



UNIVERSITY SYSTEM  
*of* MARYLAND

Board of Regents  
Committee on Finance

March 29, 2018

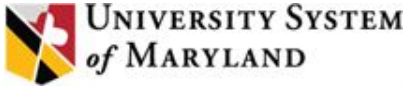
University of Maryland, Baltimore  
AGENDA FOR PUBLIC SESSION

Call to Order

Chairman Pevenstein

1. [Convening Closed Session \(action\)\\*](#)
2. [University of Maryland, Baltimore County: Facilities Master Plan Update \(presentation and information\)](#)
  - PRESENTATION SLIDES
3. [USM Enrollment Projections: 2018-2027 \(action\)](#)
  - PRESENTATION SLIDES
4. [University System of Maryland: Self-Support Charges and Fees for FY 2019 \(action\)](#)
5. [Frostburg State University: Increase in Project Authorization for New Residence Hall \(action\)](#)
6. [University System of Maryland: Proposed Amendment to USM Policy VIII-2.50—Policy on Student Tuition, Fees, and Charges \(action\)](#)
7. [University System of Maryland: Proposed USM Policy VIII-18.00—Policy on Unrestricted Fund Balances \(action\)](#)
8. [University System of Maryland: Proposed Amendment to Policy VIII-12.00—Policy on Debt Management \(action\)](#)
9. [Biennial Adjustment to the Exempt Salary Structures for Fiscal Years 2019 and 2020 \(action\)](#)
10. [Proposed Amendments to Faculty and Staff Family and Medical Leave & Parental Leave Policies \(action\)](#)
11. [University of Maryland, Baltimore: Dental Student Clinics Management Contract Renewal \(action\)](#)
12. [Towson University: Dining Services Contract Renewal \(action\)](#)
13. [University System of Maryland: Review of Capital Improvement Projects \(information\)](#)

*\*Please note: the first item action occurs at 10:30 a.m., prior to the start of the closed session.*



**BOARD OF REGENTS**

SUMMARY OF ITEM FOR ACTION,  
INFORMATION OR DISCUSSION

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**TOPIC:** Convening Closed Session

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** The Open Meetings Act permits public bodies to close their meetings to the public in special circumstances outlined in §3-305 of the Act and to carry out administrative functions exempted by §3-103 of the Act. The Board of Regents Finance Committee will now vote to reconvene in closed session. As required by law, the vote on the closing of the session will be recorded. A written statement of the reason(s) for closing the meeting, including a citation of the authority under §3-305 and a listing of the topics to be discussed, is available for public review.

It is possible that an issue could arise during a closed session that the Committee determines should be discussed in open session or added to the closed session agenda for discussion. In that event, the Committee would reconvene in open session to discuss the open session topic or to vote to reconvene in closed session to discuss the additional closed session topic.

**ALTERNATIVE(S):** No alternative is suggested.

**FISCAL IMPACT:** There is no fiscal impact.

**CHANCELLOR’S RECOMMENDATION:** The Chancellor recommends that the Board of Regents Committee on Finance vote to reconvene in closed session.

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COMMITTEE RECOMMENDATION:

DATE:

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BOARD ACTION:

DATE:

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SUBMITTED BY: Ellen Herbst (301) 445-1923

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UNIVERSITY SYSTEM  
*of* MARYLAND

STATEMENT REGARDING CLOSING A MEETING  
OF THE COMMITTEE ON FINANCE  
OF THE USM BOARD OF REGENTS

Date: March 29, 2018  
Time: 10:30 a.m.  
Location: Saratoga Building, Baltimore

STATUTORY AUTHORITY TO CLOSE A SESSION

Md. Code, General Provisions Article §3-305(b):

- (1) To discuss:
  - (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
  - (ii) Any other personnel matter that affects one or more specific individuals.
- (2)  To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3)  To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4)  To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5)  To consider the investment of public funds.
- (6)  To consider the marketing of public securities.
- (7)  To consult with counsel to obtain legal advice on a legal matter.
- (8)  To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9)  To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

- (10)  To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
- (i) the deployment of fire and police services and staff; and
  - (ii) the development and implementation of emergency plans.
- (11)  To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12)  To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13)  To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14)  Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Md. Code, General Provisions Article §3-103(a)(1)(i):

- Administrative Matters

TOPICS TO BE DISCUSSED:

An acquisition of property in the City of College Park and the City of Salisbury; the awarding of a new dining services contract; and, the awarding of a new contract for information technology software and support services.

REASON FOR CLOSING:

To maintain confidentiality of discussions of a potential property acquisition prior to BOR approval (§3-305(b)(3)); to maintain confidentiality of discussions of bid proposals prior to BOR approval and the awarding of new contracts (§3-305(b)(14)).



**TOPIC:** University of Maryland, Baltimore County 2018 Facilities Master Plan

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018 (presentation and information)

**SUMMARY:** The University of Maryland, Baltimore County (UMBC) requests Board of Regents' approval of its 2018 Facilities Master Plan (FMP).

UMBC is a dynamic public research university integrating teaching, research and service to benefit the citizens of Maryland. As an Honors University, the campus offers academically talented students a strong undergraduate liberal arts foundation that prepares them for graduate and professional study, entry into the workforce, and community service and leadership. UMBC emphasizes science, engineering, information technology, human services and public policy at the graduate level. UMBC contributes to the economic development of the State and the region through entrepreneurial initiatives, workforce training, K-16 partnerships, and technology commercialization in collaboration with public agencies and the corporate community.

Established over 50 years ago, UMBC has grown rapidly to over 13,600 students, of which nearly 18% are graduate students and over 4,000 live on-campus. UMBC is situated on a 500-acre campus with 73 buildings providing approximately four million gross square feet (GSF). The University is surrounded by one of the greatest concentrations of commercial, cultural and scientific activity in the nation.

Since the 2009 Facilities Master Plan Update, UMBC has experienced continued growth and development on campus. UMBC completed construction of the Performing Arts and Humanities Building, the UMBC Event Center, the Patapsco Hall Addition, and the Apartment Community Center, as well as its main campus entrance. The West Hill, Terrace, and Hillside Apartment communities were renovated. The Fine Arts Building underwent a partial renovation.

This FMP aligns campus development with *Our UMBC: A Strategic Plan for Advancing Excellence* and outlines the physical resources needed to advance the four fundamental elements of academic excellence: the student experience; collective impact in research, scholarship, and creative achievement; innovative curriculum and pedagogy; and community and extended connections. The FMP proposes new and renovated buildings, as well as additional outdoor recreation and open spaces, needed to address current space deficits and support a future enrollment of 18,000 students.

Dr. Freeman A. Hrabowski, III, UMBC's president, as an early signatory of the American College and University Presidents Climate Commitment, remains focused on developing a more sustainable campus. The FMP emphasizes preserving and connecting the natural areas of campus, developing added environmental research and recreational opportunities, and building environmentally friendly facilities that meet programmatic needs. The University has developed parking and transportation initiatives to reduce the university's carbon footprint. Energy efficiency on campus will be improved with upgrades and extensions of the campus central utility plant, and in the renovation and construction of facilities that will incorporate LEED standards to reduce energy usage.

**ALTERNATIVE(S)**: The 2018 Facilities Master Plan presents a comprehensive, long-term vision for UMBC’s physical development. The plan is reflective of the university’s academic mission, its institutional values and its impact on the landscape, the environment, and the surrounding community. There are no alternatives for implementation.

**FISCAL IMPACT**: The 2018 Facilities Master Plan will present challenges to the capital and operating budgets to fully implement. The University is committed to securing funds to implement the plan. Approval of the FMP does not imply approval of capital projects or funding. These items will be reviewed through the normal procedures of the capital and operating budget processes.

**CHANCELLOR’S RECOMMENDATION**: That the Finance Committee consider UMBC’s 2018 Facilities Master Plan and materials as presented today for formal action at the Committee’s next meeting; subsequently recommending approval to the full Board of Regents, in accordance with the Board’s two-step approval process. Approval of the Plan does not imply approval of capital projects or funding. These items will be reviewed through the normal procedures of the capital and operating budget processes.

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COMMITTEE RECOMMENDATION:

DATE:

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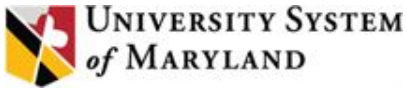
BOARD ACTION:

DATE:

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SUBMITTED BY: Ellen Herbst (301) 445-1923

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**TOPIC:** USM Enrollment Projections: 2018-2027

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** Each year, the institutions update their enrollment projections for a 10-year period. The USM Office works in concert with the institutions to insure the accuracy of these projections by providing them with supporting data and analysis of current and past trends. Any significant issues are resolved and the projection submission is modified where necessary.

Highlights of this year’s institutional projections include:

- Overall headcount is projected to increase in Fall 2018 by 0.6%, an increase from 175,000 to just over 176,000. Without UMUC, growth in Fall 2018 is expected to be approximately 0.4%. This represents the slowest projected growth in the last decade, and reflects enrollment stabilization of key institution.
- Overall projected headcount growth for the ten-year period is 7%, an increase from 175,000 to just over 187,000.
- Undergraduate enrollment is projected to expand 7% over ten years from 133,000 to over 142,000.
- Graduate enrollment is projected to grow by 7% for the ten-year period from 42,000 to around 45,000.

**ALTERNATIVE(S):** The Committee members may request changes in the projections.

**FISCAL IMPACT:** The fiscal impact of the projected enrollment growth will depend on many factors, including availability of facilities to accommodate increased enrollments, program of study of future students, availability of faculty, and in/out-of-state residency status.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve the enrollment projections as submitted.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923

**USM Enrollment Projections  
Fall 2018 through Fall 2027**



**UNIVERSITY SYSTEM  
*of* MARYLAND**

**Submitted to the Board of Regents' Committee on Finance  
March 29, 2018**

**Office of the  
Vice Chancellor of Administration and Finance**



## **Enrollment Projections: 2018 – 2027**

### **Overview**

The USM enrollment projections for the period of 2018 through 2027 are for slow growth and stabilization of institutional enrollment. Although UMUC's is slower than in the past, they will account for more than half of total growth. For the USM overall, growth is expected to be below 1.0 per year throughout the 2018-2027 timeframe.

Long-term growth over the next ten years is expected to be around 12,000 students, with total enrollment projected to come in at just over 187,000 by 2027. In the short term, enrollment is expected to rise by around 1,000 next year and by another 1,200 in fall 2019. In the short term, 8 of 11 USM institutions expect some level of growth.

### **The Report**

Tables 1 through 15 summarize the ten-year projections from 2018 to 2027 by institution, by student level, and by overall enrollment demand. The tables also provide detailed projections for each institution and for the entire System over this period.

Highlights of this year's projections include:

- Overall headcount enrollment for the ten-year period is projected to increase from 175,178 to 187,357, an increase of 7.0%. Between Fall 2017 and Fall 2018, headcount enrollment will rise by 0.6%, or approximately 1,000 students. If UMUC is excluded, then projected growth over the ten-year period will be 5.2% (rising from 115,799 in Fall 2017 to 121,766 in Fall 2027). In terms of one-year growth, when UMUC is excluded enrollment rises 0.4% or by less than 500 students (see Table 1 through 3).
- Undergraduate headcount enrollment over the ten-year period is projected to expand from 133,244 to 142,378, an 6.9% increase by 2027. Headcount enrollment from Fall 2017 and Fall 2018 is projected to rise by 0.6%, around 800 students. Total undergraduate growth for the ten-year period for all USM institutions, excluding UMUC, is projected to be 5.0%. Excluding UMUC, headcount enrollment will grow between Fall 2017 and Fall 2018 by 0.4%, or a little more than 300 students (see Table 1 through 3).
- In percentage terms the greatest one-year increase in headcount enrollment is projected to be at UMBC at 2.1% as that institution attempts to recover from a fall in enrollment in Fall 2018. Coppin, Frostburg, Salisbury and UMUC are planning to grow around 1%. Bowie, Towson, UMB and UMCP will add under 0.5% to their enrollment in Fall 2018. UMES will focus on stabilizing enrollment at current levels in Fall 2018. UB's enrollment will decline substantially (-4.5%) in Fall 2018 as they work to stabilize and begin to grow (see Table 4 through 14).

- One-year FTE growth is projected to be greatest in percentage terms at UMBC at 2.0%. Similarly, in most instances, change in FTE reflected changes in headcount enrollment closely. The two exceptions were UMB where FTE enrollment will decline by -0.1% and UB where FTE will fall by 5.0% (see Table 4 through 14).
- For the ten-year period, patterns projected by most of the USM institutions remain consistent with the planning of the last few years. However, institutions which have struggled to grow or (in some cases) maintain enrollment are focused on stability in the immediate term. For the long term, Coppin, UB and UMES continue to project at both graduate and undergraduate levels (between 8% and 20% growth) but only after periods of slow or no growth in the short term. Frostburg, Salisbury, and Towson plan to expand enrollment continuously but at modest rates (5%, 4% and 5% respectively). Bowie and UMBC continue to plan for relatively robust and continuous growth at 15% and 13%. UMUC plans to grow 10% over the ten-year period, reflecting robust growth within a mature online enrollment market. Finally, UMB and UMCP do not plan significant growth instead maintaining their current enrollment levels. (see Table 4 through 14).
- In terms of headcount change, UMUC remains the largest single source of headcount growth, planning to add more than 6,000 students by 2027. Bowie, Towson and UMBC plan to enroll the most new students of the traditional campuses (900, 1,100 and 1,800 respectively). UMES (adding 700) and UB (adding 400) both plan to recover and stabilize their enrollment at higher levels by 2027. UMB and UMCP plan to essentially leave enrollment unchanged through 2027. As a group, the HBCUs (UMES, Bowie and Coppin) plan to enroll nearly 1,900 students. Finally, Salisbury and Frostburg will each add around 300 students over ten years (see Tables 4 through 14).

