



## BSOS College Council Annual Report | 2022-2023

### Council Members

<b>Stephen Brighton</b>	Faculty - ANTH	<b>Peter Murrell</b>	Faculty - ECON
<b>Leila DeFloriani</b>	Faculty - GEOG	<b>Nicole Nguyen</b>	Faculty - HESP (Secretary)
<b>Long Doan</b>	Faculty - SOCY	<b>Amy Pate</b>	Centers
<b>John Drabinski</b>	Faculty - AFAM	<b>Elizabeth Redcay</b>	Faculty - PSYC
<b>Sara-Laure Faraji</b>	Graduate Student	<b>Aaron Tobiason</b>	Staff Member (Chair)
<b>Rebecca Hunsaker</b>	Staff Member (Vice Chair)	<b>Raj Ukondwa</b>	Undergraduate Student
<b>Yan Li</b>	Faculty - JPSM	<b>Jennifer Wallace</b>	PTK Faculty
<b>Justine Madoo</b>	Faculty - CCJS	<b>Janelle Wong</b>	Faculty - GVPT

### Meetings

The council met on the following dates:

- August 22, 2022
- September 1, 2022
- September 27, 2022
- October 25, 2022
- January 24, 2023
- March 27, 2023
- May 22, 2023

### Council Activities

#### Updates on University Senate

The council compiled and shared with the college an overview of items relevant to BSOS members that the University Senate would be working on in AY 22-23 ([Appendix A](#)).

At the end of the academic year, the council provided an overview of items that were ultimately passed by the Senate ([Appendix B](#)). These include:

- Changes to the Policy on Excused Absence
- Updates to the procedures used to name university buildings and programs
- Revisions to the workload policy for tenured and tenure-track faculty

Both of these Senate-related resources are also included on the council's [webpage](#).

#### Reviews of Plans of Organization

The University's Plan of Organization requires each college council or equivalent to review the plans of organization of each department in the college. In November 2022, the council provided feedback on the **Department of Economics'** recently revised plan, confirming that it met all requirements in both the university's and the college's plan of organization.

The council was also asked to review the plan of organization for the **Maryland Language Science Center**, which it agreed to do. In November, the council provided guidance on revisions necessary to comply with the university's plan of organization and with best practices in shared governance.

## Strategic Planning

In January 2023, the council met with Dean Rivera to discuss her plans for updating the college's Strategic Plan. Council members shared thoughts on possible approaches to drafting the plan and indicated a willingness to provide feedback throughout the process as appropriate.

## Feedback on the Interim Consulting Policy

In October 2022, the university implemented a new Policy on Consulting on an interim basis pending University Senate review. The new policy establishes a general definition of "consulting," clarifies exclusions to this definition, defines limits on consulting, establishes a balance between those activities and a university employee's regular institutional responsibilities, and details new administrative requirements and paperwork required from those who engage in consulting.

The council solicited feedback from faculty and staff in the college and drafted a memo presenting its findings ([Appendix C](#)). The memo was shared with the University Research Council, which was charged by the University Senate with reviewing and recommending changes to the policy, as appropriate.

## Interim Changes to Council Membership

The council reviewed its membership as established in the current [BSOS Plan of Organization](#) and identified constituencies that were not adequately represented. The most pressing concern related to professional track faculty, a category of faculty that did not exist when the plan was last updated. The council also noted a need for additional representation for staff. The council proposed adding additional seats for the council's 2023-2024 term ([Appendix D](#)). The Dean's Office supported these changes and elections for the additional seats occurred in the spring.

## Council and University Senate Elections

In early spring 2023, the council conducted elections for newly created seats and for those seats where elections are stipulated, which includes staff and professional track faculty seats (each department and the centers collectively use their own process for selecting faculty representatives; by custom, the chairs of the Deans Student Advisory Council and Dean's Graduate Student Advisory Council serve in the student seats). At the request of the Dean's Office, the council also conducted elections for at-large University Senate seats. Election results are listed below.

### College Council

Faculty Primarily Engaged in Research: **Marcus Boyd**

Faculty Primarily Engaged in Instruction: **Candace Turitto**

Clinical Faculty and Faculty Engaged Primarily in Administration: **Nicole Nguyen**

Exempt Staff: **Akta Patel**

Non-Exempt Staff: no candidates (an election will be held in the fall)

### University Senate

**Erin Miller**

**Wendy Stickle**



## Overview of Senate Activities, 2022-2023

Below is a summary of items currently under consideration by the University Senate that have ramifications for BSOS faculty, staff, and students.

