or professorship can be renewed for successive five-year terms as long as the holder of the chair or professorship continues to fulfill the high expectations for the chair or

professorship. A chair or professorship held by a junior faculty member or by visiting faculty should normally not exceed five years total. Administrative chairs and professorships are held ex officio and are normally held by tenured/tenure-track faculty.

- C. The award of a chair or professorship shall be made by the President upon recommendation of the Provost and the Dean of the appropriate college. The recommendation shall include a statement of the qualifications of the candidate and a proposed term. In all regards, the recommendation shall be consistent with the conditions and purposes of the endowment agreement. In the event the award of a chair or professorship is to coincide with an offer of appointment to the Faculty, the appointment shall have followed University search procedures.

#### IV. Minimum Funding Levels and Source of Funds

- A. Funds to establish a chair or professorship are to be provided by gift of an endowment specific to the proposal, or from an identified University endowment fund appropriate for this purpose. The following minimum endowments are required: Chair: \$1,000,000; Professorship: \$500,000

The President shall review the policy every five years to ensure that the minimum endowment required for newly established chairs and professorships is appropriate.

- B. A "term" chair or "term" professorship is one established for a limited duration only. It shall be supported by an expendable grant approximating five percent (5%) of the above minimum required endowment per year for a minimum term of five years.
- C. If a chair or professorship is to be funded from undesignated endowment funds, the full amount of the required endowment must be separated from the undesignated funds and moved to a separate account specifically designated for the proposed chair or professorship and maintained there for the duration of its existence.

#### V. Activation and Funding Commitments

Before a faculty member may be appointed to a chair or professorship, there must exist a legally irrevocable commitment (e.g., a charitable remainder trust, a charitable gift annuity, an estate note) from a donor to provide the full minimum amount of the funds set forth above to establish the endowment. An appointment may be made to the chair or professorship when:

- A. The donor has agreed to provide the full amount of the endowment within a set period of time, normally a five-year period, and the administrative unit in which the chair or professorship is located and/or another source has agreed to provide funds to the holder of the chair or professorship equivalent to the endowment payout until such time that the endowment level is sufficient to provide those funds; or
- B. The donor has provided at least one half of the required endowment funding with a written irrevocable commitment to provide the remaining funding according to a specific and accepted timetable. A faculty member may be appointed to a "term" chair or a "term" professorship when the donor has made an irrevocable commitment

to provide not less than five percent (5%) of the minimum required endowment for a chair or professorship per year for a minimum term of at least five years.

VI. Changed Conditions and Alternate Use of Endowment

Evolution in the academic objectives and organization and in the research, teaching, and service emphases are part of the normal life of a university. The scope of permissible activity under Regents' policy and applicable law is also characterized by occasional change. For this reason, it may rarely occur that the payout funds of an endowment should best be used to support a different area of research, teaching, or service than originally intended or that administrative restrictions contained in a gift instrument reasonably need to be amended. The Provost should therefore ensure that absent unusual circumstances, the gift instrument contains the donor's recognition and permission for alternate use of the endowment and payout funds. The Office of Legal and Governmental Affairs will develop appropriate language to accomplish this purpose.

VII. Unawarded Chairs and Professorships

The President (or designee) shall review endowed chairs or professorships that remain vacant for a period of three consecutive years to ensure that the University is meeting its obligation to fulfill the terms of the gift, including the expenditure of endowment revenues in support of the donor's intent. The following guidelines shall be observed:

- A. Normally, endowment income shall not be permitted to accumulate to more than five years of payout.
- B. In the event an established, fully-funded chair or professorship has remained vacant for three years or more, or should the accumulated income from the chair exceed five years of payout, the Provost shall ascertain the reason and take appropriate corrective action consistent with the terms of the gift instrument or the administrative allocation. Such action may include:
  - 1. Implementing a new expenditure plan designed to fill the chair or professorship or to utilize the payout funds fully.
  - 2. Seeking authorization of the President to reallocate the endowment's payout funds to an alternative purpose consistent with the existing terms of the gift.
  - 3. Seeking authorization of the President and concurrence of the donor to redesignate the purpose of the chair or professorship.
  - 4. Seeking authorization from the President, with the concurrence of the donor if available, to add the accumulated unspent payout funds to the fund principal in conjunction with a new expenditure plan.
  - 5. Redesignating the purpose of the chair or endowment in a manner authorized by the President and prescribed by law.

#### VIII. Retirement of an Endowed Chair or Professorship

The activation and continuation of an endowed chair or professorship is contingent on completion of funding. When the endowment has not reached full funding, either by the end of the specified pledge period or at the maturity of a deferred gift or bequest, it shall be reviewed by the President. The review will include alternative uses for the payout established by the gift or allocation instrument and discussions with the donor.

- A. Subject to the donor's approval, the President may retire an endowed chair or professorship when:
  - 1. The subject area ceases to be consistent with the University's mission and the academic plan of the campus or any restrictions in the gift instrument may no longer, in the University's opinion, be legally applied by it.
  - 2. It has remained vacant for a period of three years and the President, after consultation with the respective Department Chair and Dean and the Provost, determines there is no reasonable likelihood of making the award.
  
- B. When a chair or professorship endowed through a gift is retired, the payout funds shall be reallocated to an alternative purpose that may be stated in the gift instrument or as may be subsequently specified by the donor in consultation with the President. If the donor is deceased and has not specified an alternative purpose, the payout funds shall be reallocated to such purposes as may be permitted by law. In such instance, attention shall be given to using the payout funds in a manner most closely approximating the donor's objectives.



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