



Office of General Counsel

FALL 2019

2019-20 FACULTY RESOURCE GUIDE

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Have you ever had to:

- Decide whether you could show a movie clip in one of your classes?
- Travel internationally with sensitive data on a flash drive?
- Evaluate the merits of forming a start-up company?
- Comply with “FERPA” without understanding what “FERPA” is?

Dealing with situations that require specialized regulatory knowledge or resources can be challenging. Fortunately, many UMD departments are available to help faculty members navigate these and similar situations.

The *Faculty Resource Guide* is an annual publication of the Office of General Counsel. It presents FAQs related to teaching, supporting students, conducting research, and other common scenarios, and provides hotlinks to relevant web-based information and to offices that can provide assistance.

Your teaching, research, and outreach are the engine that drives the University and we want to support your success in all of these endeavors.

Have a wonderful school year! We look forward to working with you.

Sincerely,

The UMD Office of General Counsel

1. May I copy and distribute or post on my course website materials (print, web, or video) created or owned by others?

See the [University Libraries' Copyright Guide](#) and, in particular, the materials under [Using Copyrighted Materials](#), [Exemptions and Fair Use](#) and [Tools and Resources](#).

2. What procedures apply to choosing textbooks?

For guidance on choosing textbooks, review the [Faculty Handbook](#) and applicable policies including the [Policy on Textbook Affordability Measures](#). You may also consult the [open educational resources](#) website. If you want to assign a book you authored, you must comply with the [UMD Policy on the Use of Self-Authored Textbooks](#).

3. What can I do if I find my course materials for sale online?

Consult the guidance on [Commercial Use of Course Materials](#) on the [Office of General Counsel's](#) web site.

4. What resources are available to make my online course materials accessible?

Visit the [UMD Accessibility Hub](#) and contact the Division of Information Technology Learning Technology Design group at 301.405.8702, or ltdesign@umd.edu, or [IT Accessibility Services](#). Faculty are also encouraged to verify the accessibility of their ELMS course space and the content presented through it by using the [UMD Accessibility Checklist](#) and to consult resources for accessible learning in the [IT Library](#). Visit the [UMD Accessibility Hub](#) for additional accessibility resources.

NOTE: On April 2, 2018, the President amended and approved the [University of Maryland Web Accessibility Policy](#).

5. How do I learn more about posting readings and other course materials to Enterprise Learning Management Systems (ELMS-Canvas)?

Consult the guidance found in the [Best Practices for Posting Readings to ELMS](#), at the University Libraries web site.

6. Do I have to allow a dog accompanying a student into my classroom or office?

With limited exceptions, if the student has a qualifying disability and the dog is a “service animal,” the animal must be permitted to accompany the student. Please contact the University’s [Accessibility & Disability Service](#) (ADS) for assistance.

7. Am I required to accommodate student religious observances?

Students should be permitted to make up academic assignments that are missed due to absences for religious observances. See generally the [University System of Maryland Policy Concerning the Scheduling of Academic Assignments on Dates of Religious Observance](#). Also see the statement on [student attendance](#) in the [Faculty Handbook](#).

8. Are there special considerations for teaching or interacting with student athletes?

Student athletes are subject to the same academic and conduct rules as other students. See [UMD Policy on Conduct and Ethics for Student-Athletes](#). To discuss academic issues, contact the [Athletic Council](#) or the [Academic Support & Career Development Unit](#). Contact the [Athletics Compliance Office](#) with questions about NCAA rules interpretation and compliance.

9. How are cheating, plagiarism, and other forms of academic misconduct addressed?

Consult the University’s [Code of Academic Integrity](#) or contact the [Office of Student Conduct](#) or the [Student Honor Council](#) of the University Student Judiciary for assistance.

10. What can I do to address disruptive classroom behavior?

The [Behavioral Evaluation & Threat Assessment Team](#) (BETA) evaluates reports about students whose behavior is concerning, disruptive, or threatening.

11. How are grade disputes handled?

See [UMD Procedures for Review of Alleged Arbitrary and Capricious Grading—Undergraduate Students](#) and [UMD Graduate Policy and Procedures for Review of Alleged Arbitrary and Capricious Grading](#) for graduate students.