### Review of a Policy Regulating the Naming of Facilities and Programs

- Activity:** In September, the Senate's Educational Affairs Committee was charged with reviewing a revised University Policy and Procedures on the Naming of Facilities and Programs.
- Background:** The university adopted this revised policy in response to a directive from the University System of Maryland. The policy covers procedures for naming new or existing facilities, major outdoor areas, or academic programs (which include colleges, departments, centers, and academic programs). It also establishes procedures for removing an existing name. The policy distinguishes between namings associated with a philanthropic gift and those that do not have a monetary component but are intended to honor a distinguished individual.
- More Detail:** [Interim Policy & Procedures on the Naming of Facilities and Programs](#)

### Possible Changes to the Codes of Student Conduct and Academic Integrity

- Activity:** In October 2021, the Director of the Office of Student Conduct submitted a proposal calling for changes to the Code of Student Conduct and the Code of Academic Integrity. The Senate's Student Conduct Committee was charged with reviewing the proposal and recommending any necessary changes to the codes.
- Background:** The proposed updates to the codes include updating terminology and revising language to make provisions less legalistic, more accessible, and less ambiguous. They would also streamline hearing board procedures to facilitate more timely resolutions, and update the possible sanctions for violations of each code, including when the grade of "XF" is given.
- More Detail:** [Senate Document #21-22-22](#)  
[Proposal from the Director of the Office of Student Conduct](#)  
[Code of Student Conduct](#)  
[Code of Academic Integrity](#)

### Possible Changes to the Student Fee Process

- Activity:** In September 2021, the Senate received a proposal from the leaders of the Student Government Association, Graduate Student Government, and Residence Hall Association calling for specific changes to the process for setting student fees. The Senate referred the proposal to the university's Vice President & Chief Financial Officer for consideration during the FY23 fee-setting process.

**Background:** The process for setting student fees has been a source of tension between student organizations and the administration. Since at least 2012, students have called for greater transparency throughout the process, and for more meaningful opportunities to participate in the process. While a “Policy on the Review and Approval of Student Fees” was agreed to by the President in 2008, it is not included in the formal [list of university policies](#), and has not been consistently followed. In 2021, a new Maryland law went into effect that established new provisions for how presidents of USM institutions communicate information about student fees. The Senate Executive Committee referred the proposal to the university’s CFO, and requested that they report on how the changes in state law were implemented during the 2021-2022 fee-setting process.

**More Detail:** [Senate Document #21-22-13](#)

## Proposal to Remove Explicit Requirements for Final Exams

**Activity:** In September 2021, the Associate Dean for General Education submitted a proposal that would remove the requirement that every course include a final exam.

**Background:** Current university policy requires that undergraduate courses include a final exam (though exceptions can be made with approval by the unit head). The proposed change would remove this requirement, and introduce language intended to ensure that students are not given excessive amounts of work during the week before finals in courses that choose not to give an exam.

**More Detail:** [Senate Document #21-22-11](#)  
[Policy on the Conduct of Undergraduate Courses and Student Grievance Procedure](#)

## Proposal to Revise the Excused Absence Policy

**Activity:** In August 2021, the Senate received a proposal to revise the Policy on Excused Absence to better address student mental health needs and change requirements surrounding physician-signed notes, which the proposal argues can present equity issues. The Senate’s Academic Procedures & Standards Committee was charged with considering the proposal.

**Background:** The current Policy on Excused Absence allows students to provide self-signed documentation for a single absence (once per course) that does not coincide with a major assignment or due date. All other “medically necessitated absences” require documentation from a physician or the University Health Center.

**More Detail:** [Senate Document #21-22-04](#)  
[Policy on Excused Absence](#)

## Review of the Interim Policy on Consulting

**Activity:** In October 2022, the President implemented a University of Maryland Policy on Consulting on an interim basis pending Senate review. The Senate Executive Committee charged the University Research Council with reviewing the interim policy and recommending revisions as appropriate.

**Background:** After reviewing federal regulations, state ethics laws, and other USM policies, the Division of Research and Office of General Counsel identified a pressing need for a policy addressing consulting by university employees. A stakeholder group then drafted the interim policy, which: establishes a general definition of “consulting,” clarifies exclusions to this definition, defines limits on consulting, establishes a balance between those activities and a University employee’s regular institutional responsibilities, and details new administrative requirements and paperwork required from those who engage in consulting.

