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**Interim University of Maryland Policy on Faculty Professional Conduct**

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**DESCRIPTION OF ISSUE**

It is the mission of the University of Maryland, College Park ("the University") to achieve excellence in teaching, research, and public service within an environment that is respectful and inclusive. (1) Upholding this mission requires members of our community to act in accordance with our University's values by creating and maintaining a community that is civil, respectful, secure, safe, inclusive, and accountable, (2) and to conduct themselves and their institutional responsibilities with integrity and professionalism. When members of our community engage in professional misconduct or other forms of inappropriate behavior, they detract from the University's ability to achieve excellence, fail to uphold the values of the University, and negatively affect the environment that we seek to create to enable all members of our community to reach their full potential and contribute to the greater good of the state, the nation, and the world. While valuing and protecting intellectual and academic freedom and freedom of speech, the University does not tolerate uncivil, disrespectful, threatening, intimidating, dishonest, neglectful, or wrongful conduct that interferes with its mission, values, and commitment to creating and maintaining an inclusive and professional work environment.

**DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE**

Implement a new Office of Integrity and Responsible Conduct (OIRC), Executive Director and structure, and enforce this new policy by the new office.

**SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE**

The Office of Integrity and Responsible Conduct ("OIRC") has primary responsibility over investigations into Allegations of Professional Misconduct. Alleged conduct which falls within the definition of Professional Misconduct, but which may be more readily or suitably resolved at the unit level, will be referred to the appropriate Unit Head in accordance with that individual's supervisory responsibilities and capacity and, when applicable, the University of Maryland Chair Roles, Responsibilities, and Authorities. Interpersonal issues or disputes which it appears could be addressed through mediation or other conflict resolution efforts will be referred for handling by an appropriate institutional resource (e.g., an ombuds or other member of the University's Conflict Resolvers Network).

**ADDITIONAL INFORMATION**

# UNIVERSITY OF MARYLAND

## POLICY ON FACULTY PROFESSIONAL CONDUCT

### I. PURPOSE

It is the mission of the University of Maryland, College Park (“the University”) to achieve excellence in teaching, research, and public service within an environment that is respectful and inclusive.<sup>1</sup> Upholding this mission requires members of our community to act in accordance with our University’s values by creating and maintaining a community that is civil, respectful, secure, safe, inclusive, and accountable,<sup>2</sup> and to conduct themselves and their institutional responsibilities with integrity and professionalism. When members of our community engage in professional misconduct or other forms of inappropriate behavior, they detract from the University’s ability to achieve excellence, fail to uphold the values of the University, and negatively affect the environment that we seek to create to enable all members of our community to reach their full potential and contribute to the greater good of the state, the nation, and the world. While valuing and protecting intellectual and academic freedom and freedom of speech, the University does not tolerate uncivil, disrespectful, threatening, intimidating, dishonest, neglectful, or wrongful conduct that interferes with its mission, values, and commitment to creating and maintaining an inclusive and professional work environment.

As a state institution for which public trust is essential, the University bears a particular responsibility to foster a culture of integrity, civility, responsibility, and professionalism and to address concerns regarding the failure to act in accordance with those expectations.

### II. DEFINITIONS

- A. **“Academic Freedom”** means the right of faculty to express their ideas and challenge the ideas of others in the discharge of their duties without fear of retribution.
- B. **“Allegation”** means a report to the Office of Integrity and Responsible Conduct (“OIRC”) of possible Professional Misconduct. An Allegation should include sufficient detail, and supporting evidence, if available, to permit a Preliminary Assessment by OIRC.
- C. **“Bad Faith”** means a material and demonstrable failure by a Complainant, a Respondent, a Witness, or other individual to meet the standards of Good Faith in connection with any action taken by the individual as part of the reporting or review of the alleged Professional Misconduct.

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<sup>1</sup> University of Maryland, College Park Mission Statement, available at <https://provost.umd.edu/sites/default/files/2019-09/Mission-Vision.pdf>.

<sup>2</sup> “Statement on University Values,” available at <https://policies.umd.edu/statement-university-values>.

