



## BOARD OF REGENTS

### SUMMARY OF ITEM FOR ACTION, INFORMATION OR DISCUSSION

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**TOPIC:** Technical Amendments to BOR Policies

**COMMITTEE:** Committee of the Whole

**DATE OF MEETING:** October 24, 2014

**SUMMARY:** USM staff are reviewing and updating BOR policies to keep policies and procedures current and to ensure compliance with policies, including the submission of institutional reports, procedures or policies to the Chancellor's Office. This review is ongoing with the goal that each policy will be reviewed on a periodic basis (e.g. at least every three to five years.)

Amendments to BOR policies may be either technical in nature, substantive, or both. Changes to policies that are purely technical in nature (i.e. replacing UMS with USM) will be brought to the BOR for action via a consent agenda. Amendments to policies that are substantive will continue to be brought to the BOR for review and approval on an individual basis.

The policies attached have amendments that are technical in nature including changes to the name and organization of the system. Additional changes to BOR policies will be brought periodically to the BOR on an ongoing basis.

**ALTERNATIVE(S):** The BOR can choose to review all policy changes, including those that are technical in nature, on an individual basis

**FISCAL IMPACT:** Minimal fiscal impact

**CHANCELLOR'S RECOMMENDATION:** The Chancellor recommends that the BOR adopt the technical changes to the BOR policies as noted in the attached documents.

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COMMITTEE ACTION:

DATE:

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BOARD ACTION:

DATE:

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SUBMITTED BY: Janice Doyle [jdoyle@usmd.edu](mailto:jdoyle@usmd.edu) 301 445 1906

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**Technical Amendments to BOR Policies**  
**October 24, 2014**

1. I-1.00-COUNCIL OF UNIVERSITY SYSTEM PRESIDENTS
2. III-1.11-POLICY ON CONFLICTS OF INTEREST IN RESEARCH OR DEVELOPMENT
3. IV-1.00- POLICY FOR THE ESTABLISHMENT AND REVIEW OF CENTERS AND INSTITUTES IN THE UNIVERSITY SYSTEM OF MARYLAND
4. VI-5.10-POLICY ON PRESERVATION OF ITEMS OF HISTORICAL INTEREST
5. VI-6.00- POLICY ON REQUESTS FOR ADVICE OF COUNSEL AND OFFICIAL OPINIONS FROM THE ATTORNEY GENERAL
6. VI-10.00- POLICY ON THE FILING OF INSTITUTIONAL POLICY MANUALS WITH THE CHANCELLOR

**UNIVERSITY SYSTEM OF MARYLAND  
BOARD OF REGENTS POLICY**

**I-1.00-COUNCIL OF UNIVERSITY SYSTEM PRESIDENTS**

(Approved by the Board of Regents, July 27, 1988  
amended December 12, 2008)

Section 12-201 of Education, Annotated Code of Maryland, calls for the Board of Regents to establish a Council of University System Presidents that "shall serve in an advisory capacity to the Chancellor" and "may from time to time make reports and recommendations to the Board." Such a Council will provide a mechanism for the consideration of matters of common concern to the institutions in the System in particular or to higher education in general, and will provide a formal vehicle for the expression of positions of the Presidents collectively on such concerns.

The Council is composed of the Presidents of ~~thirteen~~twelve constituent institutions of the System. The Council shall elect its own Chairperson. The Council will normally schedule its meetings in tandem with meetings of the Chancellor's Council. Meetings of the Council of University System Presidents may be called by the Chair~~man~~ or a majority of the members. The Chancellor or the Chancellor's designee shall be expected to be present at all meetings of the Council of University System Presidents so that the Council may advise the Chancellor on matters of concern. The Council of University System Presidents may address the Board, from time to time, at regular meetings of the Board of Regents.

Replacement for: BOT V-D

University System of Maryland  
3300 Metzert Road  
Adelphi, MD 20783-1690, USA  
301.445.2740

58.0 III-1.11-POLICY ON CONFLICTS OF INTEREST IN RESEARCH OR DEVELOPMENT

(Approved by the Board of Regents, August 23, 1996)

I. Introduction

Maryland law encourages public senior higher education institutions to promote economic development in the State and to increase their financial resources through arrangements with the private sector, including collaborative research and development, commercial application of institution-owned intellectual property, and provision of technical assistance. To facilitate these purposes, the Maryland Public Ethics Law allows for the exemption of University System of Maryland ~~System~~ personnel from some of that law's conflict of interest provisions. This policy establishes the essential elements of the procedures, to be adopted by each System institution, for obtaining such exemptions.