**TABLE 1**  
**Institutional Projections**  
**Institutional Headcount Undergraduate and Graduate Enrollment Projections**  
**Actual Fall 2017, Projected 2018, and Projected Fall 2027**

<b>Level</b>	<b>Actual 2017</b>	<b>Projected 2018</b>	<b>Projected 2027</b>	<b>1 Year Change 2017-2018</b>	<b>10 Year Change 2017-2027</b>
Undergraduate	133,244	134,024	142,378	0.6%	6.9%
Graduate	41,934	42,196	44,979	0.6%	7.3%
<b>Total</b>	<b>175,178</b>	<b>176,220</b>	<b>187,357</b>	<b>0.6%</b>	<b>7.0%</b>

**USM without UMUC**

<b>Level</b>	<b>Actual 2017</b>	<b>Projected 2018</b>	<b>Projected 2027</b>	<b>1 Year Change 2017-2018</b>	<b>10 Year Change 2017-2027</b>
Undergraduate	87,640	87,964	92,003	0.4%	5.0%
Graduate	28,159	28,283	29,763	0.4%	5.7%
<b>Total</b>	<b>115,799</b>	<b>116,247</b>	<b>121,766</b>	<b>0.4%</b>	<b>5.2%</b>

**Table 2  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM Total**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	175,178	176,220	177,450	178,771	180,085	181,375	182,639	183,845	185,012	186,178	187,357	12,179	7.0%
<b>Undergraduate Total</b>	133,244	134,024	134,953	135,940	136,889	137,854	138,843	139,746	140,618	141,488	142,378	9,134	6.9%
<b>Full-time</b>	86,362	86,715	87,247	87,784	88,269	88,786	89,284	89,727	90,143	90,555	90,997	4,635	5.4%
<b>Part-time</b>	46,882	47,308	47,707	48,156	48,620	49,068	49,559	50,018	50,475	50,932	51,381	4,499	9.6%
<b>Grad./First Prof. Total</b>	41,934	42,196	42,497	42,831	43,196	43,521	43,796	44,100	44,395	44,691	44,979	3,045	7.3%
<b>Full-time</b>	17,652	17,779	17,759	17,788	17,840	17,878	17,872	17,893	17,914	17,933	17,953	301	1.7%
<b>Part-time</b>	24,282	24,417	24,738	25,043	25,356	25,643	25,924	26,206	26,481	26,757	27,027	2,745	11.3%
<b>FTDE or FTNE Students</b>	52,457	52,784	53,188	53,629	54,056	54,480	54,878	55,237	55,593	55,957	56,275	3,818	7.3%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	131,062	131,679	132,662	133,566	134,463	135,331	136,222	137,037	137,844	138,633	139,415	8,353	6.4%
<b>University Centers</b>	2,631	2,700	2,818	3,004	3,062	3,157						526	20.0%
<b>U at Shady Grove</b>	2,181	2,242	2,302	2,455	2,496	2,565						384	17.6%
<b>Hagerstown</b>	320	321	347	373	388	411						91	28.5%
<b>Southern Maryland</b>	131	137	169	176	179	182						50	38.4%

**Table 3  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM Total without UMUC**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	115,799	116,247	116,878	117,592	118,296	118,967	119,607	120,182	120,713	121,236	121,766	5,967	5.2%
<b>Undergraduate Total</b>	87,640	87,964	88,433	88,954	89,434	89,923	90,433	90,852	91,235	91,612	92,003	4,363	5.0%
<b>Full-time</b>	76,648	76,904	77,338	77,776	78,161	78,576	78,972	79,312	79,624	79,931	80,267	3,619	4.7%
<b>Part-time</b>	10,992	11,059	11,096	11,178	11,273	11,347	11,461	11,539	11,611	11,680	11,736	744	6.8%
<b>Grad./First Prof. Total</b>	28,159	28,283	28,445	28,638	28,862	29,044	29,174	29,331	29,479	29,625	29,763	1,604	5.7%
<b>Full-time</b>	17,567	17,693	17,672	17,700	17,752	17,789	17,782	17,802	17,822	17,840	17,859	292	1.7%
<b>Part-time</b>	10,592	10,590	10,773	10,938	11,110	11,255	11,392	11,528	11,657	11,784	11,905	1,313	12.4%
<b>FTDE or FTNE Students</b>	52,457	52,784	53,188	53,629	54,056	54,480	54,878	55,237	55,593	55,957	56,275	3,818	7.3%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	97,012	97,289	97,928	98,485	99,031	99,545	100,078	100,531	100,973	101,393	101,803	4,791	4.9%
<b>University Centers</b>	2,307	2,376	2,472	2,629	2,686	2,781						474	20.5%
<b>U at Shady Grove</b>	1,916	1,977	2,016	2,140	2,181	2,250						334	17.5%
<b>Hagerstown</b>	310	311	337	363	378	401						91	29.4%
<b>Southern Maryland</b>	82	88	119	126	128	131						48	58.9%

**Table 4  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM: Bowie State University**

Fall Student Data	Actual 2017	Fall Projections										Change From Fall 2017 to Fall 2027	
		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	6,148	6,198	6,296	6,405	6,504	6,605	6,707	6,810	6,914	7,010	7,047	899	14.6%
<b>Undergraduate Total</b>	5,188	5,198	5,271	5,345	5,419	5,495	5,572	5,650	5,729	5,810	5,840	652	12.6%
<b>Full-time</b>	4,390	4,392	4,454	4,516	4,579	4,643	4,709	4,774	4,841	4,909	4,935	545	12.4%
<b>Part-time</b>	798	806	817	828	840	852	864	876	888	900	905	107	13.4%
<b>Grad./First Prof. Total</b>	960	1,000	1,025	1,060	1,085	1,110	1,135	1,160	1,185	1,200	1,207	247	25.7%
<b>Full-time</b>	408	410	420	435	445	455	465	476	486	492	495	87	21.3%
<b>Part-time</b>	552	590	605	625	640	655	670	684	699	708	712	160	29.0%
<b>FTDE or FTNE Students</b>	4,443	4,540	4,610	4,685	4,756	4,838	4,911	4,984	5,059	5,135	5,163	720	16.2%

**Fiscal Year Full-Time Equivalent Data**

FISCAL YEAR	Est. 2,018	Projections										Change From FY 2018 to FY 2028	
		2,019	2,020	2,021	2,022	2,023	2,024	2,025	2,026	2,027	2,028	Number	Percent
<b>FTE Students</b>	5,087	5,113	5,191	5,276	5,356	5,448	5,530	5,613	5,697	5,783	5,814	727	14.3%
<b>University Centers</b>	16	18	21	24	27	30	0	0	0	0	0	0	0.0%
<b>U at Shady Grove</b>	16	18	21	24	27	30						14	87.5%
<b>Hagerstown</b>												0	

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**Table 5  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM: Coppin State University**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	2,893	2,919	2,945	2,972	2,999	3,032	3,065	3,099	3,133	3,167	3,202	309	10.7%
<b>Undergraduate Total</b>	2,507	2,530	2,512	2,524	2,546	2,574	2,602	2,631	2,660	2,690	2,720	213	8.5%
<b>Full-time</b>	1,854	1,871	1,892	1,896	1,913	1,933	1,955	1,977	1,999	2,020	2,044	190	10.2%
<b>Part-time</b>	653	659	620	628	634	640	648	655	661	670	677	24	3.6%
<b>Grad./First Prof. Total</b>	386	389	433	448	452	458	462	467	473	478	482	96	24.8%
<b>Full-time</b>	150	151	133	136	138	140	141	142	144	146	146	-4	-2.4%
<b>Part-time</b>	236	238	300	311	314	318	322	325	329	332	335	99	42.0%
<b>FTDE or FTNE Students</b>	1,696	1,711	1,727	1,742	1,758	1,777	1,797	1,817	1,837	1,857	1,877	181	10.7%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	2,291	2,312	2,332	2,353	2,375	2,401	2,427	2,454	2,481	2,508	2,536	245	10.7%
<b>University Centers</b>	4	4	4	0	0	0	0	0	0	0	0	-4	-100.0%
<b>U at Shady Grove</b>												0	
<b>Hagerstown</b>	4	4	4	-	-	-						-4	-100.0%
<b>Southern Maryland</b>												0	

**Table 6  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM:Frostburg State University**

Fall Student Data	Actual 2017	Fall Projections										Change From Fall 2017 to Fall 2027	
		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	5,396	5,451	5,551	5,616	5,635	5,624	5,633	5,643	5,652	5,661	5,671	275	5.1%
<b>Undergraduate Total</b>	4,725	4,775	4,845	4,880	4,894	4,878	4,882	4,886	4,890	4,894	4,898	173	3.7%
<b>Full-time</b>	3,849	3,885	3,945	3,970	3,974	3,978	3,982	3,986	3,990	3,994	3,998	149	3.9%
<b>Part-time</b>	876	890	900	910	920	900	900	900	900	900	900	24	2.7%
<b>Grad./First Prof. Total</b>	671	676	706	736	741	746	752	757	762	767	773	102	15.2%
<b>Full-time</b>	176	176	201	226	226	226	226	226	226	226	226	50	28.4%
<b>Part-time</b>	495	500	505	510	515	520	526	531	536	541	547	52	10.5%
<b>FTDE or FTNE Students</b>	3,731	3,740	3,749	3,759	3,768	3,777	3,787	3,796	3,806	3,815	3,825	94	2.5%

**Fiscal Year Full-Time Equivalent Data**

	Est. 2018	FISCAL YEAR Projections										Change From FY 2017 to FY 2027	
		2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	4,338	4,349	4,360	4,370	4,381	4,392	4,403	4,414	4,425	4,436	4,447	110	2.5%
<b>University Centers</b>	156	156	181	206	206	206	206	206	206	206	206	50	32.1%
<b>U at Shady Grove</b>												0	
<b>Hagerstown</b>	156	156	181	206	206	206	206	206	206	206	206	50	32.1%
<b>Southern Maryland</b>												0	

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**Table 7  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM:Salisbury University**

Fall Student Data	Actual	Fall Projections										Change From Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	8,714	8,774	8,809	8,840	8,887	8,912	8,937	8,962	8,987	9,012	9,037	323	3.7%
<b>Undergraduate Total</b>	7,782	7,792	7,813	7,836	7,862	7,879	7,901	7,923	7,945	7,967	7,989	207	2.7%
<b>Full-time</b>	7,191	7,160	7,180	7,201	7,225	7,240	7,261	7,281	7,301	7,321	7,341	150	2.1%
<b>Part-time</b>	591	632	633	635	637	639	640	642	644	646	648	57	9.6%
<b>Grad./First Prof. Total</b>	932	982	996	1,004	1,025	1,033	1,036	1,039	1,042	1,045	1,048	116	12.4%
<b>Full-time</b>	520	524	531	535	546	551	552	554	556	557	559	39	7.5%
<b>Part-time</b>	412	458	465	469	479	482	484	485	486	488	489	77	18.7%
<b>FTDE or FTNE Students</b>	6,941	6,988	7,016	7,041	7,078	7,098	7,118	7,138	7,158	7,178	7,198	257	3.7%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From FY 2017 to FY 2027	
	Est.	Projections										Number	Percent
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028		
<b>FTE Students</b>	7,829	7,883	7,914	7,942	7,984	8,007	8,029	8,052	8,074	8,097	8,119	290	3.7%
<b>University Centers</b>	116	106	121	139	162	197						46	39.6%
<b>U at Shady Grove</b>	38	32	45	56	62	71						23	61.1%
<b>Hagerstown</b>	55	56	58	62	77	100						22	40.2%
<b>Southern MD</b>	23	18	19	21	23	26						0	1.8%

\*Note-Enrollment at regional centers includes face-to-face and hybrid instruction.

Comments:

Completed by: Kara Owens, PhD Special Asst. to the President Institutional Effectiveness & Assessment

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**Table 8  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM:Towson University**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	22,705	22,750	22,864	22,978	23,093	23,208	23,324	23,441	23,558	23,676	23,794	1,089	4.8%
<b>Undergraduate Total</b>	19,596	19,635	19,733	19,832	19,931	20,030	20,131	20,231	20,332	20,434	20,536	940	4.8%
<b>Full-time</b>	17,106	17,140	17,226	17,312	17,398	17,485	17,573	17,661	17,749	17,838	17,927	821	4.8%
<b>Part-time</b>	2,490	2,495	2,507	2,520	2,533	2,545	2,558	2,571	2,584	2,596	2,609	119	4.8%
<b>Grad./First Prof. Total</b>	3,109	3,115	3,131	3,146	3,162	3,178	3,194	3,210	3,226	3,242	3,258	149	4.8%
<b>Full-time</b>	1,068	1,070	1,075	1,081	1,086	1,092	1,097	1,103	1,108	1,114	1,119	51	4.8%
<b>Part-time</b>	2,041	2,045	2,055	2,066	2,076	2,086	2,097	2,107	2,118	2,128	2,139	98	4.8%
<b>FTDE or FTNE Students</b>	14,775	14,804	14,878	14,953	15,027	15,103	15,178	15,254	15,330	15,407	15,484	709	4.8%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	18,568	18,661	18,920	19,015	19,110	19,205	19,301	19,398	19,495	19,592	19,690	1,122	6.0%
<b>University Centers</b>	213	213	213	213	213	213	0	0	0	0	0	0	0.0%
<b>U at Shady Grove</b>	94	94	94	94	94	94						0	0.0%
<b>Hagerstown</b>	90	90	90	90	90	90						0	0.0%
<b>Southern Maryland</b>	30	30	30	30	30	30						0	0.0%

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**Table 9  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM:University of Baltimore**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	5,565	5,313	5,320	5,441	5,590	5,702	5,799	5,875	5,930	5,974	6,000	435	7.8%
<b>Undergraduate Total</b>	2,949	2,711	2,728	2,798	2,864	2,944	3,015	3,076	3,124	3,161	3,184	235	8.0%
<b>Full-time</b>	1,716	1,576	1,584	1,622	1,659	1,703	1,742	1,775	1,801	1,820	1,831	115	6.7%
<b>Part-time</b>	1,233	1,135	1,144	1,176	1,205	1,241	1,273	1,301	1,323	1,341	1,353	120	9.7%
<b>Grad./First Prof. Total</b>	2,616	2,602	2,592	2,643	2,726	2,758	2,784	2,799	2,806	2,813	2,816	200	7.6%
<b>Full-time</b>	1,084	1,074	1,067	1,084	1,114	1,123	1,130	1,132	1,131	1,129	1,126	42	3.9%
<b>Part-time</b>	1,532	1,528	1,525	1,559	1,612	1,635	1,654	1,667	1,675	1,684	1,690	158	10.3%

<b>FTDE or FTNE Students</b>	1,504	1,436	1,438	1,471	1,511	1,541	1,567	1,588	1,603	1,615	1,622	118	7.8%
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**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	3,946	3,749	3,754	3,836	3,936	4,013	4,080	4,131	4,168	4,196	4,211	265	6.7%
<b>University Centers</b>	82	86	90	92	94	94	-	-	-	-	-	12	14.6%
<b>U at Shady Grove</b>	82	86	90	92	94	94						12	14.6%
<b>Hagerstown</b>												--	--
<b>Southern Maryland</b>												--	--

Comments:

The University of Baltimore recognizes that its recent enrollment declines will carry forward through reduced continuing student enrollments. We believe that two (2) years are required before new student growth is sufficient to exceed these declines and move the university into enrollment growth. Accordingly, by fall 2020, we expect to see enrollment gains that will sustain through the remainder of the forecast period. The projected long-term equilibrium enrollment for the University of Baltimore is 6,000 students, which we believe represents a principled and sustainable enrollment.

The University of Baltimore expects to increase its enrollments by gains in two principal areas (a) graduate professional programs and (b) undergraduate enrollments. For the former, national declines in business and law were reflected at the university. Evidence shows that these disciplines have begun a recovery in enrollment nationally; and the University of Baltimore is particularly well-positioned to capitalize on this recovery. Undergraduate enrollments have principally decreased among first-time freshmen, and we recognize that our competing with an overly-broad curriculum does not well-position the university. Our re-aligning the undergraduate curriculum to largely reflect our excellence in undergraduate professional programs will strengthen our undergraduate recruitment and enrollment.