**More Detail:** [Senate Document #22-23-13](#)  
[Proposal from the Director of Research Transparency & Outreach](#)  
[Interim University of Maryland Policy on Consulting](#)



## Overview of Senate Actions, 2022-2023

Below is a summary of actions taken by the University Senate that have ramifications for BSOS faculty, staff, and students.

### Proposal to Revise the Excused Absence Policy

**Change:** In December, the Senate approved minor revisions to the University of Maryland Policy on Excused Absence intended to more clearly communicate to students that mental health was covered under the policy. References to “medically necessitated absences” were changed to “health-related absences, including mental and physical health.” The term “physician” was also replaced with “health care provider.”

**Background:** In August 2021, the Senate received a proposal to revise the Policy on Excused Absence to better address student mental health needs and change requirements surrounding physician-signed notes, which the proposal argues can present equity issues. The Senate’s Academic Procedures & Standards Committee was charged with considering the proposal.

**More Detail:** [Senate Document #21-22-04](#)  
[Minutes from the 12.7.22 Senate Meeting](#)  
[University of Maryland Policy on Excused Absence](#)

### Review of a Policy Regulating the Naming of Facilities and Programs

**Change:** In March 2023, the Senate approved revisions to the interim University of Maryland Policy and Procedures on the Naming of Facilities and Programs. The revisions preserved the substance of the interim policy, which must align with policy at the University System of Maryland (USM) level. In addition to technical and organizational changes, the revisions include:

- The creation of a new Program Naming Committee to consider proposals to name an academic or related program. The committee confidentially considers proposals directed to it by the Provost and makes recommendations.
- Provisions for dealing with situations where a donor does not follow through on their financial commitment, which include removing a name or identifying an alternate naming opportunity appropriate to the size of the gift received.
- A slight loosening of the eligibility criteria for naming a facility or program after an individual. Rather than meeting all of the criteria, individuals must now meet a majority of them.
- Allowing service to the state of Maryland (in addition to the university or the USM) to qualify an individual for a naming opportunity.

- Adding exceptions to a provision requiring individuals to be separated from any connection to the university or USM for a period of one year before being eligible for a naming opportunity.
- Allowing programs to be named for corporations or foundations, providing other eligibility criteria are met.

**Background:** In September, the Senate’s Educational Affairs Committee was charged with reviewing a revised University Policy and Procedures on the Naming of Facilities and Programs. The university adopted this revised policy on an interim basis pending Senate review in response to a directive from the University System of Maryland. The policy covers procedures for naming new or existing facilities, major outdoor areas, or academic programs (which include colleges, departments, centers, and academic programs). It also establishes procedures for removing an existing name. The policy distinguishes between namings associated with a philanthropic gift and those that do not have a monetary component but are intended to honor a distinguished individual.

**More Detail:** [Senate Document #22-23-03](#)  
[Minutes from the 3.8.23 Senate Meeting](#)  
[University of Maryland Policy and Procedures on the Naming of Facilities and Programs](#)

## Changes to the Faculty Workload Policy

**Change:** In April 2023, the Senate approved revisions to the Policy on Workload and Responsibilities for Full-Time Tenured, Tenure-Track, Permanent Status, and Permanent Status Track Faculty (these are awaiting final approval by the President). The revisions largely preserve the interim policy and its substance, which emphasized flexibility for units in developing their own workload policies within the broader provisions established in university and USM policy. In addition to technical changes, the revisions include:

- Adding language ensuring that faculty with full or partial extension appointments are explicitly addressed in unit workload policies.
- Emphasizing flexibility by adding language recommending that units consider whether course equivalents can be accumulated over a three-year period.
- The Senate also recommended that the Office of Faculty Affairs revise and expand its guidance in light of the changes made in the interim policy.

**Background:** In June 2019, the USM revised its policy governing full-time faculty workload and responsibilities. In March 2022, the President approved on an interim basis a revised Policy on Full-Time Faculty Workload and Responsibilities, pending Senate review. In October 2022, the Senate’s Faculty Affairs Committee was charged with reviewing the interim policy and proposing revisions as necessary.

