

CUSF General Body Meeting
University of Maryland Center for Environmental Science (UMCES)
at Horns Point, Maryland

Minutes

Thursday, December 8, 2011

Attendance:	
Bowie (2)	Joan S. Langdon, Monika Gross
Coppin (2)	Virletta Bryant
Frostburg (3)	Robert B. Kauffman
Salisbury (3)	E. Patrick McDermott, Paul Flexner
Towson (4)	Jay Zimmerman, Leonie Brooks
UB (2)	Stephanie Gibson, John Callahan
UMB (5)	
UMBC (3)	Zane Berge (phone), Drew Alfgren (phone)
UMCES (2)	Rose Jagus (for Raleigh Hood)
UMCP (6)	William Stuart, William Montgomery,
UMES (2)	
UMUC (3)	Joyce Shirazi, Betty Jo Mayeske, David Hershfield (alt)
Guests:	Irwin Goldstein (guest), Joyce Meritt (guest), JoAnn Goedert (guest, speaker)

CONVENING THE MEETING - 10:00 AM

Joyce Shirazi, Chair, called the meeting to order at 10:00 AM in the University of Maryland Center for Environmental Science at Horn Point near Cambridge, MD.

WELCOME FROM THE CAMPUS - 10:02 AM

A former long-time CUSF member, Rose Jagus introduced Donald Boesch, President of UMCES. Dr. Boesch provided the group with a brief history of the Center and he shared some of the Center's innovative programs. Originally, the 840 acre property located outside of Cambridge, Maryland was owned by the DuPont family. The family deeded the property to the City of Cambridge as a park. Eventually, the City deeded the property to the University System of Maryland. Today, the research conducted by UMCES is world wide in its scope. In addition, he answered several questions from the group.

APPROVAL OF THE MINUTES - 10:26 AM

Initially, Joyce had everyone at the meeting reintroduce themselves and their institutions. A motion was made to approve the October 11, 2011 and the November 15, 2011 minutes of the General Body. The Secretary, Robert Kauffman amended the November minutes to include several additional attendees. Both the October and November minutes passed. The November minutes passed as amended. In addition, the Joint Meeting Summary from the November meeting is attached.

SENIOR VICE CHANCELLOR'S REPORT - 10:30 AM

Dr. Irv Goldstein, Senior Vice Chancellor, gave his report to the group.

Dream Act: Irv discussed the Dream Act which was passed by the Legislature, but which will be voted upon in the next election as a referendum. The Act provides an avenue to education for undocumented immigrant students. Irv indicated that there was a lot of confusion surrounding the Act, and he outlined the parameters of the Act. First, the undocumented student needed to be a high school graduate. Their parents needed to pay taxes. They needed to go to a community college and graduate. Again, they needed to pay their taxes. After obtaining the AA degree, they could apply to a System institution. Acceptance of their application is subjected to the same criteria as any other student. Although their application is counted as an out-of-state application in terms of the acceptance ratios (70% to 25%-30% instate/out-of-state), this group of students would pay instate tuition. With the upcoming referendum, Irv indicate that it was a big issue in the State. In addition, he answered several questions on the Dream Act, the events surrounding its passage, and the referendum. In response to a question, Irv noted that if the referendum passes, it is the law and there is nothing that can be done regarding the Dream Act.

UMCP/UMB Merger Study: Friday, December 9th is D-Day or decision day for the merger. On the day after this CUSF meeting, the BOR will decide on the report with its recommendations that will be forwarded to the Legislature. With the study quickly coming to its conclusion, Irv framed the forthcoming study in terms of the seven months of work performed on the study, on the enormous undertaking by the staff, the numerous sessions, and the extensive research conducted. With that noted, Irv indicated that the process was healthy, that there was more collaboration going on between the institutions than originally envisioned, and that they can develop models that can enhance collaborations. [Secretary's Note: *On December 9th the BOR recommended the Strategic Alliance option where the two institutions remained independent but would seek ways to increase collaborations.*]

Tuition Remission: In a response to a question on tuition remission, Irv indicated that currently there aren't any discussions on the topic although this could change with changing circumstances.

Coalition Lawsuit: Currently, MHEC is being sued by a coalition that is associated with but not formally part of Morgan. The suit is not just a Maryland issue but is a national issue that emanates out of desegregation obligations. The lawsuit focuses on the use of program duplication as a method to segregate or limit programs in historical black institutions (HBI). The information presented by Irv on the Coalition lawsuit was informational. Irv noted that since the trial was postponed until January 2012, he wouldn't need to testify until then.