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**Table 10**  
**UNIVERSITY SYSTEM OF MARYLAND**  
**ENROLLMENT PROJECTIONS**  
**USM: University of Maryland Baltimore**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	6,703	6,713	6,723	6,724	6,716	6,726	6,720	6,724	6,724	6,731	6,741	38	0.6%
<b>Undergraduate Total</b>	929	913	917	918	918	918	918	918	918	918	918	-11	-1.2%
<b>Full-time</b>	718	720	725	727	727	727	727	727	727	727	727	9	1.3%
<b>Part-time</b>	211	193	192	191	191	191	191	191	191	191	191	-20	-9.5%
<b>Grad./First Prof. Total</b>	5,774	5,800	5,806	5,806	5,798	5,808	5,802	5,806	5,806	5,813	5,823	49	0.8%
<b>Full-time</b>	4,514	4,657	4,627	4,600	4,582	4,577	4,559	4,547	4,537	4,532	4,532	18	0.4%
<b>Part-time</b>	1,260	1,143	1,179	1,206	1,216	1,231	1,243	1,259	1,269	1,281	1,291	31	2.5%
<b>FTDE or FTNE Students</b>	6,781	6,781	6,775	6,768	6,767	6,772	6,761	6,759	6,755	6,758	6,765	-16	-0.2%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2017 to FY 2027	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	6,884	6,879	6,869	6,856	6,845	6,850	6,839	6,837	6,833	6,836	6,843	-41	-0.6%
<b>University Centers</b>	593.0	602	585	575	548	548	0	0	0	0	0	-45	-7.6%
<b>U at Shady Grove</b>	593	602	585	575	548	548						-45	-7.6%
<b>Hagerstown</b>	-	-	-	-	-							0	n/a

Comments: FTDES is equal to total UMB FTES less Law School Evening FTES. These are fiscal year FTDES, not fall FTDES

Comments: Regional Center Enrollment projections represent students admitted through Regional Center programs only and does not include additional instructional activity involving Baltimore Campus students enrolled in Regional Center courses

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February 16, 2018

**Table 11  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM: University of Maryland Baltimore County**

Fall Student Data	Fall											Change From Fall 2017 to Fall 2027	
	Actual 2017	Projections										Number	Percent
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027			
<b>Headcount Total</b>	13,662	13,942	14,164	14,389	14,572	14,757	14,946	15,076	15,209	15,344	15,481	1,819	13.3%
<b>Undergraduate Total</b>	11,234	11,449	11,620	11,795	11,912	12,032	12,152	12,213	12,274	12,335	12,397	1,163	10.4%
<b>Full-time</b>	9,543	9,688	9,833	9,980	10,080	10,181	10,283	10,334	10,386	10,438	10,490	947	9.9%
<b>Part-time</b>	1,691	1,761	1,787	1,814	1,832	1,851	1,869	1,878	1,888	1,897	1,907	216	12.8%
<b>Grad./First Prof. Total</b>	2,428	2,494	2,543	2,594	2,659	2,726	2,794	2,864	2,935	3,009	3,084	656	27.0%
<b>Full-time</b>	1,126	1,147	1,150	1,153	1,156	1,158	1,160	1,162	1,164	1,165	1,166	40	3.5%
<b>Part-time</b>	1,302	1,347	1,394	1,442	1,503	1,568	1,634	1,702	1,772	1,844	1,918	616	47.3%
<b>FTDE or FTNE Students</b>	9,801	9,997	10,153	10,312	10,434	10,558	10,683	10,764	10,846	10,928	11,012	1,212	12.4%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From FY 2018 to FY 2028	
	Actual 2018	Projections										Number	Percent
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028			
<b>FTE Students</b>	11,223	11,448	11,627	11,808	11,948	12,091	12,235	12,327	12,421	12,517	12,613	1,390	12.4%
<b>University Centers</b>	356	364	369	375	381	386						30	8.3%
<b>U at Shady Grove</b>	356	364	369	375	381	386						30	8.3%
<b>Hagerstown</b>												0	

Comments: Actual FY2017 FTES are included in this report.  
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**Table 12  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM: University of Maryland College Park**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	40,521	40,695	40,645	40,595	40,595	40,620	40,620	40,620	40,595	40,570	40,620	99	0.2%
<b>Undergraduate Total</b>	29,868	30,100	30,075	30,050	30,050	30,075	30,100	30,100	30,075	30,050	30,100	232	0.8%
<b>Full-time</b>	27,708	27,900	27,875	27,875	27,875	27,900	27,900	27,900	27,875	27,850	27,900	192	0.7%
<b>Part-time</b>	2,160	2,200	2,200	2,175	2,175	2,175	2,200	2,200	2,200	2,200	2,200	40	1.9%
<b>Grad./First Prof. Total</b>	10,653	10,595	10,570	10,545	10,545	10,545	10,520	10,520	10,520	10,520	10,520	-133	-1.2%
<b>Full-time</b>	8,107	8,070	8,045	8,020	8,020	8,020	7,995	7,995	7,995	7,995	7,995	-112	-1.4%
<b>Part-time</b>	2,546	2,525	2,525	2,525	2,525	2,525	2,525	2,525	2,525	2,525	2,525	-21	-0.8%

<b>FTDE or FTNE Students</b>													
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**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	33,600	33,650	33,650	33,650	33,650	33,625	33,650	33,650	33,650	33,625	33,650	50	0.1%
<b>University Centers</b>	698	756	814	930	980	1,030						332	47.6%
<b>U at Shady Grove</b>	663	711	739	850	900	950						287	43.3%
<b>Hagerstown</b>	5	5	5	5	5	5						0	0.0%
<b>Southern Maryland</b>	30	40	70	75	75	75						45	150.0%

Comments: Shady Grove projections assume an on-time opening of the new building and base funding for planned new undergraduate programs.

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**Table 13  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM: University of Maryland Eastern Shore**

Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	3,492	3,492	3,562	3,633	3,706	3,780	3,855	3,933	4,011	4,091	4,173	681	19.5%
<b>Undergraduate Total</b>	2,862	2,862	2,919	2,978	3,037	3,098	3,160	3,223	3,288	3,353	3,420	558	19.5%
<b>Full-time</b>	2,573	2,573	2,624	2,677	2,730	2,785	2,841	2,898	2,956	3,015	3,075	502	19.5%
<b>Part-time</b>	289	289	295	301	307	313	319	325	332	339	345	56	19.5%
<b>Grad./First Prof. Total</b>	630	630	643	655	669	682	696	709	724	738	753	123	19.5%
<b>Full-time</b>	414	414	422	431	439	448	457	466	476	485	495	81	19.5%
<b>Part-time</b>	216	216	220	225	229	234	238	243	248	253	258	42	19.5%
<b>FTDE or FTNE Students</b>	2,786	2,786	2,842	2,899	2,957	3,016	3,076	3,137	3,200	3,264	3,330	544	19.5%

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	3,246	3,246	3,311	3,377	3,445	3,514	3,584	3,656	3,729	3,803	3,879	633	19.5%
<b>University Centers</b>	73	71	72	74	75	77	78	80	82	83	85	12	16.2%
<b>U at Shady Grove</b>	73	71	72	74	75	77	78	80	82	83	85	12	16.2%
<b>Hagerstown</b>												0	0.0%
<b>Southern Maryland</b>												0	0.0%

Comments: UMES has experienced a significant decline in its enrollment in the past two academic years from 4,467 (fall 2015) to 3,492 (fall 2017). Consequently, the above projections hold student enrollment steady in fall 2018 to allow UMES to review and implement more effective strategies for growing its enrollment and retaining its continuing students. UMES is projecting enrollment growth at 2% for both undergraduate and graduate programs from 2019 to 2027.

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**Table 14  
UNIVERSITY SYSTEM OF MARYLAND  
ENROLLMENT PROJECTIONS  
USM: University of Maryland University College**

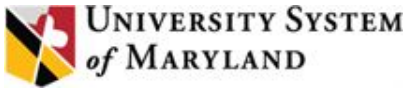
Fall Student Data	Fall											Change From	
	Actual	Projections										Fall 2017 to Fall 2027	
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Number	Percent
<b>Headcount Total</b>	59,379	59,973	60,572	61,179	61,789	62,408	63,032	63,663	64,299	64,942	65,591	6,212	10.5%
<b>Undergraduate Total</b>	45,604	46,060	46,520	46,986	47,455	47,931	48,410	48,894	49,383	49,876	50,375	4,771	10.5%
<b>Full-time</b>	9,714	9,811	9,909	10,008	10,108	10,210	10,312	10,415	10,519	10,624	10,730	1,016	10.5%
<b>Part-time</b>	35,890	36,249	36,611	36,978	37,347	37,721	38,098	38,479	38,864	39,252	39,645	3,755	10.5%
<b>Grad./First Prof. Total</b>	13,775	13,913	14,052	14,193	14,334	14,477	14,622	14,769	14,916	15,066	15,216	1,441	10.5%
<b>Full-time</b>	85	86	87	88	88	89	90	91	92	93	94	9	10.6%
<b>Part-time</b>	13,690	13,827	13,965	14,105	14,246	14,388	14,532	14,678	14,824	14,973	15,122	1,432	10.5%
<b>FTDE or FTNE Students</b>	not app.	not app.	not app.	not app.	not app.	not app.	not app.	not app.	not app.	not app.	not app.		

**Fiscal Year Full-Time Equivalent Data**

	FISCAL YEAR											Change From	
	Est.	Projections										FY 2018 to FY 2028	
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Number	Percent
<b>FTE Students</b>	34,050	34,390	34,734	35,081	35,432	35,786	36,144	36,506	36,871	37,240	37,612	3,562	10.5%
<b>University Centers</b>	324	324	346	375	376	376	377	377	378	378	379	55	17.0%
<b>U at Shady Grove</b>	265	265	286	315	315	315	315	315	315	315	315	50	18.9%
<b>Hagerstown</b>	10	10	10	10	10	10	10	10	10	10	10	0	0.0%
<b>Southern Maryland</b>	49	49	50	50	51	51	52	52	53	53	54	5	10.2%

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**TOPIC:** University System of Maryland: Self-Support Charges and Fees for FY 2019

**COMMITTEE:** Finance Committee

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** The procedure for approving student-related tuition, fees, and charges is a two part process. This item involves the approval of room, board, parking, and related self-support fees.

Proposed increases in the typical annual dormitory charge are listed below:

\$7,190 to \$7,425	3.3%	University of Maryland, College Park
\$5,194 to \$5,350	3.0%	Bowie State University
\$6,984 to \$7,264	4.0%	Towson University
\$5,273 to \$5,405	2.5%	University of Maryland Eastern Shore
\$4,520 to \$4,882	8.0%	Frostburg State University
\$5,700 to \$5,985	5.0%	Coppin State University
\$6,680 to \$6,880	3.0%	Salisbury University
\$6,966 to \$7,050	1.2%	UMBC

To accommodate the variation in the beginning dates of its academic programs, University of Maryland, Baltimore charges a daily rate. Their FY 2019 rate for a one bedroom apartment will be \$38.52 (a 5% increase). Frostburg’s increase is due to a multi-year plan to provide upgrades to the residence halls that have not yet been renovated and the construction of a new Residence Hall.

**ALTERNATIVE(S):** The expenditures planned for each self-supported activity are based on the revenue produced from the schedule of charges. A decrease in the charge structure would require a corresponding decrease in planned expenditures

**FISCAL IMPACT:** The proposed charges and fees are determined to be the amount required to produce the revenue for the individual activities to operate on a viable fiscal basis without accumulating a deficit or postponing required expenditures to a future year.

**CHANCELLOR’S RECOMMENDATION:** That Finance Committee recommend that the Board of Regents approve the proposed self-support charges and fees for FY 2019 as set forth in the attachment.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923

*"NOTE: Notwithstanding any other provision of this or any other University System of Maryland publication, the University System of Maryland reserves the right to make changes in tuition, fees, and other charges at any time such changes are deemed necessary by the University System of Maryland institutions and the University System of Maryland Board of Regents."*

**UNIVERSITY SYSTEM OF MARYLAND  
ADJUSTMENTS TO SELF-SUPPORT CHARGES AND FEES FOR FY 2019**

	<u>FY 2018</u>	<u>FY 2019</u>	<u>Change</u>	
			<u>\$</u>	<u>%</u>
<b><u>UMB</u></b>				
<b><u>ROOM AND BOARD</u></b>				
HOUSING PER APARTMENT*				
PASCAULT ROW (Daily - includes utilities & fully furnished)				
EFFICIENCY	30.69	32.22	1.53	5.0%
1 BEDROOM	36.69	38.52	1.83	5.0%
2 BEDROOM-TOTAL	52.09	54.69	2.60	5.0%
2 BEDROOM-per person	26.04	27.34	1.30	5.0%
NEW RENOVATED PASCAULT ROW (Daily - includes utilities & fully furnished)				
EFFICIENCY	32.19	33.80	1.61	5.0%
1 BEDROOM	38.19	40.10	1.91	5.0%
2 BEDROOM-TOTAL	53.59	56.27	2.68	5.0%
2 BEDROOM-per person	27.54	28.92	1.38	5.0%
SPOUSE/DOMESTIC PARTNER (Daily - includes utilities & fully furnished)**				
EFFICIENCY	6.02	n/a	n/a	n/a
1 BEDROOM	7.33	n/a	n/a	n/a
2 BEDROOM	10.21	n/a	n/a	n/a
2 BEDROOM	5.11	n/a	n/a	n/a
SPOUSE/DOMESTIC PARTNER (Daily - includes utilities & fully furnished)**				
EFFICIENCY	n/a	200.00	n/a	n/a
1 BEDROOM	n/a	200.00	n/a	n/a
2 BEDROOM	n/a	200.00	n/a	n/a
2 BEDROOM	n/a	200.00	n/a	n/a
DAILY STORAGE RATE	9.20	9.20	0.00	0.0%

\*A daily-only rate is to accommodate the variation in the beginning dates of the academic programs. Resident contracts are still for the semester or the year.

\*\*The rate for spouse/domestic partner is being moved from the daily rate to a flat rate for the month.

<b><u>UMCP</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM*	7,190	7,425	235	3.3%
BOARD (POINT PLAN)	4,532	4,645	113	2.5%
<b><u>PARKING FEE**</u></b>				
STUDENT - RESIDENT	567	607	40	7.1%
STUDENT - COMMUTER	293	314	21	7.2%

\*The rate for a standard double room is \$7,425. A surcharge may be applied for such items as a single room, a room with air conditioning, room with private bath. A discount may apply for triple or quad rooms, double room without air conditioning or structural triple. See Appendix A for detail. The proposed rate adjustments include a contingency for potential legislatively mandated salary increases.

\*\*Parking fee increase due to year two of a four-year ramp up for a new 600 space garage, which is needed due to significant projected losses of parking inventory as a result of planned construction projects. Salary and fringe increases are also significant components. The percentage increase may be subject to change. The actual percentage increase to student (resident and commuter) rates is planned to be set at the same percentage as the increase to the overall Faculty and Staff rates for FY 19. ANY CHANGE IN THE ABOVE STUDENT RATE WILL BE PRESENTED TO THE BOARD FOR APPROVAL.

<b><u>Bowie</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM				
TOWERS				
DOUBLE	5,427	5,590	163	3.0%
SINGLE	5,840	6,015	175	3.0%
ALEX HALEY				
DOUBLE	6,386	6,578	192	3.0%
SINGLE	7,180	7,395	215	3.0%
QUAD	5,688	5,858	170	3.0%

**UNIVERSITY SYSTEM OF MARYLAND  
ADJUSTMENTS TO SELF-SUPPORT CHARGES AND FEES FOR FY 2019**

	<u>FY 2018</u>	<u>FY 2019</u>	<u>Change</u>	<u>%</u>
			<u>\$</u>	
<b><u>Bowie (cont.)</u></b>				
ROOM				
TUBMAN & HOLMES				
DOUBLE	5,194	5,350	156	3.0%
SINGLE	5,638	5,807	169	3.0%
TRIPLE	4,661	4,801	140	3.0%
KENNARD				
DOUBLE	5,274	5,432	158	3.0%
SINGLE	5,717	5,889	172	3.0%
TRIPLE	4,728	4,870	142	3.0%
GOODLOE				
DOUBLE	6,160	6,345	185	3.0%
SINGLE	6,644	6,843	199	3.0%
*ENCLAVE Apartments (Temporary)	10,778	11,112	334	3.1%
BOARD				
GOLD 19 MEAL PLAN W/\$175 FLEX	4,160	4,326	166	4.0%
GOLD 14 MEAL PLAN W/\$200 FLEX	4,160	4,326	166	4.0%
GOLD 10 MEAL PLAN W/\$225 FLEX	3,650	3,796	146	4.0%
CMRC 7 MEAL PLAN W/NO FLEX (CMRC Only)	2,060	2,142	82	4.0%
CMRC 7 MEAL PLAN W/\$50 FLEX (CMRC Only)	2,160	2,242	82	3.8%
COMMUTER 100 PLAN W/\$200 FLEX	2,130	2,210	80	3.8%
COMMUTER 50 PLAN W/\$300 FLEX	1,490	1,540	50	3.4%
COMMUTER 25 PLAN W/\$175 FLEX	820	850	30	3.7%
SUMMER BLOCK 60 W/NO FLEX	475	494	19	4.0%
SUMMER BLOCK 30 W/NO FLEX	251	261	10	4.0%
<b><u>PARKING FEE</u></b>				
RESIDENT STUDENT	69	69	0	0.0%
FULL-TIME COMMUTER	68	68	0	0.0%
ONE SEMESTER ONLY	46	46	0	0.0%
TEMPORARY (per month)	29	29	0	0.0%
*Rate includes transportation from/to College Park and Bowie State University				
<b><u>Towson</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM				
DOUBLE				
DOUBLE	6,984	7,264	280	4.0%
SINGLE				
SINGLE	8,214	8,542	328	4.0%
PREMIUM HOUSING - BARTON & DOUGLASS				
PREMIUM HOUSING - BARTON & DOUGLASS	8,234	8,440	206	2.5%
TOWSON RUN				
EFFICIENCIES - 1 BEDROOM				
EFFICIENCIES - 1 BEDROOM	8,768	8,988	220	2.5%
EFFICIENCIES - 2 BEDROOM				
EFFICIENCIES - 2 BEDROOM	8,288	8,496	208	2.5%
EFFICIENCIES - 4 BEDROOM				
EFFICIENCIES - 4 BEDROOM	6,984	7,158	174	2.5%
APARTMENT - CARROLL & MARSHALL				
2 BEDROOM				
2 BEDROOM	10,100	10,352	252	2.5%
4 BEDROOM				
4 BEDROOM	9,900	10,148	248	2.5%
APARTMENT - MARRIOTT CONVERSION to 10 WEST*				
Tier One, Floors 2 - 5, convenience kitchen, meal plan required				
Tier One, Floors 2 - 5, convenience kitchen, meal plan required	N/A	8,988	N/A	N/A
Tier Two, Floors 6 - 15 with full kitchen				
Tier Two, Floors 6 - 15 with full kitchen	N/A	10,664	N/A	N/A
Tier Three (apartments 1409 & 1509)				
Tier Three (apartments 1409 & 1509)	N/A	10,770	N/A	N/A
BOARD				
FLEXIBLE 5 MEAL PLAN WITH \$400 ANNUAL FOOD POINTS	2,460	2,550	90	3.7%
FLEXIBLE 10 MEAL PLAN WITH \$100 ANNUAL FOOD POINTS	4,540	4,710	170	3.7%
FLEXIBLE 14 MEAL PLAN WITH \$100 ANNUAL FOOD POINTS	5,200	5,200	0	0.0%
FLEXIBLE 19 MEAL PLAN WITH \$100 ANNUAL FOOD POINTS	5,560	5,770	210	3.8%
FLEXIBLE UNLIMITED MEAL PLAN WITH \$100 ANNUAL FOOD POINTS	5,970	6,190	220	3.7%
BLOCK 25 MEAL PACKAGE WITH \$75 IN FOOD POINTS	365	380	15	4.1%