When should I consult with the Office of General Counsel?

Sooner rather than later!
If you think you may need to speak with an attorney, call the main number for the Office at 301.405.4945 or [contact an attorney](#).

1. What must I do to keep student information private?

The [Family Educational Rights and Privacy Act](#) (FERPA) is a federal law that protects the privacy of student education records. The [UMD Policy and Procedures on the Disclosure of Student Education Records](#) implements FERPA on campus. Contact the [Office of the Registrar](#) or the [Office of General Counsel](#) for guidance.

2. Should I obtain written consent from a student who has asked me to write a recommendation?

Yes. A sample permission form (in PDF format) is available under the title “FERPA Release for Recommendations” through the [Resources and Referrals for Employees](#) section of the Office of General Counsel website. Contact the [Office of General Counsel](#) for additional guidance.

3. What should I do if I see a person who may be a threat to themselves or others?

For emergencies and other imminently dangerous situations, contact the UMD Police Department from campus phones at 911 or 301-405-3333. Dial #3333 from any Verizon Wireless, AT&T, Sprint, or T-Mobile cell phone. For non-emergencies, contact the [UMD Police Department](#) at 301-405-3555.

4. What can I do if I am concerned about a campus community member's health?

Community members with physical health concerns should be referred to the [University Health Center](#). For mental health concerns, contact [Mental Health Services](#) or the [Counseling Center](#).

5. How can a student report a hate bias incident?

Refer the student to the [Office of Civil Rights & Sexual Misconduct](#) or suggest the student file a [Hate Bias Report](#). If the student believes the incident was criminal in nature, you may suggest the student file a report with [the UMD Police Department](#).

6. How can I assist a student who reports being subjected to discrimination or harassment?

[The Office of Civil Rights & Sexual Misconduct](#) (OCRSM) is a resource for members of the UMD community on all forms of discrimination. You may have an obligation to make a report to OCRSM under UMD Policy and federal law if you qualify as a “[Responsible University Employee](#).”

7. What should I do if a student reports to me (or if I become aware) that the student has been sexually assaulted?

Review the [resources](#) on the website of the [Office of Civil Rights & Sexual Misconduct](#) (OCRSM), including [the statement on Reporting Obligations](#), to determine if you qualify as a “[Responsible University Employee](#)” and have an obligation to notify OCRSM.

8. To whom may I refer a victim of sexual assault who wants to speak with someone confidentially?

The [CARE to Stop Violence Program](#) in the [University Health Center](#) offers confidential services to victims of sexual assault.

9. What should I do if a student reports to me (or if I become aware) that the student has been the victim of child abuse or neglect?

Under Maryland law, all members of the campus community are required to report suspected child abuse or neglect to Child Protective Services or the police. In addition, Maryland law imposes additional reporting requirements on health practitioners, law enforcement officers, educators/professional employees, human service workers, and other professional employees, when acting in a professional capacity, who have reason to believe a child has been subjected to abuse or neglect. Consult the USM [Policy on the Reporting of Suspected Child Abuse and Neglect](#) and related FAQs. Review the [UMD Policies and Procedures on the Reporting of Child Abuse and Neglect](#) for reporting deadlines and procedures.



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1. Where can I get assistance in developing a proposal for research funding?

Contact your college/departmental business office (if applicable) and review the [Office of Research Administration's](#) Proposal Development [Quick Reference Guide](#).

2. Who should I contact to help me address issues involving copyright, authorship, or other publication issues?

See the [University Libraries' Copyright Guide](#), specifically please see the materials under "[Author Rights](#)" or contact the [Office of General Counsel](#).

3. My department or research center wants to publish a book, proceedings of a conference it held, or other scholarly publications developed by the department. What should I do?

Contact the Office of the Associate Dean for Collection Strategies and Services of University Libraries. That office has been designated as the [copyright and publishing agreement clearinghouse](#) for publications produced by campus departments, programs, or research centers under the auspices of the University of Maryland and as the authorized signatory for publishing agreements made on behalf of the University. E-mail questions and contracts to lib-upubcopyright@umd.edu.