- D. **“Bullying”** means intentional persistent, severe, or pervasive behavior toward another employee that a reasonable employee would find malicious, degrading, intimidating, or threatening.
- E. **“Complainant”** means a person who makes an Allegation of Professional Misconduct. A Complainant need not be affiliated with the University. Any individual can be a Complainant by making an Allegation of Professional Misconduct, including, but not limited to students, staff, faculty, and members of the campus community.
- F. **“Conflict of Interest”** means any personal, professional, or financial relationship that influences or reasonably would be perceived to influence the impartial performance of a duty assigned under this policy.
- G. **“Cyberbullying”** means sending, posting, or sharing defamatory or threatening content or engaging in unlawful harassment, which targets an employee via social media or through the use of digital devices. This includes publicly sharing via social media or digital devices private information about another employee, obtained through employment, to cause harm, humiliation, and/or embarrassment to that employee.
- H. **“Deciding Official”** means the Executive Director of the Office of Integrity and Responsible Conduct or, in the event that individual has a conflict of interest relative to a matter under review, a designee appointed in accordance with the University of Maryland Procedures for Addressing Allegations of Professional Misconduct.
- I. **“Good Faith”** means having a belief in the truth of one’s Allegation, testimony, statements, or actions that a reasonable person in the individual’s position could have based on the information known to the individual at the time. Actions are not in Good Faith if taken with knowing or reckless disregard for the truth or of information that would negate the Allegation or testimony.
- J. **“Harassment”** means actions by an individual(s) towards another that are unwanted, demean, threaten, offend, ridicule, and create a hostile work environment. Harassment that is discriminatory in nature (*i.e.*, based on “protected class”) falls under the University’s non-discrimination policy (VI-1.00(B)).
- K. **“Institutional Responsibilities”** mean an individual’s professional responsibilities on behalf of the University including, without limitation, research, education, administrative, and/or service responsibilities, and which may include such activities as research, research consultation, teaching, mentoring, professional practice, committee memberships, and service on University committees, councils, or other institutional bodies.
- L. **“Investigation”** means the review by OIRC of an Allegation through the collection and examination of potential sources of evidence and the evaluation of the factual record to determine whether Professional Misconduct occurred and, if so, to assess its extent, gravity, and potential and actual consequences.
- M. **“Next Level Administrator”** means the administrator to whom a Unit Head reports.

- N. **“Preliminary Assessment”** means an initial review of an Allegation and any necessary information-gathering to determine whether the Allegation warrants review under the Policy because the alleged conduct could, if substantiated, constitute Professional Misconduct and there is sufficient credible evidence to support initiating an Investigation; could more readily or appropriately be addressed through a different pathway; or requires referral for review in accordance with another University policy or procedure.
- O. **“Professional Misconduct”** means conduct that is inconsistent with the professional standards and expectations of faculty at the University, including but not limited to dishonesty or other wrongdoing in the performance of one’s institutional responsibilities or other professional activities; neglect or dereliction in the performance of institutional responsibilities; submission of an Allegation of Professional Misconduct without Good Faith, or frivolous and/or repeated submission of an Allegation or reporting of substantially similar concerns to multiple University offices; Scholarly Misconduct (as defined below); other behavior generally unacceptable to the University community, such as disrespectful, bullying, cyberbullying, threatening, intimidating, or unprofessional conduct, discrimination, harassment, or other behaviors that adversely affect the ability of any member of the campus community to engage in work and learning; failure to comply with University or USM policies or procedures, or State or federal laws or regulations; or failure to otherwise comply with the expectations of professional conduct set forth in this Policy. Some forms of Professional Misconduct are governed by other institutional policies or procedures (*e.g.*, sexual misconduct) and must be reviewed by the associated University office or unit.
- P. **“Reporter”** means an individual who reports an Allegation(s) of Professional Misconduct on behalf of another or the University. A Reporter reports allegations of Professional Misconduct as outlined in Section VI below.
- Q. **“Respondent”** means a person who is the subject of an Allegation. A Respondent must be a faculty member of the University or must have been a faculty member at the time the Professional Misconduct allegedly occurred.
- R. **“Retaliation”** means an adverse action taken by an individual or the University against a person involved in proceedings under this Policy and these Procedures (including, but not limited to, a Complainant, Witness, Unit Head, Deciding Official, or counsel), in response to an Allegation of Professional Misconduct or Good Faith cooperation with the proceedings.
- S. **“Scholarly Misconduct”** means any practice that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities (other than Research Misconduct as defined in the University of Maryland Policy and Procedures Concerning Scholarly Misconduct (III-1.10(A), *i.e.*, falsification, fabrication, or plagiarism). Scholarly Misconduct may take many forms, including, but not limited to, improprieties of authorship; abuse of confidentiality/misappropriation of Ideas; deliberate misrepresentation of qualifications; neglect to adequately educate or supervise students

engaged in scholarly or professional work; deliberate material failure to comply with federal, state, or University requirements affecting research; and violation of generally accepted research practices. Scholarly Misconduct does not include appropriate practices in the Creative Arts insofar as they accord with accepted standards in the relevant discipline.