\*New fee in FY 2019

**UNIVERSITY SYSTEM OF MARYLAND  
ADJUSTMENTS TO SELF-SUPPORT CHARGES AND FEES FOR FY 2019**

	<u>FY 2018</u>	<u>FY 2019</u>	<u>Change</u>	<u>%</u>
			<u>\$</u>	
<b><u>Towson (cont.)</u></b>				
BOARD				
BLOCK 50 MEAL PACKAGE WITH \$75 IN FOOD POINTS	600	625	25	4.2%
BLOCK 75 MEAL PACKAGE WITH \$75 IN FOOD POINTS	825	855	30	3.6%
BLOCK 100 MEAL PACKAGE WITH \$75 IN FOOD POINTS	1,020	1,060	40	3.9%
<b><u>PARKING FEE</u></b>				
STUDENTS	349	356	7	2.0%
SEMESTER/STUDENT	200	204	4	2.0%
<b><u>UMES</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM				
TRADITIONAL DOUBLE	5,273	5,405	132	2.5%
TRADITIONAL SINGLE	6,142	6,296	154	2.5%
APARTMENT SINGLE (Non-Efficiency)	6,199	6,354	155	2.5%
TRADITIONAL DOUBLE (Semi-Private Bath)	5,422	5,558	136	2.5%
APARTMENT DOUBLE (Efficiency)	6,013	6,163	150	2.5%
APARTMENT SINGLE (Efficiency)	6,403	6,563	160	2.5%
APARTMENT SINGLE PRIVATE BATH (Efficiency)	6,583	6,748	165	2.5%
APARTMENT SINGLE LEASE (Efficiency & Laundry)	6,763	6,932	169	2.5%
HAWK PLAZA - APARTMENT EFFICIENCY SINGLE	6,943	7,117	174	2.5%
BOARD				
19 MEAL PLAN WITH \$150 ANNUAL FOOD POINTS	4,350	4,459	109	2.5%
14 MEAL PLAN WITH \$150 ANNUAL FOOD POINTS	4,132	4,235	103	2.5%
10 MEAL PLAN WITH \$150 ANNUAL FOOD POINTS	3,371	3,455	84	2.5%
5 MEAL PLAN (COMMUTERS ONLY)	1,717	1,760	43	2.5%
<b><u>PARKING FEE</u></b>				
STUDENTS	60	60	0	0.0%
<b><u>Frostburg</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM				
DOUBLE				
PLAN 1 (OLDER DORMS)	4,520	4,882	362	8.0%
PLAN 2 (NEWER DORMS)	4,630	5,002	372	8.0%
SINGLE				
PLAN 1 (OLDER DORMS)	5,980	6,460	480	8.0%
PLAN 2 (NEWER DORMS)	6,490	7,012	522	8.0%
BOARD				
15 MEALS WITH \$50 FLEX**	N/A	5,200	N/A	N/A
SUPER 15 MEAL PLAN WITH \$300 BONUS DOLLARS*	4,892	N/A	N/A	N/A
GOLD PLAN WITH \$200 BONUS BUCKS	4,690	4,846	156	3.3%
SILVER PLAN WITH \$100 BONUS BUCKS	4,370	4,516	146	3.3%
14 MEALS WITH \$125 FLEX**	N/A	5,200	N/A	N/A
14 MEALS PER WEEK, \$100 BONUS BUCKS	4,190	4,330	140	3.3%
12 MEALS PER WEEK, \$250 BONUS BUCKS	4,350	4,494	144	3.3%
10 MEALS PER WEEK, \$75 BONUS BUCKS*	3,660	N/A	N/A	N/A
<b><u>PARKING FEE</u></b>				
STUDENTS - COMMUTER	40	40	0	0.0%

\*Meal Plans eliminated in FY 2019

\*\*New Meal Plans in FY 2019

**UNIVERSITY SYSTEM OF MARYLAND  
ADJUSTMENTS TO SELF-SUPPORT CHARGES AND FEES FOR FY 2019**

	<u>FY 2018</u>	<u>FY 2019</u>	<u>Change</u> <u>\$</u>	<u>%</u>
<b><u>Coppin</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM				
TRIPLE	4,377	4,596	219	5.0%
DOUBLE	5,700	5,985	285	5.0%
SINGLE	5,975	6,274	299	5.0%
BOARD				
BRONZE ANYTIME DINING PLAN (\$75 DINING \$s)	3,920	4,116	196	5.0%
SILVER ANYTIME DINING PLAN (\$150 DINING \$s)	4,084	4,288	204	5.0%
GOLD ANYTIME DINING PLAN (\$200 DINING \$s)	4,195	4,405	210	5.0%
<b><u>PARKING FEE</u></b>				
STUDENTS	90	90	0	0.0%
<b><u>Salisbury</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM (9 month)				
SINGLE				
APARTMENT STYLE (DV)	7,350	7,420	70	1.0%
SUITE (NA, MK, PO, WI)	7,490	7,720	230	3.1%
SUITE (St. Martin)	7,060	7,130	70	1.0%
DOUBLE				
APARTMENT STYLE (CP)	6,680	6,880	200	3.0%
SUITE (NA, MK, PO, WI, CR, CK, SV)	6,750	6,950	200	3.0%
SUITE (St. Martin)	6,360	6,430	70	1.1%
TRIPLE				
SUITE (CR, CK, SV)*	4,820	5,290	470	9.8%
ROOM (12 month)				
1 BEDROOMS & 1 BATHROOMS	8,840	8,930	90	1.0%
2 BEDROOMS & 2 BATHROOMS	8,790	8,880	90	1.0%
4 BEDROOMS & 4 BATHROOMS	8,730	8,820	90	1.0%
4 BEDROOMS & 2 BATHROOMS	8,370	8,450	80	1.0%
2 BEDROOMS & 1 BATHROOMS	8,410	8,490	80	1.0%
BOARD				
EVERYTHING	4,800	5,000	200	4.2%
15 MEALS PLUS**	4,260	N/A	N/A	N/A
10 MEAL PLAN**	3,170	N/A	N/A	N/A
5 MEALS PLUS**	2,050	N/A	N/A	N/A
ANY 50 MEALS PER SEMESTER (commuters only)**	1,200	N/A	N/A	N/A
ANY 30 MEALS PER SEMESTER**	1,000	N/A	N/A	N/A
200 MEALS PLUS (200 meals+\$500 dining dollars per semester)***	N/A	4,800	N/A	N/A
125 MEALS PLUS (125 meals+\$350 dining dollars per semester)***	N/A	3,350	N/A	N/A
75 MEALS PLUS (75 meals+\$300 dining dollars per semester)***	N/A	2,200	N/A	N/A
45 MEALS PLUS (45 meals+\$100 dining dollars per semester)***	N/A	1,200	N/A	N/A
<b><u>PARKING FEE</u></b>				
STUDENTS	75-110	75-110	0	0.0%
<b><u>UMBC</u></b>				
<b><u>ROOM AND BOARD</u></b>				
ROOM				
RESIDENCE HALLS	6,966	7,050	84	1.2%
RESIDENCE APARTMENTS AND SUITES (9 MONTH)	7,216	7,310	94	1.3%
RESIDENCE HALLS (9 MONTH)	7,216	7,310	94	1.3%
BOARD				
UNLIMITED MEAL PLAN	4,520	4,646	126	2.8%
SAVVY 16	4,520	4,648	128	2.8%
TERRIFIC 12	3,916	4,014	98	2.5%
SUPER 225	4,082	4,204	122	3.0%
FLEXIBLE 14 MEAL PLAN	4,942	5,078	136	2.8%
FLEXIBLE 10 MEAL PLAN	4,160	4,262	102	2.5%
<b><u>OTHER AUXILIARY FEES</u></b>				
NETWORK AND COMMUNICATION FEE				
ALL COMMUNITIES	4	350	350	0.0%

\*Triple Suites are larger and more desirable accommodations which justifies a higher increase.

\*\*Meal plan eliminated in FY 2019

\*\*\*New meal plans in FY 2019. Transitioning from meals per week to meals per semester plans

**UMCP  
Room Fee Structure Detail**

(in \$ unless noted)

	Traditional w/out AC		Traditional with AC		New Traditional		Semi-Suite		Suite		Apartment	
	<u>FY 18</u>	<u>FY 19</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 18</u>	<u>FY 19</u>
Singe w/Bath	n/a	n/a	8,570	9,245	8,822	9,561	n/a	n/a	8,930	9,635	9,289	10,136
Single	7,700	8,112	7,880	8,335	8,132	8,651	n/a	n/a	8,240	8,725	8,599	9,226
Double w/Bath	n/a	n/a	7,880	8,335	8,132	8,651	7,657	7,963	8,240	8,725	8,599	9,226
<b>Double</b>	7,010	7,202	<b>7,190</b>	<b>7,425</b>	7,442	7,741	n/a	n/a	7,550	7,815	7,909	8,316
Double requires Bunked Beds	6,134	6,302	6,291	6,497	n/a	n/a	n/a	n/a	6,606	6,838	6,920	7,277
Structural Triple/Quad w/Bath	6,999	7,392	7,161	7,593	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Structural Triple/Quad	6,309	6,482	6,471	6,683	n/a	n/a	n/a	n/a	6,795	7,033	7,118	7,484
Flex Triple/Quad	5,959	6,122	6,112	6,311	n/a	n/a	n/a	n/a	6,417	6,643	6,723	7,069

Notes:

Standard Room Rate = \$ 7,425

Premiums:

Single Room	\$ 910
Private Bath	\$ 910
New Double	4.25%
Semi-Suite	7.25%
Suite	5.25%
Apartment	12.00%

Discounts:

Double w/out AC	3.0%
Structural Triple	10.0%
Double requires Bunked Beds	12.5%
Flex Triple/Quad	15.0%

AC = air conditioning



**USM - Student Involvement in Fee Process  
FY 2019 Self Support Fees**

**University of Maryland, College Park**

1. Room Rates

The Directors of Resident Life and Residential Facilities engage the Residence Hall Association (RHA) and their respective advisory groups (ReLATE and ReFAB) in a review of the student fee proposal annually. The Directors present the fee request to the 54-member RHA Senate normally in the month of January and respond to any questions or concerns at that meeting. The Directors will then meet with ReLATE and ReFAB to further discuss the fee request and gain feedback. The advisory groups will develop a resolution for the RHA Senate meeting normally scheduled in the month of February. The membership of the RHA Senate can be found at <http://marylandrha.umd.edu/RHA/Senate.aspx>

The two advisory groups, ReLATE and ReFAB, develop a resolution for RHA regarding the proposed fee increase. The RHA Senate then votes on whether they endorse the fee request. Adjustments to the fees can be made at any time during the process.

2. Board Rates

The first step of the budget vetting process begins with the Dining Services Advisory Board (DSAB). DSAB is the Resident Hall Association's (RHA) standing committee on dining issues. During one of the regularly scheduled fall semester meetings, observations about general market conditions are shared by Dining Services and there is a review of the general trends in revenue and expenses for the department. During this meeting, Dining Services shares its preliminary estimate of the expected increase in the board rate.

The second step of the budget vetting process occurs when the Director of Dining Services presents the proposed budget to the 54-member RHA Senate and responds to the questions and concerns raised. The membership of the Senate can be found at <http://marylandrha.umd.edu/RHA/Senate.aspx>

The third and final step in the process is for the Director to meet with DSAB again in the spring semester to answer any additional questions about the proposal. The advisory board then develops a resolution for RHA regarding the fee increase and the RHA Senate then votes on whether they endorse the fee request or not. Adjustments to the fees can be made at any time during this process.

3. Parking Fees

The first step of the Department of Transportation Services (DOTS) budget vetting process is an ad hoc student leadership information session in order for DOTS and the student leaders to begin a dialog of concerns and issues related to the DOTS budget. These student leaders include members of the Student Government Association, Graduate Student Government and the Residence Hall Association.

The next step is to bring a draft of the proposed budget to the Campus Transportation Advisory Committee (CTAC). This is a Campus Senate appointed committee with representation from all members of the campus community. CTAC reviews the budget and ultimately makes their final recommendations to DOTS and the Vice President for Student Affairs.



**USM - Student Involvement in Fee Process  
FY 2019 Self Support Fees**

**Bowie State University**

Room, Board, & Parking Fees

On December 12, 2017, the FY 2019 proposed Self-Supporting fees were shared with University Council, a shared-governance advisory board to the President. This group is comprised of membership from students, faculty and staff. The student leaders included on the University Council are the presidents and vice presidents of SGA and the GSA or his/her designee. The University Council considered the input from each of the shared-governance groups and submitted any revisions to the proposed fees to the President, who made the final decision on the fee proposal that was submitted to USM for BOR approval.

**Towson University**

Room, Board, & Parking Fees

The Vice President for Student Affairs, the Interim Vice President for Administration and Finance, the Associate Vice President for Auxiliary Services, and the Deputy Director of Athletics met with Student Government Association (SGA) to discuss the proposed tuition, mandatory fees, room, board and parking. The students asked questions about the increases for self-support fees and the athletic fee. They had comments on how to better parking.

**University of Maryland Eastern Shore**

Room and Board

Ms. Michelle Martin, Interim Vice President for Administration and Finance, along with Dr. Michael Harpe, Interim Vice President for Student Affairs, met with members of the Student Government Association (SGA) and Graduate Student Association on Monday, February 26, 2018 to discuss room and board fees for FY 2019.