Budget: Irv indicated that currently furloughs are off the table. In addition, there is a discussion of a COLA more than merit. They won't know more on this topic until mid-January when the governor submits his budget. [Secretary's Note: *In the December 9th meeting of the Senate Chairs, Dr. Kirwan noted that they are recommending a 2% COLA for FY13 effective in January 2013.*]

ASSISTANT VICE CHANCELLOR FOR ADMINISTRATION & FINANCE - JoAnn Goedert - 11:19 AM

Proposed Child Abuse Policy: The Assistant Vice Chancellor for Administration and Finance, JoAnn Goedert gave a report on the proposed USM Child Abuse policy (*see attachments*). Given the recent events with Penn State and Syracuse, this policy is on the fast track for approval. Even though it is on the fast track, JoAnn indicated that the proposal has been reviewed extensively. In her summary of the proposal, she indicated that there were two tracks involving reporting requirements. The first track involved heightened requirements for health practitioners, teachers, coaches, and employees of public institutions. The second track is for non-professionals or everyone else. This group has a duty to provide an oral report of an incident. In addition, JoAnn noted later in the discussion that the policy requires reporting past abuses as well as current abuses.

Questions and discussion focused on several issues. First, there was a question and discussion involving the term “*suspect*.” Essentially, the policy indicates that a professional must report an incident when they “suspect” abuse. It was noted by several people that “suspect” involves plausible denial. In many cases, it becomes easy for instructors to simply not suspect abuse that may have occurred.

Second, a member addressed the issue of administrative support to implement the policy and training programs to assist faculty in the implementation of this policy. Just as there is training for sexual harassment, similar training could be provided for suspecting child abuse.

Third, several faculty noted and discussed the potential unintentional consequences of this policy where faculty choose *avoidance and eliminate assignments* where students might reveal abuse. For example, faculty may eliminate an assignment such as a reflective essay or journal where students might write about an incident of abuse. Many faculty use reflective journals. These assignments may be eliminated thereby eliminating the opportunity to discover suspected abuse in the first place. It is an avoidance issue. In another example, a faculty member noted that students applying for a *scholarship* have written about the obstacles that they have overcome (i.e. childhood abuse) and how this has not only made them a better person but more worthy of the scholarship. In this situation, is the faculty member required to report this suspected abuse? Another faculty member suggested that faculty may need to put a *disclaimer in their course syllabi* to the effect that if a student writes about childhood abuse in any of their assignments, the instructor is obligated to report the abuse.

LUNCH 12:00 PM

MEETING RECONVENED 12:37 PM with ASSISTANT VICE CHANCELLOR FOR ADMINISTRATION & FINANCE - JoAnn Goedert

Family Leave Policy. JoAnn Goedert continued after lunch with a discussion of the developing Family Leave Policy. The policy has not progressed as much as it might have. The most notable reason is that the last seven months have focused on developing the report for the Legislature on the proposed UMCP/UMB merger. Second, it has been difficult to quantify the extent of the issue due to *collegial leave*. Collegial leave is where other faculty members in the department cover the load of the faculty member taking the leave. Collegial leave is not formally reported.

Since the policy is in the developmental phase, JoAnn was seeking the questions of the CUSF members present (Note: *There are no attachments.*). Several of the questions focused on or dovetailed with the Towson policy which has been approved by CUSF but not by the BOR. First, was the issue of **parity** where it is the practice that faculty and staff should have similar policies. In reference to the parity issue, it was noted that faculty teach courses within the specific time frame of a semester. Hence, the policy needs to consider covering classes on a semester basis. A second set of questions focused on what should be included within the purview of the policy. For example, discussion included the potential inclusion of family leave, maternity leave, and care givers including sick parents in the policy.

The following is a brief summary of the discussion by faculty regarding this issue. Several faculty indicated the need to provide **leave for sick parents**. This is already an issue for many faculty, however, as the baby boomer generation grows older, it will increasingly become a problem. In this area, Joyce noted that CUSF has passed two resolutions, one on **maternity leave** and one on **care givers** which includes parents.

A second issue area was noted by Rose Jagus at UMCES involving **research associates** funded on grants and contracts. Unlike faculty who are state employees and where family leave is a potential benefit, the problem for research associates is that they are funded by the grant or contract which has a beginning and ending date and as such, no continuity or carryover in benefits. Although no solution was offered, the group recognized that this was an issue that should be addressed in the development of the policy.