**More Detail:** [Senate Document #22-23-12](#)



COLLEGE OF  
BEHAVIORAL &  
SOCIAL SCIENCES  
COLLEGE COUNCIL

April 13, 2023

To: Research Council, Andrew Harris, Chair

From: BSOS College Council

CC: Senate Executive Committee, Rochelle Newman, Chair  
Division of Research, Greg Ball, Vice President for Research; Reka S. Montfort, Director, Research  
Transparency & Outreach  
BSOS Faculty and Staff

**Re: Review of the Interim University of Maryland Policy on Consulting (II-3.10[E])**

The interim Consulting Policy, currently under review by the Research Council at the request of the Senate Executive Committee, has generated considerable interest and concern from faculty and staff in BSOS. In order to ensure that these perspectives are accounted for during the review of the interim policy and under the principles of shared governance, the BSOS College Council requested feedback from faculty and staff potentially affected by the policy. The interim policy was circulated by the College Council to members of the College along with a form through which they could provide narrative feedback. The entire set of responses are included in the Appendix to this memo for consideration by the Research Council. Significant or commonly expressed concerns that we wish to bring to the attention of the Research Council include:

- The total number of consulting days permitted is perceived as too restrictive, particularly for faculty working more than 50% but less than 100% FTE.
- The policy presents particular compliance challenges for practitioner faculty members, e.g., in professional programs, whose outside consulting work is a benefit to or requirement of their faculty position.
- Oversight and responsibility for determining whether Chairs/Unit Heads are in compliance with the policy is unclear.
- Concerns regarding Conflict of Interest, Conflict of Commitment, and federal national security requirements are conflated, creating a sweeping policy that effectively operates as a non-compete contract.
- The distinction between moonlighting, professional service, and consulting is insufficiently defined, especially for clinical professions.

Recommendations to consider:

- Include an exemption for faculty and staff who work less than 100% FTE from the policy.
- Provide exemptions or more flexible policies for faculty in professional programs.
- The policy should focus on clearly defined concerns of the federal government (e.g., foreign collaborations), rather than conflate issues of Conflict of Commitment, which are already covered under COI/COC Policy and Procedures.
- Exclude having to report adjuncting activities for local institutions from the MoU process.
- Clarify the types of activities that must be disclosed vs. those that Unit Heads have the authority to restrict for faculty who are meeting their performance expectations.
- The restriction on banking should be lifted since many consulting opportunities take place in concentrated time periods.



- Include a mechanism for reporting time-sensitive opportunities (e.g., media appearances) that does not require a MoU/pre-approval.
- Categorically omit service for state, federal, and local government from reporting requirements. (The “Professional Service” distinction seems to still require reporting under VI-A-2.)

Thank you for the opportunity to share feedback from BSOS constituents, which we hope you will consider as you conduct your review and make recommendations on possible revisions to the policy.

**BSOS College Council Membership**

Stephen Brighton	Faculty - ANTH
Leila DeFloriani	Faculty - GEOG
Long Doan	Faculty - SOCY
John Drabinski	Faculty - AFAM
Sara-Laure Faraji	Graduate Student (DGSAC)
Rebecca Hunsaker	Staff Member (Vice Chair)
Yan Li	Faculty - JPSM
Justine Madoo	Faculty - CCJS
Peter Murrell	Faculty - ECON
Nicole Nguyen	Faculty - HESP (Secretary)
Amy Pate	Centers
Elizabeth Redcay	Faculty - PSYC
Aaron Tobiason	Staff Member (Chair)
Raj Ukondwa	Undergraduate Student (DSAC)
Jennifer Wallace	PTK Faculty
Janelle Wong	Faculty - GVPT

## Appendix: Feedback from BSOS Faculty and Staff on the Interim Consulting Policy

**Q: Please provide your feedback on the policy and any suggested changes below:**

1. While I understand the reasoning for such a policy, I do feel that employees should not be limited to eight hours per week. Most part time jobs are at least 10 hours/week and such a policy may jeopardize the financial well-being of UMD employees. Many, including myself, rely on such part-time opportunities both professionally and financially. I believe that if an employee's part time job is not a conflict of interest and they are still excelling within their UMD position, then they should not be limited in what they do outside the university and should be allowed to do what is best for them. While I am against this policy, I would support a policy which allowed UMD employees to work a part-time job 10 hours/week. I think it is important to support our UMD employees with outside activities.