- T. **“Unit Head”** means a Department Chair, Dean, Director, or any University administrator who has a supervisory relationship to a University employee.
- U. **“Witness”** means an individual who is identified by a person involved in the administration of this Policy or by the Complainant, Respondent, or others engaged in the course of a Preliminary Assessment and/or Investigation as having information that may be relevant to an Allegation under review.

### III. APPLICABILITY

This Policy applies to all faculty of the University.

### IV. POLICY

- A. It is the policy of the University to:
  - 1. Maintain a civil, professional, diverse, and inclusive campus community that promotes excellence in research, teaching, mentoring, and service;
  - 2. Address inappropriate conduct and prevent professional misconduct where possible;
  - 3. Assess, investigate, and resolve professional misconduct in a fair and timely manner; and
  - 4. Take appropriate disciplinary, remedial, and/or corrective actions and/or other sanctions, up to and including termination, when members of the campus community engage in inappropriate conduct, including professional misconduct.
- B. The Office of Integrity and Responsible Conduct (“OIRC”) has primary responsibility over investigations into Allegations of Professional Misconduct. Alleged conduct which falls within the definition of Professional Misconduct, but which may be more readily or suitably resolved at the unit level, will be referred to the appropriate Unit Head in accordance with that individual’s supervisory responsibilities and capacity and, when applicable, the [University of Maryland Chair Roles, Responsibilities, and Authorities](#). Interpersonal issues or disputes which it appears could be addressed through mediation or other conflict resolution efforts will be referred for handling by an appropriate institutional resource (e.g., an ombuds or other member of the University’s Conflict Resolvers Network). Similarly, alleged conduct which could fall within the definition of Professional Misconduct, but which may be more appropriately reviewed by another institutional office, unit, or committee based on the subject matter area for which that

office, unit, or committee is responsible and/or its associated oversight authority (*e.g.*, for specific research compliance areas), may be referred for handling accordingly.

1. Prior to filing an Allegation with OIRC, if possible, parties should seek to resolve conduct issues in a professional and collegial manner. If the parties are not able to resolve their concerns, they should:
    - a. Elevate the concern to the Unit Head for resolution.
    - b. Elevate the concern to the Next Level Administrator, if the Unit Head is unable to resolve the matter or is a party to the Allegation.
    - c. Consider engaging the ombuds.
  2. Matters that are referred by OIRC for handling at the unit level, but which are unable to be resolved at that level, may be referred back to OIRC for further review and action.
- C. University employees have a duty to cooperate with OIRC when OIRC investigates Allegations pursuant to this Policy. The duty to cooperate prohibits individuals from concealing or destroying information relevant to Allegation(s). Failing to cooperate may result in disciplinary action.
1. Testimony, evidence, and/or documentation may not be compelled from confidential resources, administrators, and/or offices such as the ombuds, the Faculty and Staff Assistance Program (“FSAP”), the Office of Civil Rights and Sexual Misconduct (“OCRSM”).
- D. OIRC shall have access to relevant University records, data, and other information, unless prohibited by law or University System of Maryland (“USM”) or University policies and procedures. Disputes regarding access to University-held information shall be resolved by the President or designee.
- E. OIRC may, as necessary and appropriate, engage in a joint review and/or investigation of an Allegation with another relevant University unit, office, or committee (*e.g.*, University Human Resources).
- F. OIRC may share information related to an Allegation and any resulting investigation and findings as required by federal or state law or regulation.

## **V. EXPECTATIONS FOR FACULTY PROFESSIONAL CONDUCT**

- A. Faculty members are expected to:
1. Familiarize themselves and act in accordance with all University and USM policies, procedures, and related guidance, including but not limited to the USM Policy on Professional Conduct and Workplace Bullying (VII-8.05), and the [University of Maryland, College Park Expectations and Responsibilities for Faculty Members](#);
  2. Perform their institutional responsibilities with integrity, honesty, and competency consistent with the highest ethical standards;
  3. Establish and maintain a safe and professional work environment;

4. Refrain from behaviors, including bullying and harassment, that adversely affect the ability of any member of the campus community to engage in productive work and learning;
  5. Indicate clearly when they are speaking or acting as private individuals so as not to permit the impression that the University sponsors their personal activities or actions in any way;
  6. Refrain from exploiting their standing within the University for personal or private gain;
  7. Refrain from inappropriate use of University facilities, equipment, supplies, and/or other properties for personal or private gain or business, as defined in relevant USM and University policies, as well as applicable laws and regulations;
  8. Act in Good Faith when reporting an Allegation(s) of Professional Misconduct or participating in Investigations under this Policy; and,
  9. Refrain from falsifying official records, documents, or claims (*e.g.*, workers' compensation, travel reimbursements).
- B. Violations of these expectations, individually or cumulatively, may be considered and addressed as instances of Professional Misconduct.