Third, the policy may need to address the needs of different classes of faculty including Adjunct II faculty.

Fourth, the discussion focused on the following problem. The faculty who often need maternity leave are the **young, untenured faculty** who have not accrued sufficient leave. In addition to maternity leave needs, the discussion included the need to stop the tenure clock and to **provide care giving services** on campus including nursing rooms. As one faculty member noted, these services need to be close by. For example, if she needed to go across campus to periodically pump milk for her baby and then return to her office, her work production could be severely restricted, particularly if this occurs several times a day.

Fifth, the discussion focused on **stopping the tenure clock**. The options discussed include whether the clock should be stopped at all, whether the clock should automatically be stopped unless the faculty member requests that it shouldn't be stopped, or whether the clock shouldn't be stopped unless specifically requested by the faculty member. The general consensus was with the second option that the tenure clock should be automatically stopped for maternity leave unless it is requested by the faculty member not to be stopped. In this regard, it was noted that one faculty member applied for early tenure to avoid problems with tenure and stopping the clock. In addition, a faculty member who is sufficiently prepared for tenure may not have a need to stop the tenure clock. Also, it was noted that the initial appointment letter which often sets the tenure clock could include a statement to stop the clock for maternity leave.

A summary of the discussion by JoAnn included the following points. Although there was general consensus on the points, no formal vote was taken since the primary purpose of this session was fact finding.

1. Stopping the tenure clock needs to be addressed in the policy for child birth.
2. Child care facilities need to be provided on campus including nursing rooms.

A final word of caution was offered by one of the attendees. There maybe a need to prioritize the issues included in the policy. "If we ask for everything in the policy, we may get nothing."

COMMITTEE REPORTS - 1:20 PM

Faculty Rights and Benefits - Under the leadership of Pat McDermott, Joyce noted that this committee has been extremely active. Although they have been focusing on several issues (e.g. transfer of tenure within the system, TIAA/CREF benefits, sabbatical policies, etc), they have developed a proposed policy on academic freedom (*see attachment*). The question was raised if the academic freedom policy should also apply to students. The point was made that just as faculty want the freedom to make their point in class without reprisal, should *students* have the same type of academic freedom rights? The proposal should be placed on the February agenda for discussion and adoption.

Legislative Affairs - John Callahan, Chair, gave a brief report.

Regents Faculty Awards - Joyce indicate that there were 34 submissions and a formal decision will occur at the BOR meeting in February.

Ad Hoc Constitution and By-Laws committee - No Report

Membership and Rules - No Report

Academic Affairs - No Report

Other Updates - Jay noted that the *Senate Chairs* were meeting on December 9th at System. The agenda has been determined and the Chancellor will be present at the meeting. Before concluding business, Joyce mentioned two additional updates. First, the ART policy document is being reviewed, and second, the *commercialization clause* will be brought back to CUSF before being acted upon by the Regents.

NEW BUSINESS - 1:33 PM

There was no new business.

ADJOURNMENT - 1:33 PM

With no additional business, the meeting was adjourned at 1:33 PM.

Respectfully Submitted,

Robert B. Kauffman

Robert B. Kauffman
Secretary

Attachments: Joint Meeting Summary
Memo: Proposed Policy on the Reporting of Suspected Child Abuse and Neglect
Proposed Policy on the Reporting of Suspected Child Abuse and Neglect
Proposed academic freedom policy



Second Annual Joint USM Councils Meeting

University System of Maryland Student Council

Council of System Faculty

Council of System Staff

November 13, 2011

During the Second Annual Joint USM Councils Meeting at the University of Maryland, College Park, students, faculty, and staff discussed three topics: the proposed UMB-UMCP merger, the USM budget, and family leave policies.