Ms. Martin shared the proposal from Thompson Hospitality, the University Food Service vendor, and their intent to increase board costs by 2.3% based upon the increase in the CPI. In addition, the campus laundry facilities were renovated with new equipment. There is no charge for students to use the laundry facilities. The proposed increase room and board fee is 2.5% to remain self-sustaining. *The students expressed their concerns regarding the quality of service from Thompson Hospitality.* Ms. Martin advised the students to not just complain about the food but to participate in the monthly meetings held by Thompson to provide constructive feedback for improvement. *Students: "Will there be any physical changes/improvements to the rooms/buildings?"* Ms. Martin advised that there is a maintenance fund for dorms. The University had to scale back due to the deficit, but is looking to put some of the projects back on the table for FY 19. It was recommended that students get a focus group to come up with a list of projects. Dr. Harpe also advised that they are trying to develop the schools summer conferences schedule to bring in more revenue. The money gained from those events will be used to offset some of the cost to repair residence halls.

In attendance:

Ms. Michelle Martin  
Nathaniel Anderson  
Owaneami Davies

Dr. J. Michael Harpe  
Marcus Burrell  
Zoe Johnson

Brandon Lewis  
Aswan Mangrum  
Aajah Harris





**USM - Student Involvement in Fee Process  
FY 2019 Self Support Fees**

**Frostburg State University**

Room and Board

The President, Vice President for Student Affairs, Interim Vice President for Administration & Finance and the Food Service Director met with representatives from FSU's Student Government Association in March 2018 to discuss the room & board rates for FY 2019. SGA's president and vice president are also members of the University Advisory Council that meets monthly to discuss issues, including tuition/fees and room/board. Students were informed of the justifications for the increases (increased personnel costs due to cola/fringes, increased utilities, minimum wage increases and food service vendor costs). The additional increase in the room rates is partially for upgrades to the existing residence halls which are currently in progress (prior Board of Regents approval) and for the new residence hall.

**Coppin State University**

Room, Board, & Parking Fees

A meeting with the Student Government Association was held on February 23, 2018 in the J. Millard Tawes Student Government Association office. It began at 1:00PM. SGA was informed of the increases in parking and room/board rates.

**IN ATTENDANCE**

Freshman Class President Caleb Andrews  
SGA President Paris Holmes  
SGA Business Manager Sandra Rockson

SG Sophomore President Atiba McGill  
SGA Chief of Staff Mi'Yona Green  
SGA Secretary Arynne Wilburn

**Salisbury University**

Room and Board

On February 11<sup>th</sup>, the Vice President of Administration and Finance, Marvin Pyles, attended the SGA Forum to meet with SU's SGA and other RSO (Registered Student organizations) leaders to discuss the campus' budget and tuition and fee proposals for fiscal year 2019. The SGA Forum consists of approximately 100 student leaders from across a broad spectrum of student led groups, including the SGA Executive Committee, the SGA Student Senate, and all student club/organization presidents and representatives.

Mr. Pyles and the Vice President of Student Affairs, Dane Foust, gave a presentation which informed students that a 2% increase in undergraduate in-state tuition and a 5% increase in undergraduate out-of-state tuition were being proposed.

The presentation also covered other self-support fees, such as room rate increases, which increased 1-3% (with the exception of the triple suites and Severn Hall double suite rate). The increase in Severn Hall is attributable to the cost which will be incurred during the summer 2018 building renovation. The remaining triple suite rate has been increased to bring the rate more in line with the double suite rate.

Board rates/plans have been revamped for this upcoming year in response to student demand. The meal plans have been restructured to allow students to utilize their meals over the course of the entire semester rather than a specific count of meals to be utilized each week. In addition, the meal plans now



**USM - Student Involvement in Fee Process  
FY 2019 Self Support Fees**

provide more dining dollars which can be used at a variety of on-campus eating options beyond the Commons (SU's only dining hall).

Students were provided the opportunity for questions and comments on the overall budget and rate proposals for next year, but no specific concerns were expressed by the students in attendance regarding the proposed increases to tuition, mandatory fees and self-support fees.

**University of Maryland Baltimore County**

Room and Board

Residential Life leadership met with the Resident Student Association (RSA) on February 14, 2018 to explain proposed increases in room and board rates. Approximately 10 students attended the meeting, including RSA officers, individual hall representatives, and other students. Students were advised that the proposed room rates were based on wage increases (COLA/minimum wage), maintenance project increases and building reserve funds. The proposed board rates are tied to an increase in the Consumer Price Index for "food away from home" and other factors associated with the new dining services procurement. The RSA members and others attending the meeting offered comments, asked questions and provided feedback. Feedback was shared with stakeholders. Overall, students did not express objections to the proposed increases.



**TOPIC:** Frostburg State University: Increase in Project Authorization for New Residence Hall

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** Frostburg State University requests Board of Regents approval for an increase in authorization for the New Residence Hall. The new 125,000 square foot, six-floor residence hall featuring 431 beds is slated for construction in July 2018.

In June 2017, Board approved a project budget of \$36.58M. As this project nears the bidding stage, the project team has informed the institution that in spite of significant reductions through value engineering, they anticipate the project to increase in cost by an additional \$6.315M. The total new cost of the project is estimated at \$42.895M.

Additional background on the project is provided in the attached document.

**ALTERNATIVE(S):** The Board of Regents could reject this request. Not proceeding with the construction of the residence hall would have a negative impact on the University's recruitment and retention efforts, and the quality of on-campus student living. The University has not built a new residence hall on the campus in over 40 years and has no significant debt on any of its existing residence halls. For the past several years, many prospective students and their parents have expressed disappointment with the condition of FSU's residence halls and have decided to enroll elsewhere as a result. This new residence hall also plays a crucial role in the University's implementation of a two-year residency requirement that is slated to go in effect for first-year students entering in Fall 2019.

Both national research and the University's data indicate that those students living on campus during their second year perform better academically and are retained at a higher rate than those who live in housing off-campus. Additionally, the new residence hall is key to FSU having the ability to complete major renovations to four large residence halls that have only received minor cosmetic attention since the 1970s. In addition to creating more appealing housing for students, its design will facilitate the additional programming within the residence hall that is planned to focus on the needs and interests of both sophomores and transfer students.

**FISCAL IMPACT:** Unforeseen site conditions, the bid market conditions such as increased cost for material and some subcontract labor and further design refinements have resulted in a \$6.315M budget increase. The University has completed a number of value engineering actions, including changes in the exterior skin, interior support, and removal and resizing of building components that have resulted in a savings of approximately \$8M.

This project increase of \$6.315M will be funded from \$4.5M of bonds, \$1.132M of revolving equipment loans and \$683K of institutional fund balance. These payments will be funded from increased room rates and auxiliary facility fees. A majority of the \$1.5M for planning in FY 2018 has already been expended.

Approved via SFCP, June, 2017

	FY	FSU	Equip Loan	Bonds	Total
Planning	FY 17	1,500,000			1,500,000
Construction	FY 19	2,198,000		14,776,000	16,974,000
Construction	FY 20			16,974,000	16,974,000
Equipment	FY 20	1,132,000			1,132,000
<b>Total</b>		<b>4,830,000</b>		<b>31,750,000</b>	<b>36,580,000</b>

Proposed March 2018

	FY	FSU	Equip Loan	Bonds	Total
Planning	FY 18	1,500,000			1,500,000
Plan/Construction	FY 19	2,198,000			2,198,000
Construction	FY 19			22,920,000	22,920,000
Construction	FY 20	1,815,000		13,330,000	15,145,000
Equipment	FY 20		1,132,000		1,132,000
<b>Total</b>		<b>5,513,000</b>	<b>1,132,000</b>	<b>36,250,000</b>	<b>42,895,000</b>

<b>Proposed Increase</b>	<b>683,000</b>	<b>1,132,000</b>	<b>4,500,000</b>	<b>6,315,000</b>
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**CHANCELLOR'S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve an increase in the project authorization for the New Residence Hall at Frostburg State University not to exceed \$6.315M, for a total project authorization of \$42.895M, as described above.

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COMMITTEE RECOMMENDATION: \_\_\_\_\_ DATE: \_\_\_\_\_

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BOARD ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

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SUBMITTED BY: Ellen Herbst (301) 445-1923

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## New Residence Hall at Frostburg State University Background Information

3/8/18

### October 2015

A demand study by a consultant was updated in October 2015. The study made note of the robust off-campus housing stock and cited a number of reasons students avoid on-campus housing, including poor condition and configuration of units, lack of privacy and amenities, cost of room and board, and the rules imposed by the university on resident students.

The consultants did, however, identify demand for housing that could occur if the University built a new residence hall. Their survey noted interest by about 400 students currently living off campus who said they would consider moving to campus if a new building was available that provided desired room configurations and amenities at a competitive cost.

Furthermore, the demand study indicated that if Frostburg enacted a policy to require all qualifying Freshmen and Sophomores to live on campus, another 350 bed demand could be generated. The impact of such a requirement (positive or negative) on current enrollment trends will be evaluated. The net of these two actions, less the current vacancies, totaled a **demand for roughly 600 new beds**.

### November 2015

At the November 2015 meeting of the Board Finance Committee, Interim FSU President Bowling told the group that Frostburg's enrollment was growing. At 5,756 headcount and 4,852 FTE students, the Fall 2015 enrollment was the largest in Frostburg's 117-year history. A record number of international students were also enrolled, with more seeking admission in the Spring of 2016.

At the time, Frostburg had just under 1,700 beds in traditional campus residence halls. The newest was built in 1976, and there was no existing debt. Five buildings had been renovated since 2008. At the time, there was no waiting list and there were about 50 vacant beds, with another 100 taken offline for various reasons.

A Public/Private Partnership housing facility on campus was fully rented. [In Fall 2003, a partnership was formed with MEDCO to provide a 400 bed housing facility on ground leased from the campus. The facility, called "Edgewood Commons," has been filled for 3 years and is now generating ground rent. The lease with MEDCO requires the Board of Regents to certify that Edgewood will remain fully occupied before any new beds can be constructed on campus.]

At the November 2015 meeting, the Finance Committee expressed support for consideration of a project at FSU. Given the need to review the financial parameters of a new housing project within the



context of the overall System-wide bond program, address matters of student affordability, and seek the required consent from MEDCO, the Committee deferred a final recommendation on the matter until the upcoming Capital Budget cycle.

**May/June 2016**

The housing project (both renovation of existing dorms and construction of a new 425 bed facility as described above) was discussed by the Board at the May 2016 capital workshop and approved in the SFCP in June, 2016. Subsequently, the Board of Regents approved a multi-year plan of raising FSU room rates an additional 2% to fund these renovations. FSU indicated that their room rates are the lowest within the USM, and they were confident this proposed increase is consistent with the market.

**The total budget for the new housing project was: \$32.58 M** (includes \$4.83 in cash).

When the project team at the College Park Service Center reviewed the project and the budget, it expressed concerns as it typically estimates the cost of this type of facility at a minimum of \$100,000 per bed. USM, FSU and the Service Center agreed to proceed with the understanding that cost would need to be evaluated once the design was underway.

**June 2017**

Price proposals submitted in the RFP process indicated a need for additional funding of approximately \$4 million. As design progressed, it became apparent that the current funding for the new housing project was insufficient. These additional funds were requested as an increase of bonds for FY 2019 and FY 2020. Revenue to cover these additional bonds would be generated by increasing the room rates for the new residence hall. The FY 2018 SFCP (approved in June 2017), therefore, included an additional \$4M (auxiliary bonds) in the construction appropriation.

**The total budget for the new housing project had risen to: \$36.58 M.**

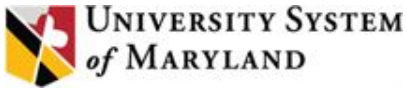
**Current Status**

As the project nears the bidding stage, the project team has informed the institution that, in spite of significant reductions through value engineering that reduced the overall cost by as much as \$8M, they anticipate the total cost will still exceed the established budget. The current state of the construction market is affecting the availability and cost of materials and some subcontract labor in the region. For example, the cost of wood framing materials increased nearly 40% as of the latest cost estimate in the aftermath of the hurricanes. In addition, site challenges have diverted construction funds towards improving the site. The project team expects to stabilize abandoned mines beneath the site and drill deep foundations due to poor soil conditions. Unforeseen costs in bringing expanded fiber/communication service to the building also added significant costs.

The total for the new housing project is now estimated at \$42.895M. This is an increase of \$6.315M.

**The additional cost of the bonds necessary to fund the increased cost of the project will be repaid through increased auxiliary fees and room rents.** The Auxiliary Facility Fee will increase 7.7% in FY 2019 and 10% in FY 2020, which equates to a \$41.58 annual increase to full-time students in FY2019 and \$1.85 per credit hour for part-time students. The proposed 10% increase in FY 2020 would equate to approximately \$59.18 annually for full-time and \$2.63 per credit hour for part-time students. The increase in the Auxiliary Facilities Fee would affect all students based on the Frostburg Campus. It would not affect on-line students or other locations such as Hagerstown.

Existing room rates were already approved by the Board of Regents to increase an additional 2% in FY 2019, FY 2020; 1.5% in FY 2021, and 1% in FY 2022 on top of general inflation. The room rates will now need to increase 6% in FY 2019, 2020 and 2021 and 3% in FY 2022 on top of general inflation. In the approved scenario general inflation was calculated at 3% and the proposed scenario general inflation is calculated at 2%.



**BOARD OF REGENTS**

SUMMARY OF ITEM FOR ACTION,  
INFORMATION OR DISCUSSION

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**TOPIC:** University System of Maryland: Proposed Amendment to USM Policy VIII-2.50—Policy on Student Tuition, Fees, and Charges

**COMMITTEE:** Finance Committee

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** Last year, a group of students came forth with concerns regarding the implementation of a new non-mandatory fee. After discussion and an internal review of the policy, it was determined that several technical adjustments and updates to the policy were in order.

The revisions to the current USM policy are intended to provide clarification as to what constitutes a mandatory fee. In addition, the proposed language more accurately reflects the intended use of the fee revenue generated by the mandatory fees. Finally, the out-of-date process described in the beginning of the policy has been streamlined and updated to reflect the process in place over the last decade.

A red-lined copy of the policy is attached. These proposed changes have been discussed and reviewed by the presidents, AAAC (provosts and academic affairs vice presidents), vice presidents for student affairs, and the vice presidents for administration and finance.

**ALTERNATIVE(S):** The Committee could choose to recommend that the Board not approve the proposed policy amendment or could recommend alternatives to the proposed amendment.

**FISCAL IMPACT:** There is no estimated fiscal impact.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve the proposed policy amendment.

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COMMITTEE RECOMMENDATION:

DATE:

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BOARD ACTION:

DATE:

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SUBMITTED BY: Ellen Herbst (301) 445-1923

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REVISED 3/6/18

260.0 VIII-2.50 - POLICY ON STUDENT TUITION, FEES, AND CHARGES

(Approved by the Board of Regents, June 21, 1990; revised June 22, 2012; revised )

I. Tuition and Mandatory Fees

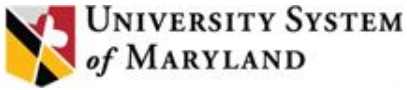
1. The Chancellor, following consultation with the Presidents and the Board, shall propose guidelines for tuition and mandatory fees. ~~to the Finance Committee for recommendation to the Board of Regents.~~
2. As part of the formulation of the annual operating budget request, each President shall recommend tuition and fees within the established guidelines. ~~established by the Board.~~
- ~~3. Tuition and mandatory fees shall be specifically identified in the proposed consolidated operating budget presented by the Chancellor to the Finance Committee. After the Board approves the consolidated operating budget request, tuition and mandatory fees may be altered only by agreement of the Board.~~
- ~~4.3. \_\_\_\_\_ Tuition and mandatory fees, subject to the approval of approved by the Board, shall be included in the detailed annual operating budget request for the University System of Maryland System submitted by the Chancellor to the State Department of Budget and Management. ~~Governor and the Commission on Higher Education.~~~~
- ~~5. Mandatory fees include fees and charges applicable to a specific category of student according to enrollment status during the standard academic year. They include fees and charges for Health Services, Graduate Programs, and Auxiliary Services such as Athletics, Shuttle Bus, Student Union and Recreational, Student Activities Supporting Facilities, and Auxiliary Facilities.~~
4. Mandatory fees are those fees that are required to be paid by the entire undergraduate and/or graduate student body and are necessary to fund self-support programs (e.g., athletics, shuttle bus, student union) that are available to registered students. These fees support those services and activities that are not funded entirely by either tuition revenue or state funds.