II. Policy

- A. A present or former official or employee of a constituent institution of the System, ~~UMSA, UMBI, or CEES~~ may have a relationship (as defined herein) with an entity engaged in research or development, or an entity having a direct interest in the outcome of research or development, which relationship would otherwise be prohibited by the conflict of interest provisions of the Ethics Law, if such relationship is disclosed and approved by the President of the educational institution in accordance with the institution's faculty conflict of interest procedures developed pursuant to this Policy.
- B. The Chancellor, a Vice Chancellor, a President, or a Vice President or one holding a similar such position may have such a relationship only if the Board of Regents makes the following findings:
- 1) that participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and
  - 2) that any conflict of interest can be managed consistent with the purposes of relevant provisions of the Public Ethics Law.

The Board shall promptly notify the State Ethics Commission in writing of any approval given under this paragraph. In the event that the Commission disagrees with any approval and provides notice to the Board within 30 days of the

Commission's receipt of notice of the approval, the Board shall reexamine the matter. The Board shall adopt procedures for handling requests for approvals under this paragraph.

- C. If the above conditions are not met, this Policy does not exempt a former or present official or employee from any of the provisions of the State Ethics Law.
- D. Nothing in this Policy allows an exemption on the part of any official or employee of the System from the provisions of ~~§~~15-505 ("Solicitation or acceptance of gifts of honoraria") of the State Government Article. Further, an official or employee of the System may not (1) represent a party for contingent compensation in any matter before the Board of Regents or before the State's Board of Public Works, or (2) intentionally misuse his or her position with the System for personal gain or for the gain of another person.
- E. The approval of a relationship under this policy does not relieve the official or employee from the obligation to comply with other System and institution policies, including the System Policy on Professional Commitment of Faculty.
- F. The Chancellor is encouraged to consult periodically with the Maryland Department of Business & Economic Development and with Federal agencies that regulate federally-funded research concerning the implementation of this policy.

### III. Procedures

- A. Each institution ~~and UMSA~~ shall develop procedures based on the above policy and the purposes of the Maryland Public Ethics Law as stated at Section 15-101 of the State Government Article of the Maryland Annotated Code. The procedures shall be approved by the Office of the Attorney General and approved as to conformity with Maryland Public Ethics Law by the State Ethics Commission. The approved procedures shall be filed with the Office of the Chancellor.
- B. Procedures shall:
  - 1) Require timely disclosure of any relationship. The disclosure shall be filed with the State Ethics Commission, and maintained as a public record at the institution.

- 2) Subject to paragraph (5), require review of all disclosed relationships by a designated official who shall determine what further information must be disclosed and what restrictions shall be imposed in order to manage, reduce, or eliminate any actual or potential conflict of interest. The designated official shall also determine whether or not the disclosed relationship represents a harmful interest, as defined herein. If so, approval shall not be granted.
- 3) Include guidelines to ensure that relationships do not improperly give an advantage to entities with which the relationships exist, lead to misuse of institution students or employees for the benefit of such entities, or otherwise interfere with the duties and responsibilities of the official or employee maintaining the relationship.
- 4) Subject to paragraph (5), require that each relationship be approved or disapproved by the president of the institution, with such determination to be the final decision.
- 5) Require that any relationship maintained by the President or a Vice President, by the Chancellor or a Vice Chancellor, and by one holding any other position designated by the Board of Regents be approved by the Board of Regents.

#### IV. Reporting

Institutions shall submit to the Chancellor in a format determined by the Chancellor a quarterly report which shall include all approvals granted under this Policy. The Board of Regents shall report to the Governor, the Legislative Policy Committee of the General Assembly, and the State Ethics Commission, the number of approvals granted under this Policy and how this Policy and the procedures adopted pursuant to it have been implemented in the preceding quarter.

#### V. Definitions

- A. "Harmful interest" means an interest which is found to be so influential as to impair impartiality in the conduct of the research, the interpretation of the results of the research, and/or the determination of research or other professional and employment priorities.
- B. "Institution" as used in this policy means each constituent

institution of the System, The University System of Maryland ~~System Administration Office, The University of Maryland Biotechnology Institute,~~ The Center for Estuarine & Environmental Sciences Studies, and any other Unit of the System that the Chancellor shall designate.