4. I developed an invention during the course of my research. What should I do?

Submit an [invention disclosure](#) to the [Office of Technology Commercialization](#) and review its online resources "[For Inventors](#)."

5. I am thinking about forming a startup company. What campus resources are available to assist me?

Consult [Faculty and Graduate Student Startup Support](#) on the [Office of Technology Commercialization](#) website and the [Innovation and Entrepreneurship](#) page on the [Division of Research](#) website.

6. What guidelines and support exist for research involving animals?

Review the [policies](#) related to animal research and contact the [Institutional Animal Care and Use Committee](#) (IACUC) for assistance.

7. I received an agreement directly from the sponsor of my research. What should I do?

All research-related agreements and all federal government contracts (even if not for research) must be routed to the [Office of Research Administration](#) (ORA) for review and execution using the proper [routing form](#). Contact your college business officer or departmental administrator or the ORA Contract Administrator assigned to your [school or college](#).

8. What guidelines and support exist for research involving human subjects?

Review the applicable [Policy on Human Subjects of Research](#) and the [Institutional Review Board](#) (IRB) website for resources, forms, and assistance.

9. What office should I contact for assistance with laboratory safety?

The [Office of Research Safety](#) in the [Department of Environmental Safety, Sustainability, and Risk](#) (ESSR) provides assistance and advice on [biological safety](#), [radiation safety](#), [general lab and chemical safety](#), [scientific diving and boating safety](#), [safety equipment](#), and [personal protective equipment](#). You may also e-mail questions to labsafety@umd.edu. Additionally, all laboratories, machine shops, and makerspaces are required to register in [BioRAFT](#), a platform for central management of research safety.

10. When do I need to know about export controls?

If you are working with “dual use” technologies (which have both civilian and military applications), [sending or transporting](#) research materials or equipment overseas, sharing or receiving export controlled or third party proprietary technical information with non-U.S. citizens (even here on campus), traveling outside the US with laptops or other equipment, or wish to collaborate with or travel to countries under sanction, you should contact the [Export Control Compliance Office](#) and review its website.

11. What should I do if I encounter possible research misconduct?

Review the [Research Integrity](#) page on the [Faculty Affairs](#) website and the UMD [Policy and Procedures Concerning Scholarly Misconduct](#), which was amended and approved on March 12, 2019.



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12. May I use UMD resources (e.g., my office, laboratory equipment, GAs or RAs) in performing work for my private company?

If you want to use UMD resources for your startup or any other private purpose, you must first receive approval from and execute a license agreement with UMD in accordance with the [UMD Policy and Procedures on the Use of Maryland Facilities by Non-University Users for Research-Related Activities](#). In connection with your application for a license, you will need to demonstrate compliance with UMD's [Conflict of Interest Policy](#) and [Procedures](#).

13. How may I host a US or international student or researcher in my lab for an extended period of time?

If the visitor is a US citizen, your department must issue an [offer letter](#) (under Non-Paid Appointments, click on Domestic Visitors at the bottom of page) to the visitor and his or her employer to serve as a non-paid visiting researcher. If the person is an international student or researcher, you must submit a [foreign visit request](#) to the [Export Compliance Office](#) before the offer letter may be issued. The Faculty Affairs Office describes the screening approval and offer letter process [here](#).

14. I am using personally-identifiable health information (PHI) in my research. Does the Health Insurance Portability and Accountability Act of 1996 (HIPAA) apply to me and, if it does, do I need a Business Associate Agreement?