Summary of Discussions

UMCP-UMB Proposed Merger

Members favored joint faculty appointments and joint programs not only with UMB and UMCP, but also among other institutions. It was pointed out that the merger that eventually created the University System of Maryland in 1988 has not fully merged; with many of the institutions' procedures (i.e. payroll system) has not been unified in the USM. Members also discussed the fact that the National Science Foundation has indicated that they would not recognize a merged institution with two campus presidents, as Senate President Miller has recently proposed. There are other ways to obtain greater research funding and higher rankings, including submitting joint reports between UMB and UMCP. It was also submitted that if all of the system institutions would submit one report as a University system, the USM would be placed third in research rankings. The length and the projected costs of a merger also posed concerns for many members, along with the programs at the new institution and how those programs will affect smaller system institutions. Members agreed that the priority of a merged institution would be to enhance access to Maryland residents to pursue their undergraduate and graduate studies within the USM. Members expressed support for an alliance or a "strategic realignment," a term coined by Senate President Miller. Members expressed strong support for more collaboration between the two institutions and other system institutions. One of the positive results that members projected would be the prestige that this new institution would command. Students indicated that the value of a degree from the University of Maryland would be greater given its projected prestige. Furthermore, more joint programs between UMB and UMCP could expand access to the Baltimore-region for UMCP and for UMB, expanded access to the Washington, D.C.-region. Some members argued that a merged institution would make University of Maryland and other system institutions more competitive and would garner national and global attention. However, members did recognize the vast cultural differences that exist in UMB and UMCP and expressed concerns about how that would play out if the two institutions were to merge. Members expressed concerns about the fact that this merger is politically motivated (mandate from legislative leaders instead of discussions between institutions), how this could impact the

economy, and the fact that resources are already scarce given today's economic situation. Furthermore, there were some concerns about the potential negative impacts on smaller institutions and the loss of resources and support from Annapolis. Given a larger and more prominent merged institution with greater research standings in Baltimore, members questioned how this merger might impact institutions like Johns Hopkins, renowned for its research capabilities. With a \$1 billion deficit, members also questioned where the cost of this proposed merger will come from.

Dr. Neerchal of University of Maryland, Baltimore County, a member of the Council of System Faculty, requested that an opinion piece submitted by David Salkever, a professor at University of Maryland, Baltimore County be included in the summary:

“Flawed thinking in push for UM merger.” David Salkever. *Baltimore Sun*, Nov 8, 2011.

link: http://articles.baltimoresun.com/2011-11-08/news/bs-ed-um-merger-20111108_1_rankings-research-funding-campuses

This article suggests that even if College Park and UMB merged, their research funding data might still be treated separately in the Center for Measuring University Performance's national rankings. The center's research director, Craig Abbey, told me that factors such as geographic distance between units, a tradition of separate reporting, separate faculty groupings, and governance arrangements are all considered. He illustrated this with examples of "flagship campus-medical institutions" combinations that are each treated in the rankings as two distinct universities. These were the University of Oklahoma (22 miles between the Norman campus and the Oklahoma City medical campus), the University of Kansas (40 miles between the Lawrence campus and the Kansas City medical campus), and the University of Nebraska (56 miles between the Lincoln campus and the Omaha medical campus). In all three examples, a single president was CEO for both campuses combined, but each of the two constituent campuses also had its own CEO serving under the single president.

USM Budget

Members were asked to make recommendations of areas to cut in the budget and came up with the following items to cut: remedial education, legal fees, and finances in budgets for institution administration. Members also indicated that they would prefer cuts be made outside academic areas, financial aid, and capital projects. Members also indicated that they would prefer that cuts not be made to human resources, given the fact that faculty and staff have been affected negatively by furloughs and budget cuts in recent years. Members also discussed furloughs and presented the following opinions on this issue: with more furloughs, faculty members would be less willing to sit on university committees; students recommend that furloughs occur during academic breaks to lessen impact on students' academic experience; given the increase mobility of faculty members, there are many alternatives to furloughs; faculty and staff also graciously weathered through furloughs in years past and faculty continued to provide superior academic experience in the classroom and staff continued to provide great services and support for our students; and lastly, furloughs hurt the morale of faculty and staff. Members also discussed the

possibility of consolidating the academic week to 4 days instead of 5 and streamline programs to save money. In regards to tuition and fees, members indicated that raising tuition and fees would make attending a system institution, especially a merged institution, less attractive. Due to the fact that many students face significant student debt and budget cuts to financial aid, the access to quality and affordable education might be compromised. Members also pointed out the fact that faculty and staff members' compensations have not seen an increase in a number of years. Newly hired faculty and staff are being promised salaries and benefits that are unrealistic. Members strongly support a cost of living increase.