- i. In the interest of giving the Board as much information as possible to make the best and most transparent decision regarding student fee schedules, each campus will ensure that an advisory committee—or other appropriate committee(s) involved in the processes of setting student fees—is established and is comprised of appropriate numbers of students and stakeholders representing each area supported by a student fee.
    - The advisory or similar committee(s) will be consulted in the establishment or change of student fees during the determination process.
    - The process by which these advisory committees are involved in the determination of student fees ~~as well as the names of the students and stakeholders who make up the advisory committee~~ will be submitted to the Board of Regents along with the proposed fee schedule.
- II. Room and Board Charges.
1. Each President shall submit proposed annual room and board charges to the Chancellor according to a timetable and instructions recommended by the Chancellor and established by the Board.
  2. The Chancellor, following consultation with the Presidents, shall present the proposed charges to the Finance Committee for recommendation to the Board.
  3. Room charges include room, dormitory, and apartment charges for all university residence hall facilities based on a standard academic year rate.
  4. Board charges include charges based on a standard academic year rate.
- III. Other fees and charges.
1. Each President may establish fees and charges not included in sections I and II, subject to the provisions in the following paragraphs.
  2. Academic and/or programmatic fees, those fees that are to be paid by subsets of students in a particular program/class of study (e.g. student teaching fee, education abroad fee), will require discussion with the affected student group(s) at the time of the establishment of the proposed fee.
  - ~~2.3.~~ \_\_\_\_\_ The Chancellor may submit to the Finance Committee for recommendation to the Board fees and charges that may significantly affect student costs, ~~or that~~ may be considered for consistency among the institutions, or fees that may substantially differ among the institutions.

~~3.— Student advisory committee(s) participation as described in I.4.i. for mandatory fees will be required for non-mandatory fee establishment also.~~

Replacement for: BOR V - 9.00; BOR V - 14.00; BOT XII - C



**TOPIC:** University System of Maryland: Proposed USM Policy VIII-18.00—Policy on Unrestricted Fund Balances

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2017

**SUMMARY:** During the 2017 session of the General Assembly, budget language required the creation of a workgroup to examine the System’s practices concerning the use and access to unrestricted fund balances. This examination resulted in a report released in early December 2017 containing a set of recommendations, one part of which called for the creation of a new Board policy establishing and detailing the processes relating to the use of unrestricted fund balances. The findings of the workgroup called for recommendations to be implemented by June 1, 2017

The proposed policy documents the process for establishing an annual fund balance goal, details approved spending that is considered outside of the goal, and formalizes a System-wide financial planning process. In response to the recommendations of the fund balance workgroup, the proposed policy also requires formal plans for eliminating state-supported operating budget accumulated deficits.

Institutions have proposed that the System continue to explore alternative processes, with the goal of enhancing institutional flexibility in long-term spending strategies. One such alternative, involving the setting fund balance targets—as opposed to setting an annual fund balance increase (or change) goal—appears to satisfy the objective of enhanced institutional flexibility, and will be the focus of an effort to revise the policy, and System-wide financial planning, within the coming year.

**ALTERNATIVE(S):** The Committee could choose to recommend that the Board not approve the proposed policy or could recommend alternatives to the proposed policy.

**FISCAL IMPACT:** The General Assembly has proposed budget bill language that would impose a \$500,000 reduction in USM Office general funds if the recommendations of the workgroup are not satisfied by June 1, 2018.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend the Board of Regents approve the proposed Policy on Unrestricted Fund Balances.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923

## USM Bylaws, Policies and Procedures of the Board of Regents

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### VIII - 18.00 - Policy on Unrestricted Fund Balances

(Approved by the Board of Regents )

#### I. Purpose

This policy establishes processes for the use of unrestricted fund balances by University System of Maryland institutions. The policy also includes provisions for developing plans to eliminate accumulated deficits in unrestricted fund balances associated with state-supported activities, and addresses parameters for annual reporting to the General Assembly relating to changes in unrestricted fund balances and plans for their use.

Unrestricted fund balances are accounted for and their use managed by each institution of the University System of Maryland. The only constraints on an institution's ability to use unrestricted fund balances are the fund balance goal set annually regarding the use or increase in unrestricted fund balances, and required approvals of the Board of Regents, Chancellor and Board of Public Works, as appropriate.

The University System of Maryland facilitates access to funding by encouraging institutions and their units and departments to accumulate resources needed for future spending needs, initiatives and opportunities. The accumulation of resources ensures that funds are available for institutional departmental needs when required, and provides a source of liquidity and surety to holders of University System of Maryland debt. University System of Maryland financial planning strives to ensure that unrestricted fund balances are maintained at a level appropriate and proportionate to other public universities and colleges in the same credit rating category over time. A single fiscal year where the System reports a decline in unrestricted fund balances, by itself, should not be the basis for significant and dramatic changes in the System's financial plan other than the short-term and temporary measures such as curtailing new authorizations of cash-funded projects or initiatives.

This policy provides guidance and establishes a process for institutions' use of accumulated resources within a planning and control structure that enables the Chancellor and staff to have up to date information on commitments, claims and likely obligations that need to be considered in evaluating spending proposals outside of planning parameters, such as expectations that institutions manage their resources to ensure a particular change in unrestricted fund balances.

#### II. Definitions

- (1) **Fund balances** – the difference between assets, deferred outflows, and liabilities and deferred inflows. Also referred to as net position or reserves.
- (2) **Unrestricted fund balances** – the difference between assets not subject to external (external to both the institution and System) stipulations that govern or control how resources are expended, and associated liabilities.
- (3) **State-supported fund balances** – under state of Maryland budgetary practices, unspent resources derived from state-supported activities such as teaching and instructional activities
- (4) **Available funds** – as reported in the most recent audited financial statements, the sum of:
  - (a) University System of Maryland Unrestricted Fund Balances

## USM Bylaws, Policies and Procedures of the Board of Regents

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- (b) Unrestricted Fund Balances of component units (affiliated foundations) of USM and its institutions
  - (c) Accrued leave liability
  - (d) Pension obligation including deferred outflows and deferred inflows associated with pension accounting
- (5) **Adjusted available funds** – available funds reported in the most recent audited financial statements, adjusted for unspent commitments and likely obligations.
  - (6) **Debt outstanding** – the sum of debt outstanding and obligations under lease agreements as reported in the most recent audited financial statements for the University System of Maryland and its component units (affiliated foundations).
  - (7) **Unfunded capital projects approved for debt funding** – the total, as of a particular date, of unspent capital projects authorizations approved for funding with USM debt proceeds in excess of bond proceeds on hand.
  - (8) **Adjusted debt outstanding** – debt and lease obligations reported on the Balance Sheet of the most recent audited financial statements, adjusted for additional debt to be issued to provide cash for unfunded capital projects approved for debt funding.
  - (9) **Commitments** – spending needs, initiatives, or opportunities approved by the Board of Regents or Chancellor, as required, considered to be spending outside of annual fund balance change goals. Commitments include temporary uses of cash balances pending receipt of gift or other funds scheduled for transfer to the System or its institutions at some point in the future.
  - (10) **Likely obligations** - amounts anticipated to be required to fund spending needs, initiatives, or other activities that have not yet been formalized, but are judged to be highly likely.
  - (11) **Adjusted ratio of available funds to adjusted debt outstanding** – the result of dividing adjusted available funds by adjusted debt outstanding

### III. Process for Use of Unrestricted Fund Balances

The University System of Maryland considers new spending needs, initiatives, and opportunities in the context of both System-wide financial capacity and institutional financial capacity. System-wide financial capacity is the ability to fund a specific spending need or objective without reducing the adjusted ratio of available funds to adjusted debt outstanding below a target ratio minimum, as determined annually in advance of the capital budget process.

This policy does not exempt institutions from spending approval requirements otherwise imposed by the Board of Public Works, or Board of Regents Policy.

Assessment of whether or not an institution satisfies the fund balance change goal will be based on the change in unrestricted fund balance reported on Balance Sheet of the audited financial statements for that institution.

The reported change in unrestricted fund balances will be adjusted for spending and donor collections associated with permanent and temporary uses of fund balances that result from the following:

- (1) Cash spending on capital projects approved as part of the Capital Improvement Plan / System-funded Construction Program approval, or

## **USM Bylaws, Policies and Procedures of the Board of Regents**

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- (2) Cash spending for capital projects or other spending initiatives greater than \$1 million and less than \$5 million approved by the Chancellor or designee, or
- (3) Cash spending for capital projects or other spending initiatives \$5 million or greater approved by the Board of Regents, or
- (4) Collections of pledged amounts of donor funding that support the temporary use of fund balances for a Board of Regents or Chancellor approved project or initiative, or
- (5) Cash use in arrangements agreed to (or imposed by the state) as part of a budget reduction outside of the normal budget approval cycle.

The status of spending of cash on capital projects or other spending initiatives that are outside of the fund balance goal assessment are to be surveyed as of June 30 and December 31 annually, so that a current and updated status of spending can be used in conjunction with audited year-end financial statements or mid-year internal financial statements for financial planning purposes.

Institutions can request that the Board of Regent review any decision by the Chancellor or designee rejecting a spending proposal request at its next regularly scheduled meeting.

### **IV. Fund balance change goals**

Annually, in advance of the annual capital budget workshop, a goal for the expected change in unrestricted fund balances for the fiscal year for which the operating budget has not yet been submitted to the state government (simply, the goal will set for the fiscal year that begins in more than 12 months). The goal will be formalized as a percentage increase as a function of total unrestricted operating budget spending appropriation. Institutions have full responsibility for deciding how and through what operations or transactions the expected change in fund balance is to be achieved, and institutional actual results will be compared with the goal annually and reported to the Board of Regents.

Spending on cash-funded capital or other projects where the fund source is unrestricted fund balances, transactions with the state government involving transfers of fund balance back to the state in lieu of reductions in annual base appropriations, one-time uses of fund balances determined as a response to mid-year budget reductions, and other transactions imposed on institutions such as the change in the pension liability, all are to be excluded from the assessment of actual results in determining whether or not an institution met the fund balance goal. Other transactions may be excluded subject to agreement between the universities and the University System Office on a case by case basis.

Institutions with accumulated and uncommitted unrestricted fund balances beyond the institution's benchmark level of unrestricted fund balances may request the use of the unrestricted fund balance to pay for a project or initiative's spending needs by forwarding a request to the Chancellor and Vice Chancellor for Administration and Finance, or the Board of Regents, as spending approval requirements dictate. Institutions can formally communicate intentions to spend unrestricted fund balances on a specific major initiative or project in advance of receiving formal Board of Regents approval, to ensure that System-wide financial planning and Board of Regents decisions do not obligate an institution's accumulated funds for another institution's funding needs.

## **USM Bylaws, Policies and Procedures of the Board of Regents**

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The benchmark level of unrestricted fund balances is the institutions' unrestricted fund balance as reported at June 30, 2017, increased by each succeeding fiscal years final, adjusted fund balance goal, and reduced by spending on Board or System Office approved capital project spending and other spending agreed to be outside of the fund balance goal (for example, transfers of state-supported fund balances back to the state government as part of a mid-year budget reduction action). The calculation of the benchmark level of unrestricted fund balances, as well as any amounts beyond the benchmark level as adjusted for actual results year by year, will take into consideration unspent authorizations and any formally communicated intentions to spend not reflected in the most recent audited financial statements.

### **V. State-supported accumulated deficit elimination plans**

Institutions may from time to time manage state-supported operations in a fashion that operating budget fund balances attributable to those activities have negative fund balances, or an accumulated deficit. Negative state-supported operating budget negative fund balances or accumulated deficits may arise due to institutional decisions, or alternatively be an outcome of System-wide or Statewide decisions.

In circumstances where an institution reports an accumulated deficit in state-supported operating budget funds at June 30, the institution will be required to submit a plan to the Chancellor, due no later than December 31, for eliminating the accumulated deficit over time. The plan will identify the cause(s) for the accumulated deficit, describe remediation measures and efforts put in place by the institution to address the cause, and provide a timetable for addressing the cause and elimination of the accumulated deficit.

### **VI. Reporting Requirements**

Each year, no later than December 30 for the previous fiscal year, the USM will provide state general assembly budget committees on:

- The financial health of the System based on the financial metrics and standards contained in the Board of Regents Policy VIII-15 Policy on Debt Management for available resources to debt outstanding, and debt service as a percentage of operating revenues and state appropriations
- The amounts transferred to and expended from the plant fund and the fund balance by each institution during the prior fiscal year along with a brief description of the major projects supported with those funds during the year and planned for future years; and
- Progress in eliminating negative State-supported fund balances at institutions.



REVISED

SUMMARY OF ITEM FOR ACTION,  
INFORMATION OR DISCUSSION

**TOPIC:** University System of Maryland: Proposed Amendment to Policy VIII-12.00—Policy on Debt Management

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** During the 2017 session of the General Assembly, budget language required the creation of a workgroup to examine the System’s practices concerning the use and access to unrestricted fund balances. This examination resulted in a report released in early December 2017 containing a set of recommendations, one part of which called for an update to the System’s Policy on Debt Management. The workgroup called for recommendations to be implemented by June 1, 2018

The revisions to the policy update the standards for managing the ratio of what is referred to as “Available resources” (generally the term that the rating agencies use to refer to the totality of liquidity and reserves) to debt outstanding. The policy was originally adopted in fiscal year 2008, at a point when the System’s bond rating was a couple of notches lower than the current Aa1 (Moody’s Investor Services) rating. In 2008, a ratio of 55% of available resources was adequate to ensure ongoing financial stability and low interest rates associated with the bond rating.

The System, over the past few years, has been managing informally to a 1-to-1 ratio of available resources to debt outstanding. To ensure that the System is not compelled unexpectedly to make reductions to borrowing plans, the revised policy calls for a minimum ratio of 90% of available resources to debt outstanding, and no more than 4% of operating revenues plus state appropriations to be used for principal and interest payments.

The proposed revisions also update the policy for changes in accounting rule changes such as the treatment of lease obligations, and provide for greater flexibility in the use of variable rate debt.

**ALTERNATIVE(S):** The Committee could choose to recommend that the Board not approve the proposed policy amendment or could recommend alternatives to the proposed amendment.

**FISCAL IMPACT:** The General Assembly has proposed budget bill language that would impose a \$500,000 reduction in USM Office general funds if the recommendations of the workgroup are not satisfied by June 1, 2018.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve the proposed policy amendment.

COMMITTEE RECOMMENDATION: \_\_\_\_\_ DATE: \_\_\_\_\_

BOARD ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

SUBMITTED BY: Ellen Herbst (301) 445-1923



## USM Bylaws, Policies and Procedures of the Board of Regents

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### VIII – 16.00 – Policy on Debt Management

(Approved by the Board of Regents April 7, 1995; Revised \_\_\_\_\_)

#### I. Purpose

The purpose of this debt management policy is to establish for the University System of Maryland, including all of its constituent institutions (collectively the “USM”) a comprehensive and prudent debt management program that is responsive to the needs of the USM and its constituent institutions, yet allows efficient access to capital markets by:

- Managing USM’s overall debt level in order to maintain a minimum underlying credit rating in the “AA+” or equivalent category from all three rating agencies (Moody’s, Fitch, S & P)
- Limiting risk within USM’s debt portfolio by effectively balancing the goal of lowest cost of capital with the goal of managing interest rate risk.
- Managing outstanding debt in such a manner to take advantage of interest rate cycles and refunding opportunities.