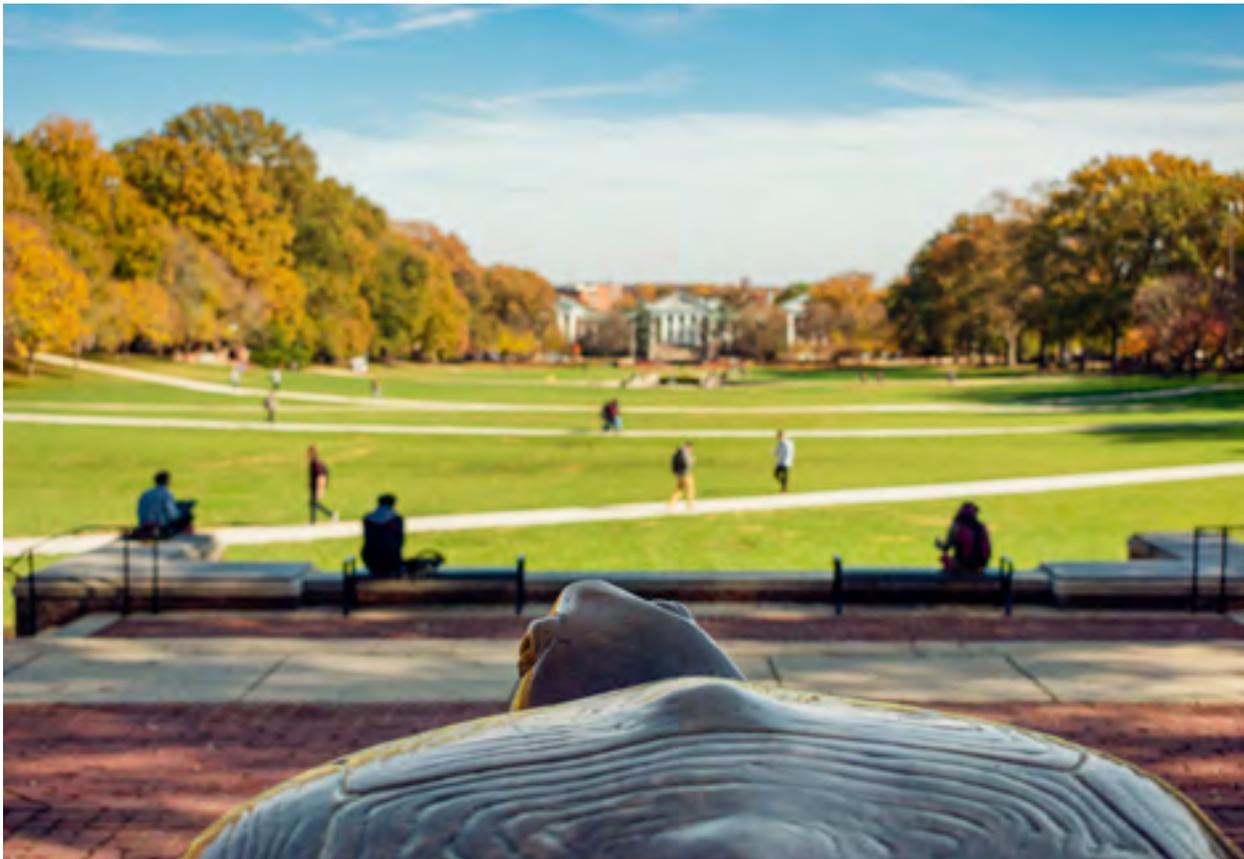
HIPAA typically applies to universities or their units only when they are offering health services to non-students and invoicing and/or accepting insurance for those services. As a result, even if you use PHI in your research, it is very unlikely that HIPAA will apply or that you might need a Business Associate Agreement; in fact, Business Associate Agreements do not permit the use of PHI for research. Please review the [HIPAA Decision Tree](#) and contact the [Office of General Counsel](#) for more information. Keep in mind, you may need to comply with UMD [Institutional Review Board](#) protocols.

15. What should I do if I suspect that a University employee or contractor is engaged in improper, unethical, or illegal conduct related to their research awards?

The University complies with the federal government's Whistleblower Protection Program. Please see the Division of Research's [Whistleblower Protection](#) website for more information, including how to submit an anonymous report.

16. I have a compliance concern not listed here. What do I do?

Please see Business & Contractual Relationships section (pg. 11, question 9).



1. May I consult or engage in outside professional activities for pay?

Consult the [UMD Policy on Conflict of Interest and Conflict of Commitment and Procedures](#) if the activities are research-related. You should also consult the [conflict of interest provisions](#) under the [State Ethics Law](#) that applies to all State employees. Keep in mind, you must complete an annual Outside Professional Activities (OPA) report. You may access the OPA web page through the [Payroll & Human Resources System](#) section of [ARES](#).