Family Leave

Members indicated that the Towson Family Leave Policy should be implemented systemwide. The USM should have a unified family leave policy instead of varying family leave policies in individual system institutions. The USM should also set aside funds specifically for family leave and paternity leave should be compensated. Family Leave policies should also cover same-sex couples and families and students who are employed by an institution (i.e. graduate assistants) should receive partial or full coverage under such policy. Given the fact that we live in a technological world and faculty, staff, and students can perform work at home during Family Leave days, there should be more flexibility in the number of days permitted and individuals should be able to save up leave days. Members indicated that having a strong and unified Family Leave Policy for the USM could boost morale for faculty and staff. Members also support alternative work options and systemwide definitions for varying circumstances that are different in individual institutional policy. Members strongly oppose leave without pay.

Respectfully submitted:

Emmanuel Welsh
Chair, Student Council

Willie Brown
Chair, Staff Council

Joyce Shirazi, PhD
Chair, Faculty Council



TOPIC: Proposed Policy on the Reporting of Suspected Child Abuse and Neglect

COMMITTEE: Committee of the Whole

DATE OF COMMITTEE MEETING: December 9, 2011

SUMMARY: The University System of Maryland's current policies encourage the voluntary reporting by its employees and students of all forms of misconduct and provide whistleblower protections for members of the USM community who come forward with such reports. However, Maryland family law makes the reporting of suspected child abuse and neglect mandatory for all persons, with heightened reporting requirements for health, police and education professionals. These mandatory provisions are not reflected currently in USM policy.

The attached proposed policy affirms the USM's commitment to protecting children from abuse and neglect, sets out the reporting requirements and process applicable to USM employees and others, and identifies a core set of measures to be taken by each institution to support full reporting. These include provisions to:

- Communicate to employees and students their obligations under the law;
- Affirm statutory and USM protections for those who make reports under the policy;
- Ensure that those who violate their reporting requirements are disciplined appropriately; and
- Establish mechanisms for promptly informing appropriate institution officials of suspected child abuse or neglect on the part of members of the USM community.

This policy proposal is a critical first step in a thorough USM review of its policies and procedures that address issues of abuse and assault on its campuses.

ALTERNATIVES(S): The Committee could elect to recommend modifications to the proposed policy, or recommend that a policy not be adopted.

FISCAL IMPACT: The policy is not expected to have a fiscal impact.

CHANCELLOR'S RECOMMENDATION: That the Board of Regents approve the policy.

COMMITTEE RECOMMENDATION:

DATE: December 9, 2011

BOARD ACTION:

DATE:

SUBMITTED BY: William E. Kirwan, Chancellor (301) 445-1901

Proposed USM Policy on the Reporting of Suspected Child Abuse and Neglect

(Dec. 9, 2011)

I. PURPOSE

The purpose of this policy is to provide guidance to staff, faculty, and students of the University System of Maryland (USM) community regarding the mandatory requirements in Maryland law that govern the reporting of suspected cases of child abuse and child neglect; and to affirm the commitment of the USM to the protection of the safety and welfare of children who come into contact with the USM community.

II. AUTHORITY

The reporting requirements addressed in this policy implement the mandatory child abuse and neglect reporting provisions of the Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708, as they apply to the USM.

III. DEFINITIONS

A. "Abuse" means:

1. The physical or mental injury of a child by a parent or other person who has permanent or temporary care or custody of the child, or by any household or family member, under circumstances indicating that the child's health or welfare is harmed or at substantial risk of being harmed; or
2. Sexual abuse of a child, whether physical injuries are sustained or not, defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

B. "Child" means any individual under the age of 18 years.

C. "Local department of social services" means the department of social services for the jurisdiction in which:

1. The child resides; or
2. The abuse or neglect occurred, or,
3. If neither location is known, the jurisdiction in which the institution is located.

D. "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

E. "Neglect" means the failure to give proper care and attention to a child, including leaving the child unattended, by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances indicating:

1. That the child's health or welfare is harmed or placed at substantial risk of harm; or
2. Mental injury to the child or a substantial risk of mental injury.

F. "Professional employee" means a person employed by the USM as a:

1. Faculty member;
2. Administrator;
3. Coach; or
4. Other employee who provides academic support, student service, or institutional support activities, whose duties require either a college degree or comparable experience.