#### II. Debt Caps

- A. Direct and Indirect debt will be managed with the objective of maintaining a rating in the “AA+” or equivalent category from the three major rating agencies (Moody’s, Fitch, and S&P).
- B. Debt service associated with USM direct debt may not exceed 4.54.0% of USM operating revenues plus State Appropriations as defined by Generally Accepted Accounting Principles (GAAP), calculated using the most recent audited financial statements, using principal and interest payments reported on the Statement of Cash Flows, adjusted for any principal paid associated with refinanced debt, and divided into total operating revenues plus state appropriations.
- C. Available Resources must be at least 5590% of direct debt, calculated using the most recent audited financial statements, adjusted for spending and debt commitments not yet reflected in the financial statements. The interaction of the debt service limit in paragraph B. above, and the Available Resources to direct debt minimum is expected to maintain the System’s financial strength and operating flexibility at a level comparable to other institutions with the same rating by the three major rating agencies.
- D. USM Indirect Debt may not exceed 50% of USM Direct Debt.
- E. Outstanding debt may not exceed the limits established in Section 19-102 of the Education Article of the Annotated Code of Maryland.

## USM Bylaws, Policies and Procedures of the Board of Regents

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- F. The ~~Chief Operating Officer~~/Vice Chancellor for Administration and Finance (~~COO~~/VCAF) will review the debt ratios and comparison with similar metrics reported by other public higher education institutions in the same bond rating category, annually. In the event of unusual financial circumstances, the ~~COO~~/VCAF may recommend to the Board of Regents a one-year waiver to the debt limitations. The Vice Chancellor for Administration and Finance will display the status of actual USM financial metrics relative to the limits and standards of this Board of Regents policy, as well as a comparison of similar ratios based on publicly available financial statements for other public higher education institutions, on its website.
- G. The Board of Regents will take these debt limitations into consideration when approving any initiative that has any impact on USM debt capacity.

### III. Debt Management Strategies

- A. *Fixed versus variable rate allocation* – Variable rate debt sometimes offers a lower cost of capital, but introduces additional risks. To limit this risk, variable rate debt will be no more than ~~25%~~50% of the overall USM debt outstanding. Variable rate exposure includes exposure achieved directly through variable rate debt issuance and indirectly by entering into an interest rate swap agreement.
- B. *Refunding Targets* – The USM and its financial advisor will continually monitor and periodically review the USM’s outstanding debt portfolio for refunding and/or restructuring opportunities. In general, the USM will consider refinancing (within Federal tax constraints) when a current or advanced refunding of debt provides a net present value debt service savings of at least 3% of the refunded par amount of the bonds. Refinancing or restructuring opportunities that provide savings of less than 3%, or with negative savings, may be considered if there is a compelling policy objective such as restructuring of principal, or changing financial or legal covenants that are disadvantageous to USM.
- C. *Interest Rate Swaps and Derivatives* – In general, swaps are utilized to reduce the cost and/or risk of existing or planned USM variable rate debt. By using swaps in a prudent manner, the USM can take advantage of market opportunities to reduce debt service cost and/or interest rate risk. Before entering into any interest rate swap agreement, the USM, shall conduct a review to include each of the following, as appropriate:
1. Identification of the proposed benefit and potential interest rate swap risks, which shall include, but not necessarily be limited to, those risks outlined herein.
  2. Independent analysis of potential savings from a proposed transaction.

## USM Bylaws, Policies and Procedures of the Board of Regents

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3. Comparison of fixed versus ~~and~~ variable rate options and interest rate swap exposure before and after the proposed transaction.
4. Market Net Termination Exposure (as outlined herein) of the USM for all existing and proposed transactions.
5. The USM will consider, to the extent it deems relevant, any rating reports or criteria regarding interest rate swaps by rating agencies.
6. In reviewing proposed or possible interest rate swaps or options, USM shall consider each of the following types of risks, as applicable: Counterparty Risk, Termination Risk, Tax Risk, Basis Risk, Tax Exemption Risk, as defined in Appendix A.

### IV. Process

- A. The ~~COO~~/VCAF, or designee, shall assess the impact of the following types of proposed transactions on debt capacity:
  - ~~1. Capital Leases as defined in Board of Regents Policy VIII—4.00 Policy on Acquisition, Disposition, and Leasing of Real Property.~~
  - ~~2.1. Operating Leases in which the System or an institution is the lessee, with respect to a single facility, multiple facilities, or other asset in which the cumulative (i) consideration is expected to exceed \$500,000 in any year; (ii) aggregate rent exceeds \$2 million, or (iii) the initial lease term exceeds ten years. The USM will consider the dollar amount of the lease, the percent of the building being leased, the lease term, and any financial obligations or risks assumed by the tenant. A decision regarding the impact on debt capacity will be made on a case by case basis.~~
  - ~~3.2. Ground Leases.~~
  - ~~4.3. Public Private Partnerships~~
  - ~~5.4. Lease/leaseback and sale/leaseback arrangements.~~
  - ~~6.5. Bondable or Credit Lease Structure~~
  - ~~7.6. Indirect Subsidies of Third-Party Debt~~
  - ~~8.7. Any other financial relationship not identified above between the USM and/or its constituent institutions and an external entity involving facilities or property.~~

**USM Bylaws, Policies and Procedures of the Board of Regents**

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B. The use of a non-~~re~~-appropriation clause does not change the characterization of the commitment or obligation for debt capacity purposes.

~~C.~~ ~~C.~~—The USM Office of Administration and Finance and the Office of the Attorney General are to be involved in any financing transaction as early as reasonably possible but must be fully briefed and involved before any legal or verbal commitment is made by an institution and before any letter of intent, memorandum of understanding or legal documents are prepared.

~~D.~~ The Board of Regents approves each project to be financed using the proceeds of USM Revenue Bonds through a bond resolution. Authority to spend and/or the authority to issue debt for a specific project will expire five years after the date of the authorizing resolution. Authority to spend may be extended by the ~~COO~~/VCAF under special circumstances.

**V Financing Commitments** (Replacement for Board of Regents Policy VIII – 8.00 – Policy on Financing Commitments).

- A. Financing commitments of \$5 million or more and financing commitments which require specific approval of the Board of Regents as a condition of the financing shall be approved by the Board.
- B. The Board delegates to the Chancellor the authority to approve all financing commitments which do not require Board approval.
- C. Except as provided in paragraph 4, the Chancellor may delegate to the Presidents the authority to approve financings of less than ~~at~~ \$50,000.
- D. Any financing commitments involving pledges of tuition, auxiliary enterprise revenues, or student fees require approval of the Chancellor, or designee.
- E. Refinancing transactions shall be subject to the provisions of this policy.

**USM Bylaws, Policies and Procedures of the Board of Regents**

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**Appendix A**

**Definitions**

A. Available Resources – Unrestricted Net Assets of the USM + Unrestricted Net Assets of the USM Affiliated Foundations + Accrued Vacation Liabilities as defined by Generally Accepted Accounting Principles (GAAP).

~~B. Bondable or Credit Lease Structures— Lease/financing structures which are not capital leases but rely on the obligation of the USM for payment of rents (whether or not subject to appropriation and whether or not guarantees or indemnity is provided from others). Such structures may contain, but are not limited to, one or more of the following:~~

- ~~1. rent is payable even if the leased premises are not available for use (e.g. construction not completed or temporary closing due to casualty);~~
- ~~2. the lease is signed prior to the completion of the facility;~~
- ~~3. the initial term of the lease is longer than five years and, including renewal options, extends beyond ten years;~~
- ~~4. the USM, as tenant is obligated to complete improvements or pay increased rent if the capital cost of the project increases;~~
- ~~5. rent is adjusted based on increases in interest rate of landlord's financing, or~~
- ~~6. the lease premises are special purpose and/or the lease or any related document restricts the right of the USM to buy, build or lease other premises for substantially the same use if the lease is not renewed for a specified period.~~

~~C.B.~~ Direct Debt – A financing involving a legal commitment or guarantee by the USM to providers of capital, or a legal commitment or guarantee by the USM to a third party to obtain financing for a project. These financings would include, but are not limited to: USM ~~academic/auxiliary facility~~ revenue bonds; USM Revolving Equipment Loan Program; installment sale arrangements; equipment lease/purchase programs; certificates of participation; ~~capital~~ leases as reported on the Balance Sheet as liabilities; sale/lease back structures, ~~Bondable or Credit Lease Structures~~, and Indirect Subsidies of Third-Party Debt.

~~D.C.~~ Indirect Debt – Any commitment to make payments, or ~~provide services in future fiscal years~~ any contingent future risk that the debt of others may be assumed by the USM that is not characterized as Direct Debt. Additionally, a financing in which the USM makes no legal commitments or guarantees, but

## USM Bylaws, Policies and Procedures of the Board of Regents

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retains some financial stake in the facility and/or the project is of some strategic value to the USM. Examples include, but are not limited to, public/private partnerships for student housing ~~and operating leases~~.

~~E.D.~~ E.D. Indirect Subsidies of Third Party Debt – These are transactions in which the USM has agreed (whether or not subject to appropriation and whether or not guarantees or indemnity is provided from others) either to pay or be responsible for any costs to construct or operate a facility, or to divert or permit others to have rights in, the revenues from a project which would otherwise have been payable to the USM.

~~F.E.~~ F.E. Interest Rate Swap - A contract between two parties (referred to as “counterparties”) to exchange interest rate payments at specified dates in the future. The interest rate payments for a given counterparty equal the product of an interest rate (swap rate) and a principal amount. Usually, the swap rate for one counterparty is a fixed rate, while the swap rate for the other counterparty is a variable rate, although an Interest Rate Swap can also involve two variable rates (know as a “basis swap”. The principal amount by which the swap rates are multiplied is generally referred to as the “notional.” amount. That is, principal payments are not swapped, paid or exchanged. The notional principal amount is only an arithmetic device to calculate swap payments.

~~G.F.~~ G.F. Interest Rate Swap Risks - One or more of the following risks may be associated with an Interest Rate Swap, depending on the floating index used in the transaction:

1. Counterparty Risk – The risk of a payment default on a swap by the other Counterparty.
2. Termination Risk – (a) The risk that a swap has a negative value and the issuer owes a “settlement or termination” fee if the contract is terminated due to either the occurrence of a termination event or a decision to voluntarily terminate the swap; and or (b) the loss of the hedge resulting from the involuntary termination.
3. Tax Risk – A mismatch between changes in the rate or price on an issuer’s underlying bonds and the swap caused by a reduction or elimination of the benefits of the tax exemption for interest on state and local government bonds (e.g., a tax cut) that results in an increase in the ratio of tax-exempt to taxable yields, which is not matched by the swap index.
4. Basis Risk – A mismatch between the rate on an issuer’s underlying bonds and the rate paid under the swap; e.g., a tax-exempt variable rate issue which trades at percentage of BMA while the issuer receives payment based on a percentage of LIBOR under the swap; this risk can be exacerbated by a drop in income tax rates because the BMA Index is then closer to LIBOR and the counterparty is paying a fixed percentage of LIBOR.

## USM Bylaws, Policies and Procedures of the Board of Regents

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5. Tax Exemption Risk – The risk that the transaction may make the issuer's related bonds taxable.

~~H. Operating Lease—A financial agreement which meets the Generally Accepted Accounting Principles (GAAP) criteria (relative to useful life, amortization limitation, and end of term buyout) applicable to operating leases in which the USM either grants or receives the exclusive right to use, occupy, or possess real property for a certain, limited period of time in exchange for the payment of money or other consideration provided in such agreement.~~

~~I.G.~~ Variable Rate Debt – A bond that bears interest at a variable or floating rate established at specified intervals (e.g., flexible, auction, daily, weekly, monthly, or annually).



**TOPIC:** Biennial Adjustment to the Exempt Salary Structures for Fiscal Years 2019 and 2020

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** The USM is committed to conducting a biennial exempt market salary study to maintain salary competitiveness with the market. When the Board last considered the exempt salary structures in 2016, a 7.625% increase was approved and made effective January 1, 2017.

The attached Biennial Exempt Market Salary Survey Report provides a summary of the 2017 market analysis and the recommendation of USM Office and institution officials. This report indicates that the salary market increased by approximately 2.5% in calendar year 2017 and is expected to increase by another 2.5% in calendar year 2018. Despite this, the USM Compensation and Classification Committee recommends no change on July 1, 2018 to the current salary structures for the following reasons.

- The last structure increase was inflated by 2.025% over market indications to mitigate the effects of the Fair Labor Standard Act’s expected revision to minimum salaries for exempt employees. The FLSA revisions never occurred.
- All employees will receive a 2% cost of living increase on January 1, 2019, followed by an additional possible COLA of 0.5% and a \$500 bonus, depending on state revenues. The structures will be amended to reflect these actions on the date the cost of living increases occur.
- Current salary structure minimums are above market rate for certain positions. Any increase in the exempt structures would exacerbate this issue.

**ALTERNATIVE(S):** The Board could elect to modify the recommendation and approve increases to the structures on July 1, 2018.

**FISCAL IMPACT:** No impact is anticipated.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve increases to the USM Exempt Salary Structures on the effective date and in the amount of any cost of living increases granted by the General Assembly.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923



**EXEMPT STAFF SALARY STRUCTURES ADJUSTMENT  
RECOMMENDATION**

**Salary Structures effective July 1, 2018**



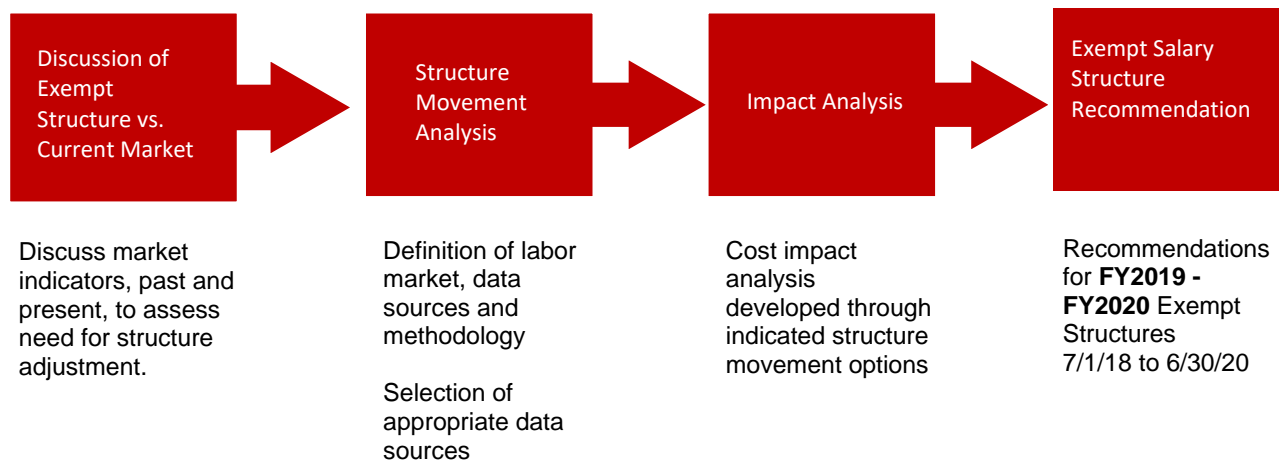
**UNIVERSITY SYSTEM  
*of* MARYLAND**

**USM Classification and Compensation Committee**

## EXEMPT STAFF SALARY STRUCTURES ADJUSTMENT RECOMMENDATION

### OVERVIEW

The USM Classification & Compensation Committee conducted a market study of exempt salary structures within the framework of the traditional and wide salary pay ranges. The objective of this study was to analyze market conditions and utilize the data to formulate recommendations to adjust the exempt salary structure for the USM exempt staff employees. The process we have followed is shown below.



### GUIDING PRINCIPLES

The Compensation and Classification Committee, a subcommittee of the Systemwide Human Resources Committee, followed guiding principles established in the Exempt pay program as outlined below:

- The USM is committed to conducting a biennial market salary survey to maintain competitiveness with the market. USM's market is local, regional, or national depending on the job.
- The USM's philosophy for exempt pay is to meet the market at the 50<sup>th</sup> percentile of each job's market.
- Each job has its own target pay range based on its own market average.
- The pay structure is established to keep pace with changes in the market.
- USM-BOR Policy on Pay Administration for Exempt Positions mandates the use of a market-based salary structure.
- The USM salary structures are intended to be in effect for a period of 2 years and follow a lead/meet/lag philosophy. Structures lead the market at the beginning of the cycle (July 1, 2018), meet the market at the middle of the cycle (July 1, 2019), and lag the market at the end of the cycle (June 30, 2020).