2. Do I have authority to sign contracts for UMD (e.g., consultant, software, nondisclosure, material transfer or research agreements)?

No, unless you have a written delegation of signature authority. Contracts that are binding on UMD must be properly reviewed and signed by someone with signature authority. If the contract uses federal funds or relates to research, contact the [Office of Research Administration](#) for assistance. If the contract uses federal funds or relates to a procurement, contact [Procurement & Strategic Sourcing](#). For any other contract, check with your department administrative or business officer or contact the [Office of General Counsel](#) for assistance.

3. May I download “available” software to use in my work at UMD?

The [Division of Information Technology](#) maintains a [database of software available for downloading](#). If you want to download software not available through the database, contact your unit’s IT professional or consult the [IT security](#) web page. Many software downloads require a click-through agreement, which is a legally binding contract. Many click-through agreements contain terms that UMD is prohibited from accepting.

4. Does UMD have guidelines that apply to my use of UMD’s name and trademarks?

The [Guidelines for Use of University Marks](#) and the [Visual Identity Guidelines](#) apply to uses of UMD’s name and marks. Contact [Trademark Licensing](#) with additional questions.

5. An external entity wants to film me for a TV show or news story. What should I do?

Entities that wish to film campus or individuals on campus must submit an [application](#) to the Office of Strategic Communications and sign a contract with UMD if the request is approved.



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6. Does UMD have liability insurance that covers me while I'm working?

The State of Maryland is self-insured under State law. A summary of the coverage that applies to state employees acting within the scope of their employment is available on the website of the [Maryland State Treasurer](#). In addition, the Maryland Tort Claims Act covers employees acting within the scope of their employment. Contact the [Office of Risk Management](#) for assistance.

7. What happens if I am injured on the job?

Please see [Workers' Compensation Frequently Asked Questions](#) and review the workers' compensation website. You must then file a [report](#) of the incident.

8. Does UMD have insurance for when I travel on business?

Coverage for State employees who are involved in an accident while using a State vehicle for work is addressed on the [Risk Management](#) website within the [Department of Environmental Safety, Sustainability and Risk](#). For information about travel outside the US, view Risk Management's [Travel Safety](#) resource page, [International Travel](#) on the Export Compliance Office website, and/or speak with a counselor in the [Office of International Student and Scholar Services](#).

9. Does the University have a resource for reporting compliance concerns?

Yes! In addition to the [Whistleblower Protections](#) discussed in the Research FAQ, above, the Division of Administration & Finance offers an [ethics, integrity, and compliance reporting system](#) so that you can easily and confidentially report problems and concerns. You can also find [additional resources](#) for reporting concerns related to discrimination/harassment, research integrity, safety, and accessibility.

1. I am sued for something that occurred during my work at UMD?

Contact the [Office of General Counsel](#) at 301.405.4945 for assistance at your earliest convenience.

2. I am sued, who will defend me?

The Office of the Attorney General for the State of Maryland will represent and defend the State of Maryland, its agencies, and employees in state and federal courts when they are sued as long as the employees acted in good faith in the performance of their public duties and without malice or gross negligence. If you are sued in your capacity as a UMD employee, contact the [Office of General Counsel](#).

3. I receive a court order or a subpoena or I am contacted by an outside attorney or regulator seeking information about my work or a student?

Contact the [Office of General Counsel](#) immediately.

4. I suspect or become aware of a fiscal irregularity at UMD involving, for example, fraudulent, unethical, or illegal business activity?

Review the [USM Policy on Reporting Fiscal Irregularities](#) and the [UMD Procedures for Reporting Fiscal Irregularities](#). You may report the activity through the University System of Maryland Office of Internal Audit [Fraud Hotline](#) (pg. 11, question 9).

5. Someone has sent me a request (or wants to make a request) for certain written or electronic records in my possession including, for example, research data or records, student recommendations, or e-mails.

You should forward the request immediately to the [Office of General Counsel](#) and direct the person to file the request through the UMD [Maryland Public Information Act](#) website. A decision will be made whether the materials requested are subject to the Act.



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