IV. REPORTING REQUIREMENTS

A. Reporting Requirements for USM Professional Employees. A USM health practitioner, police officer, or other professional employee ("the professional employee") of a USM institution, when acting in a professional capacity, who has reason to believe that a child has been abused or neglected, shall report this suspicion as follows:

1. An oral report shall be made as immediately as is practicable, within 48 hours of the event that caused the employee to believe that a child has been subject to abuse or neglect:
 - a. To the local police department or the local department of social services; and
 - b. When acting as a staff member of a USM institution, to the President of the institution, or the person or persons designated by the President to receive such reports ("the President's Designee").
2. A written report shall also be provided to the local department of social services within 48 hours of the event that caused the employee to believe that a child has been subject to abuse or neglect.
 - a. The employee shall provide a copy of the written report to the institution President, or the President's Designee.
 - b. The report shall include the following information, to the extent that it is known by the employee:
 - i. The name, age, and home address of the child;
 - ii. The name and home address of the parent or other person responsible for the care of the child;
 - iii. The child's whereabouts;
 - iv. The nature and extent of the suspected abuse or neglect, including any information regarding possible previous instances of abuse or neglect; and
 - v. Any other information that may help to identify the person responsible for the abuse or neglect or determine the cause.
3. A copy of the written report also shall be sent to the local State's Attorney, if abuse is suspected.

4. The above reporting requirements apply regardless of generally accepted confidentiality privileges otherwise applicable to professional-client relationships, except that they may not apply to attorneys or members of the clergy under the specific circumstances described in Family Law Article Section 5-705(a)(2) and (3).
- B. Reporting Requirements for All Other Persons. Members of the USM community other than USM professional employees acting as a staff member of a USM institution, including other staff, students, and contractors on campus, are also required to report suspected child abuse or neglect as follows:
1. Such individuals shall report orally or in writing to:
 - a. The local department of social services or local law enforcement agency; and
 - b. The President of the institution or the President's Designee, if the suspected child abuse or neglect:
 - i. Took place in institution facilities or on institution property;
 - ii. Was committed by a current or former employee or volunteer of the USM;
 - iii. Occurred in connection with an institution sponsored, recognized or approved program, visit, activity, or camp, regardless of location; or
 - iv. Took place while the victim was a registered student at the institution.
 2. The report shall include the information listed in Section IV.A.2 above, to the extent that it is known by the individual making the report.
 3. The requirement to report suspected abuse or neglect to the President or the President's designee under section B.1.b, above, is subject to generally accepted confidentiality privileges applicable to professional-client relationships.
- C. Questions Regarding the Reporting Requirements. Questions regarding the applicability of these requirements to a particular individual or situation may be directed to the local department of social services or the President's Designee for the reporting of suspected abuse or neglect.
- D. Reporting of Past Abuse or Neglect. The obligation to report suspected child abuse or neglect applies, even if the individual who may have been the victim of past child abuse or neglect is no longer a child at the time when the past abuse or neglect is disclosed or otherwise suspected.
- V. POLICY IMPLICATIONS AND CONSEQUENCES
- A. Immunity. Under State law (Family Law Article Section 5-708), any individual who in good faith makes or participates in making a report under the law shall be immune from any civil liability or criminal prosecution. In addition, any person who in good faith makes or participates in making a report under this policy shall be free from any reprisal at the institution that might otherwise result from compliance with the policy.

- B. Failure to Report. Any employee of the USM who fails to report suspected child abuse or neglect in violation of this policy may be subject to discipline for professional misconduct, up to and including termination of the employee's employment with or appointment to the USM.
- C. Confidentiality. The confidentiality of a report of suspected child abuse or neglect, including the identity of an individual who makes a report under this policy, the individual suspected of abuse or neglect, and the child who may have been abused or neglected, will be protected consistent with relevant federal and state laws that safeguard the confidentiality of such information.

VI. RESPONSIBILITIES OF THE INSTITUTION

Each institution of the USM shall take the following actions to implement this policy and support compliance with State law requirements:

- A. President's Designee. The President of the institution shall designate the person or persons to receive oral and written reports of suspected child abuse or neglect from employees, students, and others at the institution.
- B. Information Dissemination. Employees, students and other members of the campus community shall be informed through employee or student handbooks, institution websites, and other appropriate means of communication of:
 - 1. The requirements of this policy and relevant state law requirements;
 - 2. Institution policies and procedures for compliance with the policy; and
 - 3. Contact information for the local department of social services, local law enforcement agency, State's Attorney, and the President's Designee for the reporting of suspected child abuse or neglect.
- C. Training. Employees and students who have regular contact with children shall receive periodic training in the requirements of this policy.
- D. Cooperation with Other Agencies. The institution shall cooperate fully and appropriately with any investigation of suspected child abuse or neglect by a local department of social services or law enforcement agency. If the individual suspected of child abuse or neglect is an employee, student, or contractor of the institution, the institution shall coordinate its own investigation or other activities in response to a report with the appropriate local agency.