2. This policy seriously affects faculty in - and future recruitment into - the MPIO program ([iop.umd.edu](http://iop.umd.edu)). Our program is very application-focused and we train students to be practitioners in industry. As a part of being able to do this successfully, many faculty in the program also practice consulting. Professors who consult routinely bring this experience and client examples and work into the classroom that greatly benefit our students in their learning. This also leads to professors being able to offer connections to students for job and internship opportunities to further their career development. In fact, we receive feedback that many students are attracted to our program because of professors' consulting work and the access they have to it. Each faculty in the program is required to have had applied experience due to the nature of the material we teach, and many continue some form of applied work even when they join the program to teach - especially because the contracts are typically at 80-85% FTE. As the policy stands, clarity is needed on how the restrictions affect those faculty under 100% FTE but over 50% FTE, as well as earnings reporting requirements and what types of conflict inquiries may arise. Implementation of guidelines that restrict consulting work or hours, especially when we (in our program) have never seen this work conflicting with job commitment or job performance, is of major concern for faculty and an easily foreseen major deterrent for recruiting future quality faculty into the program who may want to continue their consulting work. As previously alluded to, it may also have the potential to affect student recruitment of strong applicants who are interested in our faculty's work. I strongly believe that faculty in professional programs who are training future applied practitioners should be provided with some exemption or more flexible policies.

3. This policy seems like a sideways attempt to comply with federal regulations that require the university to identify foreign collaborations by placing unnecessary burdens on faculty engaged in commonplace professional activities. This is especially true for faculty whose FTEs are below 100%, for whom the policy requires burdensome documentation and potentially restricts their ability to earn a living. There are many instructional faculty who need to work at other institutions to supplement their salary, which is related to the problem of salaries for instructional PTK, and even TTK faculty in some departments, being much lower than those of their peers. An easy potential solution is to exclude local instructional activity from this overly broad and burdensome policy, as it does not pose a serious risk of "foreign collaboration." There also should be clear guidance on what type of activity only needs to be "disclosed," and when units should actually restrict such activity. As written, units have too much authority to restrict activity even if a faculty member is meeting all contractual expectations. PTK faculty are particularly vulnerable to capricious implementation of this policy. In addition, the requirements for formal MOUs to be signed and registered with both UMD and the institution for whom the faculty member is consulting is unduly burdensome and will result in faculty members routinely being out of compliance. Some forms of consultation, such as media appearances, can arise urgently and there should be a mechanism for this type of consulting activity to be permitted without prior documentation.

4. This a response from the ECONOMICS department: (1) Any MOUs should explicitly recognize that the terms that the faculty/staff member is agreeing to do not impose any changes in the contractual relationship with the University. It should also state that, if the University amends its policies, the University cannot change the terms under which a faculty member can operate under existing outside relationships. (2) The University should state that departments are able to draw up their own policies on defining what is professional or public service, and what is consulting, for their disciplines, so that these can be applied sensibly and consistently. Departments should also be able to define hours banking policies that respect the one-day-per-week rule for 100% FTEs as an average, but which are consistent with the nature of outside engagements in the discipline and the practice of similar departments other universities. (3) The University should be clear that those on less than 100% FTE are able to engage in additional outside activities. (4) The University should recognize that conflict of commitment issues are best addressed by asking whether the employee is performing their UMD duties at a high level. (5) The University should provide very clear guidance on how funding agency forms should be completed, as it is very unclear that definitions used by UMD are consistent with these. The University has failed to do this for recent NSF funding rounds, negating the value of the entire policy. It should also be very clear when KCOI filing are required. (6) The University should clearly define who will have access to records and how it will respond to requests for disclosure, including FOIA, both of MOUs, hours banking and related emails and documents. They should recognize that even US government federal agencies, including the Department of Justice, are not happy with the disclosure risks in the current policy when they are recruiting experts. (7) The university should adhere to the reality of best practices in other universities as closely as possible, when it comes to disclosure and hours management policies. Otherwise productive faculty will be lost. (8) The university should be clear what liability is assumed by administrators and unit heads under the policy. (9) Any policy should focus on clearly defined concerns of the federal government (e.g., risk of tech transfer to hostile governments), rather than a very sweeping policy that distorts lots of other behavior. (10) The University should immediately clarify what types of filing - beyond CONCUR travel requests - are required for domestic and international travel as part of normal UMD research activities. It should create confusion by mixing any filings like this with "Conflict of Interest" reporting (there is no real or perceived conflict of interest if the University of Toronto reimburses someone when they give an academic seminar) or the consulting policy. (11) The University should ensure the relevant committees (e.g., COI) have the resources to deal with these things in an efficient manner.

5. The policy notes "...so long as the faculty member is appropriately meeting all University obligations as determined through unit-level reviews, and with the approval of their Unit Head" ... what guidelines are in place or can be added for instances when the consulting is being done by a Unit Head (e.g., Chair/Director)? In these situations the employee's superior (e.g., Dean) may not be knowledgeable about a) the employee's obligations being met, b) the potential for a COI/COC, or c) whether the consulting is in the interests of the individual vs. the university. The policy indicates the Unit Head is responsible for remaining knowledgeable about these things, but how can that be accomplished? Will there be general transparency on existing consulting MOUs, so the affected parties within the university community can be aware of and mitigate potential COI/COC issues?