- C. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity that would be prohibited by Title 15, Subtitle 5 of the State's Public Ethics Law if not disclosed and approved pursuant to this Policy and procedures adopted pursuant to it. "Relationship" includes any relationship of the spouse or other relative of an officer or employee if such relationship creates restrictions on the officer or employee under the conflict of interest provisions of the Ethics Law.
- D. "Research or development" means basic or applied research or development, and includes the development or marketing of university-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

Replacement for: BOR II-3.30

102.0 IV-1.00- POLICY FOR THE ESTABLISHMENT AND REVIEW  
OF CENTERS AND INSTITUTES IN THE UNIVERSITY SYSTEM OF  
MARYLAND-~~SYSTEM~~

(Approved by the Board of Regents, January 11, 1990)

1. Centers and Institutes and similar groups and organizations form useful devices for organizing faculty and staff from different disciplines to focus on teaching, research, and/or service in an area of common interest. Centers and Institutes should be justified on the basis of their contributions to specified missions of research and service and by their relationship to instructional programs at the institution.
2. The term "Center" or "Institute" generally refers to an organized, non-departmental unit; it may or may not have external or state funding and a separately identified budget; it usually has a formal administrative structure headed by a director. Centers and Institutes have varied missions, and with few exceptions do not award degrees. Differences among these kinds of units usually are related to their degree of permanence and the level of commitment to them by the institution or the System.
3. Each institution shall ensure that its Centers and Institutes comply with applicable institutional and System-wide policies. Those Centers, which receive federal funds, must, in addition, ensure compliance with federal policies, in particular those regarding the conduct of research.
4. The establishment of a Center or Institute that is multi-institutional shall require the approval of the Chancellor.
5. The establishment of a Center or Institute that is administratively separate from an institution shall require the approval of the Board of Regents.



6. Each institution shall develop policies and procedures for the establishment and monitoring of Centers and Institutes. These policies and procedures shall be filed with the office of the Chancellor.

Replacement for: BOR VII-6.00 and VII-6.01

University System of Maryland  
3300 Metzert Road  
Adelphi, MD 20783-1690, USA  
301.445.2740

151.0 VI-5.10-POLICY ON PRESERVATION OF ITEMS OF  
HISTORICAL INTEREST

(Approved by the Board of Regents on January 11, 1990)

Items, which commemorate the history and traditions  
of the University System of Maryland ~~System~~ and its  
constituent institutions, shall be preserved.  
Commemorative items include memorabilia, works of art,  
furniture, instruments, and other artifacts relating to  
the history of the System or one of its institutions.

To this end, each president and unit head shall  
take appropriate measures to encourage the  
identification and preservation of such items, to  
develop and maintain a systematic continuing inventory  
of such items, and to provide for their secure and  
appropriate display.

Replacement for: BOR VI-7.00

University System of Maryland  
3300 Metzerott Road  
Adelphi, MD 20783-1690, USA  
301.445.2740

152.0 VI-6.00- POLICY ON REQUESTS FOR ADVICE OF COUNSEL  
AND OFFICIAL OPINIONS FROM THE ATTORNEY GENERAL

(Approved by the Board of Regents on January 11, 1990)

The Attorney General of the State of Maryland shall serve as the legal advisor to the Board of Regents and the University System of Maryland-~~System~~.

Official opinions from the Attorney General of the State of Maryland may be requested only by the Chancellor, on behalf of the University System and its institutions, or by the Chair of the Board of Regents, on behalf of that Board. The Chancellor shall advise the Presidents of official opinions in matters of general interest.

Advice of counsel on matters of institutional or unit application may be requested by the Chancellor, President or unit head or designee. Each President shall keep the Chancellor informed where appropriate.

Replacement for: BOR VI-37.00, and BOT I-K

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3300 Metzert Road  
Adelphi, MD 20783-1690, USA  
301.445.2740

166.0 VI-10.00- POLICY ON THE FILING OF INSTITUTIONAL POLICY MANUALS  
WITH THE CHANCELLOR

(Approved by the Board of Regents on January 11, 1990)

(also see [VI-10.10 - POLICY ON COMPLIANCE WITH USM POLICIES THROUGH TECHNOLOGY](#))

Each president or unit head in the University ~~System~~ of Maryland ~~System~~ shall maintain a current, official manual on institutional policies and procedures.

It is the responsibility of the president or unit head to file with the Chancellor, in a timely fashion, a complete official manual and any modifications or revisions, whether or not these official institutional policies and procedures require any action by the Board of Regents, the Chancellor or any external agency.

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