- E. Disciplinary Action. Each institution shall ensure that its own policies and procedures for addressing alleged employee and contractor misconduct include provisions and measures to respond swiftly and appropriately to reports of suspected child abuse and neglect.

VII. IMPLEMENTATION

A copy of this policy shall be provided to all faculty, staff, and students of each USM institution within one week of the Board's approval of the policy. All other requirements of the policy shall be implemented at each institution no later than January 31, 2012.

Approved

Draft of USM statement on Academic Freedom

Academic freedom is the liberty that faculty members must have if they are to practice their scholarly profession in accordance with the norms of that profession. It is not a term or a condition of employment; rather, it is based in the institutional structure of this and other universities and is fundamental to their common mission of promoting inquiry and advancing the sum of human knowledge and understanding. Although some aspects of academic freedom are also protected by the First Amendment to the United States Constitution, academic freedom exists, independent of any external protection, as a basic prerequisite for universities to fulfill their mission to our society.

Generally, academic freedom is the freedom to teach, both in and outside the classroom, to conduct research and other scholarly or creative activities, and to publish or otherwise disseminate the results. Academic freedom also encompasses the freedom to address any matter of institutional policy or action whether or not as a member of any agency of institutional governance. Faculty have the freedom to address the larger community with regard to any social, political, economic, or other interest.

Academic freedom is most commonly exercised by individual faculty members, but remains first and foremost a professional prerequisite of faculty members as a group. Faculty must be free from any censorship, threat, restraint, retaliation, or discipline by the University with regard to the pursuit of truth in the performance of their teaching, research, publishing or service obligation.

Academic freedom includes the following specific freedoms:

- *freedom of research and publication.* Within the broad standards of accountability established by their profession and their individual disciplines, faculty members must enjoy the fullest possible freedom in their research and in circulating and publishing their results. This freedom follows immediately from the university's basic commitment to advancing knowledge and understanding. Restrictions on research and publication should be minimal and unobtrusive.
- *freedom of teaching.* This freedom is an outgrowth of the previous one. Faculty members must be able not only to disseminate to their students the results of research by themselves and others in their profession, but also to train students to think about these results for themselves, often in an atmosphere of controversy that, so long as it remains in a broad sense educationally relevant, actively assists students in mastering the subject and appreciating its significance.
- *freedom of internal criticism.* Universities promote the common good not through individual decision or bureaucratic calculation, but through broad-based engagement in the scholarly endeavor. Faculty members, because of their education and their institutional knowledge, play an indispensable role as independent participants in university decision making. By virtue of this role, they are entitled to comment on or criticize University policies or decisions, either individually or through institutions of faculty governance.
- *freedom of participation in public debate.* Both within and beyond their areas of expertise, faculty members are generally entitled to participate as citizens in public forums and debates without fear of institutional discipline or restraint, so long as it is clear that they are not acting or speaking for the University. Faculty are not institutional representatives unless specifically authorized as such.

Numerous positive outcomes flow from these freedoms. The historical model for education in the U.S. has been one shared governance where the faculty are major contributors to the operation of the institution. When faculty play a major role in ensuring quality of education the competitive advantage necessary for freedom of thought and creativity is assured. Faculty also spend much time and effort – implicitly and explicitly – advocating for effective use of taxpayer funding within the institution and system. They must be assured the ability to function in these roles without fear of retaliation for unpopular views.

Academic freedom is essential to the fulfillment of the purposes of the University. The parties acknowledge and encourage the continuation of an atmosphere of confidence and freedom while recognizing that the concept of academic freedom is accompanied by a corresponding concept of responsibility to the University and its students. It is of critical importance that any restrictions to academic freedom required – such as those delineated in a particular professional ethics statement or any university standards pertaining to disruptive behavior – be drawn up and implemented with substantial faculty input, in such a way as to minimize infringement of academic freedom. In large part, this goal should be accomplished by ensuring that institutional discipline of faculty members is in proportion to the severity and persistence of misconduct, and by insisting that alleged offenses be handled with appropriate standards of due process, including, wherever possible, the judgment of competent peers. For the rest, however, it must be recognized that contemporary threats to academic freedom are constantly evolving. This University — its faculty, administration, and students alike — must exercise constant vigilance in resisting such threats, whether they arise within the university or from outside