6. The policy is inconsistent in its treatment of work done for "public institutions." Two sentences indicate that activities on behalf of public institutions are exempt from the policy: "Professional Service(s) means activities that provide a benefit to the University, academia, and/or the public interest, regardless of whether there is personal remuneration." and "Professional Service is distinct from Consulting in that such service is for the benefit of public institutions." Yet a later sentence makes a claim that is incorrect and thus appears to contradict the clause about remuneration: "Although an honorarium or equivalent sometimes is forthcoming, Professional Service is not undertaken for personal financial gain; therefore, such service does not fall within the Consulting category as defined by this Policy." The claim is incorrect because the decision about whether to take on professional service is often influenced by the offer of "an honorarium or equivalent." Indeed, a key rationale for offering honoraria or their equivalent is to increase the odds people will engage in professional service. To

define an activity as covered or not covered depending on the judgment of whether the person's decision to engage in the activity was influenced by financial gain, is a mistake because such a judgment is inherently subjective.

7. The MOU documentation (6.4) is too strict for giving academic talks. These are a norm in academia and are not what we would traditionally call "consulting."

8. Thank you for making these clarifications on professional service, consulting, and other non-University work-related activities - how they are defined and counted.

9. Stipulations V.A. ("Faculty may undertake Consulting up to one (1) day per calendar week...") and V.B.1 ("Staff are permitted to engage in Consulting... only outside of their regular University work hours or during periods of approved applicable leave" do not seem entirely congruous. Stipulation V.B.1 of course makes complete sense and cannot reasonably be challenged, but it is unclear why a consulting limit of one day per calendar week should still apply if one chooses to use annual leave to free up time for a consulting effort. This subsequent specific mention of holidays seems similarly ill-considered: "It does not matter if faculty Consult on evenings, weekends, or holidays; if faculty perform activities that are defined by this Policy as Consulting, it counts towards their total number of Consulting days." But why should holidays count toward the one-day-per-week cap? During holidays, and (generally) while on annual leave, no University work is being performed anyway. It seems neither reasonable nor entirely fair to consider these "extra" non-University-work weekdays as time that should have been spent on University work. In addition, the following subsequent qualification for 9-month faculty seems inconsistent with the above holiday (and presumably annual leave) restriction: "During the summer period, if the faculty member is not engaged in other compensated University work,... the one (1) day per calendar week limit does not apply." How is the summer period different from holiday periods when the University is closed, or during a two-week annual vacation? Faculty members would similarly not be "engaged in other compensated University work" during these periods. Here the summer and holiday (+ leave?) policies seem inconsistent.

10. Serving as an expert witness is not consulting! Not at all. It's an honor and a privilege to serve the U.S National, State and Local Court system in this way. It should be encouraged and honored by the university and departments, and not limited in any way. On the contrary, it is a vital and critical form of civic engagement. One must be qualified and have a high level of expertise to be qualified by a Court as an expert witness. These cases are not just about who caused the accident on Route 1, or who cheated who out of lunch money. These cases concern fundamental issues of Constitutional Law and our legal system: Fairness, Justice, Equal Protection of the Laws, Due Process, Equality. Cases on election integrity come up, fairness in redistricting procedures, equal access to voting, and extending the right to vote. Few issues are more fundamental to our form of government than such weighty topics. And we want to limit our faculty's input into these momentous decisions? Really? Imagine writing a report as an expert witness that becomes a citation in landmark decision on the U.S. Supreme Court. That's probably happened with faculty here at UMD. And certainly their written reports have been cited by lower Federal and State Courts in many decisions, just in the last year or two. This input is vital to the court system and to adjudication of these cases. Judges are known to thank the witnesses for giving their time and expertise to be present in Court. By the way, this is also true of witnesses who appear in Congressional Hearings and before the state legislature. They are performing a service. Yes, of course they are paid for their effort most of the time, but their service is often required under very high pressure deadlines, and at great inconvenience to themselves. Another reason for not having limits on this activity is that expertise itself is very limited. At any given time, 30 cases may be moving through the Federal Court system on voting rights or redistricting. But there may not be anywhere near 30 experts available to testify, and far less than sixty, if each case requires two

