



UNIVERSITY SYSTEM OF MARYLAND

II-1.04 - POLICY ON PROCEDURES FOR APPEALS TO THE UNIVERSITY SYSTEM OF MARYLAND (USM) BOARD OF REGENTS OF DECISIONS TO TERMINATE TENURED OR TENURE-TRACK FACULTY MEMBERS

(Approved by the Board of Regents, February 9, 2001; Technical amendments by the Board, December 12, 2014)

1. A tenured or tenure-track faculty member whose faculty employment has been terminated for cause by the president of the employing institution pursuant to USM/ART Policy II-1.00, I.C.7(a) may appeal to the Board of Regents. All such appeals shall conform to these procedures.
2. An appeal may be requested only by filing a written notice of appeal. The notice of appeal must identify the faculty member and state that the faculty member wishes to appeal the termination of his/her employment to the Board of Regents. The notice must be filed within ten working days of the faculty member's receipt of the letter communicating the president's decision to terminate. The notice of appeal is filed when it is received at the Office of the President.
3. The president shall deliver the notice of appeal and the record (as defined herein) to the USM Senior Vice Chancellor for Academic Affairs no later than ten working days after the receipt of the notice of appeal by the Office of the President. The record shall include:
 - a. The statement of charges provided to the faculty member;
 - b. A tape recording, or written transcript, of the hearing provided pursuant to USM/ART Policy II-1.00, I.C.7(a). If no transcript of the hearing has been made, either party may request that a transcript be prepared. Such a request must be directed to the Senior Vice Chancellor for Academic Affairs. If such a request is made, a transcript will be prepared and a copy provided to each party at the expense of the appointing institution;
 - c. Copies of all exhibits received by the hearing officer or faculty board of review;
 - d. The written recommendation of the hearing officer or faculty board of review;
 - e. Any additional material or information used by the President, if any;
 - f. The written decision of the President; and
 - g. A letter of transmittal from the President.

4. Within 30 days of the filing of the notice of appeal, the faculty member shall file a memorandum in support of the appeal. The memorandum is filed when it is received in the office of the Senior Vice Chancellor for Academic Affairs. The memorandum must be signed by the faculty member and by any attorney retained by the faculty member. It must identify the points in the President's written decision to which the appellant takes exception and a statement in each case of the reasons why. Factual allegations must include references to the record at the institutional level. New factual material not a part of that record will not be considered on appeal.
5. The Senior Vice Chancellor for Academic Affairs shall send a copy of the faculty member's memorandum to the president, who may file a written response with the Senior Vice Chancellor for Academic Affairs no later than 30 days from the president's receipt of the faculty member's memorandum. A copy of the response must be sent to the faculty member or the faculty member's attorney or representative.
6. Upon receipt of a notice of appeal, the Senior Vice Chancellor for Academic Affairs shall send a copy to the Chair of the Board of Regents, who shall appoint three regents to hear the appeal (the "appeal panel") on the Board's behalf and name one of them to serve as chair. The appeal panel shall set a hearing date consistent with the above procedures and with the goal of achieving an expeditious conclusion.
7. The hearing shall consist of oral argument on behalf of the faculty member and of the president. The panel chair shall specify in advance the time permitted for oral argument. No witness testimony will be allowed, and argument shall be limited to matters in the record.
8. The appellant shall have the burden of showing that the President's decision was not supported by substantial evidence in the record and/or that the decision is premised upon an error of law, including procedural error.
9. Either party may be represented by legal counsel at the hearing.
10. The appeal hearing will be closed and will be recorded.
11. Following the hearing, the appeal panel shall issue a recommendation to the full Board of Regents. The Panel may recommend affirmation of the President's decision, reversal of that decision, or remand to the institution for further action as specified. The Board shall consider and act on that recommendation in executive session no later than its next regularly scheduled Board meeting. The Board may concur in the Panel's decision or modify it. It shall communicate its decision in writing to the faculty member and the president within five working days of its decision. The Board's decision is final.