## VI. REPORTING ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- A. An Allegation of Professional Misconduct may be reported under this Policy as follows:
  1. To OIRC via e-mail to [\[address TBD\]](#) or phone;
  2. Via the University's [EthicsPoint compliance reporting system](#); or
  3. To the Unit Head of the individual believed to have engaged in Professional Misconduct. Upon receipt of the report and prior to taking any action, the Unit Head shall consult with OIRC.
- B. Allegations may be made anonymously, and OIRC will make every reasonable effort to maintain, but cannot guarantee, a Complainant's anonymity.
- C. All Allegations of Professional Misconduct must contain sufficient information and detail to facilitate a Preliminary Assessment under this Policy. Allegations that do not contain sufficient information and detail, and/or OIRC's inability to seek additional information from an anonymous Complainant, may impede the OIRC from reviewing and investigating the Allegation.
- D. Individuals who are uncertain as to whether an issue may warrant reporting under this Policy may consult with the OIRC. Mandatory report requirements (*e.g.*, those associated with allegations of sexual misconduct) apply to OIRC staff.
- E. If, during the course of investigating an Allegation, OIRC determines that a Complainant, Reporter, Witness, or any other individual acted in Bad Faith with regard to their Allegation(s), testimony, statements, or actions in connection with the proceedings,

appropriate action may be taken against the individual, including referral for disciplinary action, up to and including termination.

- F. Retaliation against any individual who, in Good Faith, reports an Allegation, provides information in connection with, or otherwise participates in an investigation under this Policy is strictly prohibited. Disciplinary action may be taken against an individual who engages in retaliation, up to and including termination.

## **VII. REVIEW OF ALLEGATIONS**

- A. Allegations submitted to OIRC will be reviewed by OIRC in accordance with the procedures set forth in the University of Maryland Procedures for Addressing Allegations of Faculty Professional Misconduct.
  - 1. Upon initial review as part of the Preliminary Assessment described in the Procedures, OIRC may determine that a particular issue may be more readily and appropriately addressed through a different pathway (*e.g.*, through engagement of the Respondent's Unit Head); must be handled under another University policy (*e.g.*, allegations of sexual misconduct); or otherwise requires referral to another University unit, office, or committee for further consideration or action. OIRC will confidentially consult the appropriate Unit Head and/or other University offices or resources (*e.g.*, an individual, office, or committee with responsibility related to the concern presented) in making such a determination.
  - 2. If the Allegation falls under OIRC's purview and will be handled by OIRC, the Procedures will serve as the exclusive mechanism for reviewing the Allegation.
  - 3. The review of matters under this Policy and the Procedures may result in disciplinary, remedial, and/or corrective actions and/or other sanctions, up to and including a reduction in full-time employment status or termination.
  - 4. OIRC may, as necessary and appropriate, engage other University offices, units, or committees with relevant subject matter expertise and/or oversight authority in the review and investigation of Allegations under this Policy and the Procedures.
- B. OIRC will maintain, update, and publish the Procedures as necessary to comport with relevant laws, regulations, USM and University policies and procedures, and University priorities.

## **VIII. LIMITATIONS**

- A. No Allegation shall be reviewed under this Policy if:
  - 1. The Complainant has filed a complaint with respect to the same or a substantially similar issue through another USM or University policy, procedure, process, or office;

2. The Allegation pertains to the same or a substantially similar issue as that which was reviewed by another University office or under another USM or University policy, procedure, or process;
  3. The Allegation pertains to a finding or decision reached through a process established in another USM or University policy, such as policies on sexual misconduct, non-discrimination, and scholarly misconduct;
  4. The Allegation pertains to an official policy, regulation, or procedure of the University or USM; a decision or action by the Board of Regents, the Chancellor, or the President; or any matter the remedy for which would contravene or interfere with an official policy, regulation, procedure, decision, action, or institutional legal obligation;
  5. The Allegation pertains to a fiscal irregularity finding, broad fiscal management, organization, or structure of USM or the University; or
  6. The Allegation pertains to an issue or proposes a remedy that is not under the control of the University or USM.
- B. An employee who elects to use this Policy and associated Procedures agrees to abide by the final decision arrived at thereunder and shall not appeal or challenge the decision further under any other policy, procedure, or process within the USM or the University.