witnesses. What this means is that when someone is called as an expert witness several times in a year, in multiple cases, this is to be expected. Not limiting expert witness testimony is also critical because court activity in certain areas of the law is seasonal and episodic. A series of cases may arise on a legal issue over a short period of time, perhaps 2-3 years, and then the matter will be considered resolved. But for that 2-3 year period, there may be a series of important cases but only a few experts who know the subject well enough to serve. That means that for a short period of time, these experts will be in high demand, perhaps working on several cases at the same time. Finally, involvement in these cases is not only a high honor and a privilege, it greatly enhances the educational mission of the University. Research reports written as part of testimony are often translated into peer reviewed journal articles, law review articles, book chapters, and other scholarly works. Experience as an expert witness brings prestige and notoriety, so that when letters are written for undergraduate students for admission to law school or graduate school, the faculty recommenders are recognized and well-reputed. And most certainly the research and experience gained in serving as an expert witness finds its way into classroom instruction. Faculty are rarely called as experts in areas where they do not have some teaching responsibility. Any experiences that enhance their knowledge and understanding of their substantive specialities can only help bolster the classroom experience for undergraduate and graduate students. I am completely astonished that any proposal to limit expert witness testimony and participation is even on the table. This is such an important service to the U.S. judicial system, to the nation, the states, and to our local governments. It's an honor to be considered to serve in this capacity. It is a critical form of civic engagement for our faculty to be involved. Not everyone is qualified to do it. How about offering a little more respect for the distinguished faculty in this University who have been qualified by the Courts to be experts?

11. One primary issue is the overlap. There seem to be 3-4 different COI-related outputs. It is unclear where they are going, who is doing the evaluating, and what the documents will be used for. It seems like a lot of busy work.

12. My main concern is the lack of meaningful difference between "moonlighting" and "consulting." Boiled down, consulting means worked related to your "discipline or area of expertise" while moonlighting is not "directly related to [your] professional field or discipline." While this seems reasonable, I don't think it actually is. Example: You are hired to work at UMD as PTK faculty and your role is 100% research. Well, that faculty member may really enjoy teaching, and so they pick up a couple of classes at a community college or other university. This would be considered consulting because they are working within their "discipline or area of expertise," but UMD doesn't pay this person to teach. The reverse would be true if we had PTK faculty paid exclusively to teach and they found work with a research firm. This would somehow be considered consulting even though they do no research at UMD and have no avenue to do so. Moonlighting, as currently defined, is squishy. A faculty member could reasonably take up a job as an assistant manager at McDonald's [extreme example for demonstrative purposes] and work 40 hours a week without running afoul of this policy. I would call for consulting and moonlighting to be better defined. It seems, based on the current definition that the total hours worked outside of the university are not the real concern here, that this is really a version of a non-compete contract. It makes far more sense for consulting to be defined as work done as an independent contractor or for a business/non-profit that you run or help manage as a shareholder. Moonlighting, then, makes more sense when it is defined as work done as an employee of a firm/non-profit/etc. Put simply, if you work for someone else, you are moonlighting, but if you are working for yourself (in a management or independent contractor role) you are consulting. Lastly, I would like to call attention to the recent work by UMD assistant professor Evan Starr who found that non-compete contracts can be "crippling" (<https://today.umd.edu/management-professors-research-spurs-u-s-proposal-to-ban-noncompete-agreements>). The Biden Administration, with support from UMD faculty, is attempting to curtail limits on outside work. It seems odd that UMD would choose now to limit, and attempt to differentiate which forms of outside work are unlimited and "a part of the employee's private life" and which is not.

13. I'm confused as to who this applies to. If professors are less than 100% does it apply? Also will you be calculating market value of skills and readjusting salary if consulting isn't allowed, particularly with PTK? Will adjuncts begin to make more or are they not included?

14. It would seem reasonable to have the policy allow for consulting activities more than 1 day per week if that does not clash with the person's FTE.

15. It is unclear what the difference is between "consulting" and "moonlighting," especially in clinical professions, such as clinical or counseling psychology, where many faculty members also have private practices or engage in other clinical work outside their role at UMD. This should be clarified. Personally, I do not understand the limit on consulting days. In particular: "It does not matter if faculty Consult on evenings, weekends, or holidays; if faculty perform activities that are defined by this Policy as Consulting, it counts towards their total number of Consulting days." If it is outside of the faculty's regular paid working hours, why does that not count as "moonlighting"? In general, Conflict of Interest makes sense to me as a concept. However, Conflict of Commitment does not make as much sense. Is the Conflict of Commitment idea meant to follow a particular existing law, or is this a UMD-level policy? If there is no conflict of interest, there are no national security issues, and it occurs outside the employee's paid working hours, I am not sure why this professional activity is within the purview of UMD.

16. I'm concerned that this consulting policy may discourage faculty and staff from disclosing their consulting agreements. How does this consulting policy interact with State Ethics Law and financial disclosures for public employees?

17. I think the banking policy and the policy of counting weekends and holidays against the 52 day limit are needlessly and overly restrictive. I would recommend eliminating both of these restrictions. As for banking, a lot of consulting work comes in concentrated chunks. As for weekends and holidays, what right does the University have to dictate how we use our time outside the work week? In both cases, the main consideration should be whether the consulting work interferes with the faculty member's satisfactory performance of their university responsibilities. Unit heads could be given the right to impose restrictions on banking or consulting on weekends/holidays if a faculty member's consulting work is impeding their university work, but there should not be the presumption of a blanket ban. I also think that the definition of consulting should categorically omit public service for state, federal and local governments in the US. If the Department of Justice or the City of College Park wants to hire a UMD faculty member for expert analysis, this should be seen as fulfilling the outreach mission of the University, not as a conflict of commitment--again, subject to the faculty member fulfilling their University duties in a satisfactory way.

18. I think that Professional Track Faculty, in particular, are valuable BECAUSE of their ongoing industry experience, which is now being limited by this policy. In addition, this policy does not take into account that faculty who are primarily instructional in nature have periods of time, e.g. winter break or spring break, that may be free for them. By limiting the hours in such a rigid manner, the policy significantly disadvantages faculty that rely on their consulting work to minimize the risk of year-to-year contracts.

19. I have serious concerns with this policy. I have been a faculty member at this university for 15 years. For only a fraction of those years have faculty on this campus received merit-based increases to their salary. We live in a very high cost of living environment. To make working at UMD financially feasible, faculty have been placed

between the "rock and a hard place" of trying to augment their salary by leveraging their skills in consulting roles. This policy places limits on the very things we do as faculty to sustain ourselves financially, and creates new barriers to seeking out new consulting opportunities. If the campus has concerns about our ability to carry out our jobs on campus, then set up objective accountability metrics designed to identify those whose performance has faltered, presumably, because they take on too much consulting work off-campus. I guess the other thing that can be done is ensure that faculty have the opportunity to receive merit-based increases to their pay year-in and year-out.

20. I appreciate that the policy distinguishes different types of activity that are and are not considered consulting. For instance--excluding publishing in academic journals. I would like to know how the number of days allowed was calculated--39 day limit for 9-month faculty, for instance, excluding summer. The fact that we should inform our unit head in advance should be more widely publicized--I didn't realize this. Also, I get confused between the consulting policy and the reporting requirements for outside professional activities--what is the difference?

21. For employees on a 12-month contract working less than 100% FTE, the one day per week limit should absolutely NOT apply. For example, if someone is at 60% FTE for the university, that's three days per week working for the university and two days doing other things. It should not be the university's concern what that person does those other two days per week. There needs to be a higher allowance of consulting days for anyone working less than 100% FTE.

## Proposed 2023 Changes in CC Composition

### Approach to Membership and Elections

- When determining eligibility for the Council seats reserved for “the lecturers, instructors, and research faculty in the College,” the Council will use the University Senate’s definition of PTK faculty: full-time faculty holding a PTK title, but excluding term-limited and entry-level titles (who are accounted for in the next bullet point).
  - a. **We propose expanding the number of seats reserved for PTK faculty from 1 to 3 seats** to allow for greater representation of the diverse PTK constituency and to allow for staggered terms. One seat will be for research and clinical PTK faculty, one for instructional PTK faculty, and one will be open to any PTK faculty member. If there are no candidates for one of the first two seats, it will be made available to the second-highest PTK faculty vote-getter competing for the other seat.
- **The Council proposes adding a seat for “part-time research, teaching and adjunct faculty, post-doctoral associates, junior lecturers, or faculty assistants.”** This addition accounts for members of the BSOS community who do not fall under the Senate’s definition of “professional-track faculty.” The term for this seat would be one year, given the more transient nature of this population.
- **The Council proposes adding one additional staff seat, bringing the total to three.** Two seats would be for exempt staff and one for non-exempt staff. This allows for greater representation of the diversity of the staff and will allow for staggered terms for the exempt seats. The term length for the non-exempt seat would be one year. When electing the staff representatives, the Council will also default to University Senate definitions: regular, full-time employees, excluding part-time and C1 and C2.