- Two versions of the USM Exempt salary structure are maintained: wide pay ranges for all institutions except UMB and traditional pay ranges for UMB. The minimum at the first pay range and the maximum of the highest pay range of both structures must be equal.
- The traditional salary structure range midpoints are targeted to match market averages of benchmark jobs.
- The relationship between the USM Exempt and Nonexempt salary structures, and where structures overlap, must be considered to reduce compression.

**CURRENT USM EXEMPT SALARY STRUCTURES**

**Table 1 – Current Structures effective from January 1, 2017 to June 30, 2018**

**Wide Salary Ranges**  
*For use by BSU, CSU, FSU, SU, TU, UB, UMBC, UMCES, UMCP, UMES, UMUC, & USMO*

Pay Grade	Minimum	Maximum
I	\$40,000	\$102,279
II	\$48,001	\$139,195
III	\$59,777	\$177,162
IV	\$83,023	\$247,397
V	\$107,931	\$331,261

**Traditional Salary Ranges**  
*For UMB Only*

Pay Grade	Minimum	Midpoint	Maximum
C	\$40,000	\$57,290	\$74,581
D	\$47,135	\$67,719	\$88,303
E	\$54,891	\$78,459	\$102,026
F	\$62,648	\$89,497	\$116,345
G	\$72,194	\$103,219	\$134,245
H	\$83,530	\$119,328	\$155,127
I	\$96,060	\$136,631	\$177,203
J	\$106,202	\$159,005	\$211,808
K	\$139,018	\$235,139	\$331,260

## **IMPACT OF THE FAIR LABOR STANDARDS ACT (FLSA) 2016 PROPOSED OVERTIME RULE REVISION**

The most recent exempt structures were increased by an additional 2.025% above market to mitigate the anticipated impact of the proposed FLSA revision. USM Office staff asked that these structure adjustments be made prior to the effective date of the FLSA rule change to best capture and communicate the two separate actions. The revised exempt salary structures were implemented on January 1, 2017, six months later than usual, a date chosen to closely follow the expected December 1, 2016 effective date of the proposed FLSA rule revision.

A temporary injunction preventing implementation of the FLSA revised regulation was announced on November 22, 2016; consequently, USM institutions did not implement the anticipated adjustments necessary to comply with the new FLSA rules. The adjustments would have raised the annual pay for some exempt employees to \$47,476 and some other employees would have been reclassified from exempt to nonexempt status.

According to recent reports from CUPA-HR, the new standard salary threshold for the next proposed FLSA revision will likely be less than \$40,000. Because the current USM exempt structures have a minimum salary of \$40,000, the impact of the FLSA revision will likely be minimal. If future FLSA revisions establish a new standard salary threshold that exceeds the minimum of the USM structures' lowest grades, then some staff will receive pay raises or move from exempt to nonexempt status at that time. The FLSA's exemption for academic administrators likely will remain following any revision to the regulations. If so, staff members who perform academic-related duties such as tutoring or advising would continue to be exempt from the overtime rule.

## **CONSIDERATIONS**

1. To offer the most comprehensive view of the market, the studies provided pay and structure movement data based on a variety of institution classifications and industries.
2. The salary market is increasing at a slower rate than predicted two years ago, when a 2.8% increase per year was predicted for CY 2017. Table 2 on the following page indicates a 2.5% increase occurred in 2017 and will likely occur in 2018.
3. As always, adjusting the pay range minimums will likely result in pay compression at some institutions.
4. Continuing to review the structure market movement is an adequate approach, but not best practice. A comprehensive review of the entire pay administration program including a benchmark analysis is recommended.

**A LOOK AT OUR MARKET: PROJECTED DATA AND SALARY BUDGET ADJUSTMENTS****Table 2 – Exempt Salary Market Data***Data Published in Calendar Years 2016 and 2017*

Survey Source	CY 2016 % Increase Actual	CY 2017 % Increase Actual	CY 2018 % Increase Estimated same as CY 2017
CUPA Exempt Staff (Median Salary Increases for all Institutions) - Published March 2016	2.0	3.0 (est.)	3.0 (est.)
CUPA Exempt Staff (Median Salary Increases for Public Institutions)	2.3	3.0 (est.)	3.0 (est.)
Comp Data (Pay Increase Budget) National Published Late January 2017	2.5	2.5	2.5
Comp Data Colleges & Universities (Pay Increase Budget) National Doctoral	2.4	2.5	2.5
Comp Data Colleges & Universities (Pay Increase Budget) National Masters	2.5	2.3	2.3
Comp Data Colleges & Universities (Pay Increase Budget by Geographic Area) East Region All Areas	2.6	2.5	2.5
World at Work - Published October 2016-2017	3.1	3.3	3.3
Human Resources Association of the National Capital Area (Total Survey) - Published October 2017	3.0	3.2	3.2
Comp Data Colleges & Universities (Pay Range Adjustment) National Doctoral	1.9	2.1	2.1
Comp Data Colleges & Universities (Pay Range Adjustment) National Masters	1.9	1.9	1.9
Comp Data Colleges & Universities (Pay Range Adjustment) East Region All Areas	2.0	1.8	1.8
World at Work - Published October 2016-2017 (Pay Range Adjustment)	2.0	2.0	2.0
World at Work - Published October 2016-2017 (Eastern Region Pay Range Adjustment)	2.0	2.1	2.1
<b>AVERAGE INCREASE</b>	<b>2.3</b>	<b>2.5</b>	<b>2.5</b>

## **PROPOSED USM EXEMPT SALARY STRUCTURES ADJUSTMENT**

### **Proposal – No structure increase**

The Classification and Compensation Committee recommends no increases for the exempt salary structures that would typically be implemented on July 1, 2018.

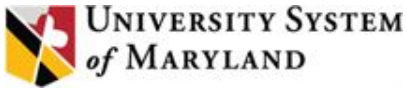
## **RATIONALE FOR RECOMMENDATION NOT TO ADJUST EXEMPT SALARY STRUCTURES**

Data shows in Table 2 that salary budget adjustments are projected to increase by 2.5% in 2017 and 2018. This would typically indicate that a 5.0% increase would be expected in order to follow our lead-meet-lag pay philosophy. However:

1. **Role of proposed 2016 FLSA Revision** - The last exempt structure increase included a 2.025% increase to mitigate the effect of the FLSA changes which subsequently did not occur. As a result, the current salary structure is overinflated by 2.025%.
2. **Role of proposed COLA on January 1, 2019** – As a matter of practice, the exempt structure would normally increase on the same date and in the same amount as any Cost of Living Adjustment. The State of Maryland may provide Cost of Living Adjustments for FY 2019, therefore the USM's exempt and nonexempt structures would be adjusted accordingly.
3. **Paying above market** - Several institutions are currently paying above the market rate in some positions. The current salary structure minimums are above the market rate for positions such as Admissions Counselors, Academic Advisors, and other Student Affairs positions. Any increase in the exempt structure would make this problem worse.

## **CONCLUSION**

The Classification and Compensation Committee recommends no change to the exempt structures primarily because the current structures are slightly overinflated and because planned Cost of Living Adjustments will result in structure increases in approximately the necessary amount to maintain pace with the salary market.



**TOPIC:** Proposed Amendments to Faculty and Staff Family and Medical Leave & Parental Leave Policies

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** The attached proposed amendments to two sets of existing USM policies governing (1) faculty and staff family and medical leave and (2) parental leave are intended to incorporate required provisions of the federal Family and Medical Leave Act, clarify the relationship between family and medical leave and parental leave, and make both sets of policies easier to administer by eliminating unnecessary differences between the faculty and staff policies. Recommended amendments are indicated in red and blue type.

Major amendments to the Family and Medical Leave policies include:

- Leave required by law for “Military exigency” and “Covered service member” is provided
- Annual eligibility for leave is determined using a “rolling” twelve-month period instead of a calendar year, which works better in an academic setting

Major amendments to the Parental Leave policies include:

- Clearly indicates that parental leave runs concurrently with family and medical leave
- Clarifies provision regarding support for breastfeeding mothers

The four policies for which approval of amendments is sought have been reviewed by the Office of Attorney General. They are:

- II-2.31—Policy on Family and Medical Leave for Faculty
- VII-7.50— Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees
- II-2.25—Policy on Parental Leave and other Family Supports for Faculty
- VII-7.49—Policy on Parental Leave and other Family Supports for Staff

**ALTERNATIVE(S):** The Committee could choose to recommend that the Board not approve the proposed policy amendment or could recommend alternatives to the proposed amendment.

**FISCAL IMPACT:** It is anticipated that the proposed amendments could result in very modest increases in leave usage, which could indirectly result in minimal cost increases.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve the amended policies as presented.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923

**PRIVILEGED & CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION**

USM Bylaws, Policies and Procedures of the Board of Regents

**37.0-II-2.31 - POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY**

(Approved by the Board of Regents, October 6, 1995; Amended [MONTH DAY, YEAR])

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<u>Section XVIII</u>	<u>Extension of Leave</u>
<u>Section XIX</u>	<u>Failure to Return from Leave</u>
<u>Section XX</u>	<u>Spouses Employed by the Same Institution or Unit</u>
<u>Section XXI</u>	<u>Miscellaneous</u>

**I. PURPOSE AND APPLICABILITY:**

The purpose of this Policy is to implement the Family and Medical Leave Act of 1993 (“FMLA”), 29 U.S.C. § 2611 (2012) P.L. 103-3 and subsequent amendments to applicable federal and state laws. This Policy applies to all eligible University System of Maryland (“USM”) faculty of the University of Maryland System (UMS) who are covered by the provisions of UMS-USM BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty. Under certain circumstances, it is the policy of the UMS-USM to provide a-Eligible Faculty Members with up to a maximum of twelve (12) weeks of unpaid job-protected leave (“FML”) during a Twelve- (12-) Month Period for certain family and certain Serious Health Condition reasons. Additionally, under certain circumstances, this Policy provides Eligible Faculty Members a maximum of twelve (12)



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weeks of FML during a Twelve- (12-) Month Period to address a qualifying Exigency arising from a Military Member's Covered Active Duty status or notification of an impending call or order to Covered Active Duty status, and a maximum of twenty-six (26) weeks of [BE2]FML during a Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. FML may be unpaid, paid through the concurrent use of leave accrued or acquired under an Institution's policies, or a combination of both as set forth in Section IV of this Policy. If applicable law is modified, abrogated, superseded, or added to, this Policy shall be interpreted in accordance with the new legal framework.

**II. TERMS AND DEFINITIONS:** [BE3]

The following terms and definitions shall apply for purposes of this Policy:

- A. **Accrued or Acquired Paid Leave** [BE4]: Earned and unused Annual and personal leave available for use under USM BOR Policy II-2.40, holiday leave for holidays observed during FML, sick leave available for use under USM BOR Policy II-2.30, and accident leave. ~~and personal leave.~~
- B. **Alternative Position:** A position to which an Eligible Faculty Member may be ~~temporarily~~ reassigned temporarily during a period of intermittent ~~F&M leave~~ and/or reduced schedule FML. The alternative position shall have ~~the~~ same equivalent benefits and pay ~~as to~~ the position from which the Eligible Faculty Member was reassigned.
- C. **Care:** ~~"To take care of" or "to care for."~~ -The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.
- D. **Care for a Covered Servicemember:** Care by an Eligible Faculty Member, for a Covered Servicemember who becomes ill or injured as a result of service in the military, who is a:
1. Spouse; and/or
  2. Parent; and/or
  3. Child (of any age); or
  4. if none of the above is available, the Next of Kin.
- E. **Child (except for military FML requests under Section VI):** A person who is the son or daughter of an Eligible Faculty Member and who is under eighteen (18)

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years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability ~~during the period of the serious illness at the time FML commences~~. The son(s) and/or daughter(s) may be the biological, adopted, step or foster child~~(ren)~~ of the Eligible Faculty Member. ~~A The term “child” shall~~ also include someone who is the legal ward of the Eligible Faculty Member or someone for whom the Eligible Faculty Member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing In Loco Parentis~~in loco parentis~~.

FE. **Covered Active Duty:** In the case of a member of a Regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a Reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.

G. **Covered Servicemember:**

1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or
2. A covered veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the 5-year period prior to the first date the Eligible Faculty Member takes FML to Care for the covered veteran.

H. **Eligible Faculty Member:** An employee who is covered under the provisions of UMS-USM BOR Policy II--1.00 ~~on~~ Appointment, Rank, and Tenure of Faculty; and

- (1.) ~~whose date of hire is~~ has been employed for a total of at least twelve (12) months prior to the date of the requested leave as a USM or State of Maryland employee; and
- (2.) ~~whose employment during the twelve- (12-) months period preceding the leave request~~ immediately prior to the beginning date of the FML was at least

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50 percent or greater of full-time under a 9-~~5~~-month or longer contract, or who has ~~been employed for at least twelve months (which need not be consecutive) and has worked for~~ at least 1,040 hours during the twelve- ~~(12-)~~ months period immediately prior to the beginning date of the FML ~~preceding the leave request~~ as a USM or State of Maryland employee. <sup>[BE5]</sup>

If a faculty member holds a concurrent administrative appointment under USM BOR Policy II-1.03, FML shall be governed by USM BOR Policy VII-7.50 Family and Medical Leave for Nonexempt and Exempt Staff Employees. However, application of the Staff FMLA Policy shall not result in any loss of rights applicable to the concurrent faculty appointment, including the right to postpone mandatory tenure review under Section VIII.A of this Policy. <sup>[BE6]</sup>

For convenience, within the text of this Policy the term “Faculty Member” instead of “Eligible Faculty Member” shall be used hereafter.

IF. Equivalent Position: A position at the Institution to which a Faculty Member ~~shall~~ <sup>may</sup> <sup>[BE7]</sup> be Restored upon the completion of the FML ~~& M~~ leave. -The equivalent position shall have the same benefits, pay, and other terms and conditions of employment as the position from which the Faculty Member took leave.

JG. Exigency:

1. Issues arising from a Military Member’s short notice deployment (call to Covered Active Duty on seven (7) or fewer calendar days’ notice prior to the date of deployment);
2. Military events and related activities (official ceremonies, programs or events sponsored by the military), or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the Covered Active Duty or call to Covered Active Duty of a Military Member;
3. Childcare and related activities arising from the Covered Active Duty or call to Covered Active Duty status of a Military Member (including but not limited to arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attendance at certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the Covered Active Duty or call to Covered Active Duty of a Military

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Member). For purposes of this paragraph, the child must meet the definition of “Child” in Section II.E of this Policy;

4. Financial and legal arrangements (to make or update legal and/or financial arrangements for the Military Member’s absence or act as his/her representative before a government agency);
5. Attending counseling provided by someone other than a Health Care Provider for oneself, for the Military Member, or for a child of the Military Member (who must meet the definition of “Child” in Section II.E of this Policy), the need for which arose from the Covered Active Duty or call to Covered Active Duty of the Military Member;
6. Spending up to fifteen (15) calendar days with a Military Member who is on short-term, temporary, rest and recuperation leave (for each instance of such leave during a deployment);
7. Attending post-deployment activities (including arrival ceremonies, reintegration briefings and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the Military Member’s Covered Active Duty status, and issues arising from the death of a Military Member);
8. Providing Parental Care necessitated by the Covered Active Duty status of a Military Member whose Parent is incapable of self-care; or
9. Additional activities (provided that the Institution and Faculty Member agree that such activities shall qualify as an exigency and agree to both the timing and duration of leave).

K. Health Care Providers: ~~Are~~

1. Doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners, ~~and~~ nurse midwives, clinical social workers, and physician assistants, who areas authorized to practice by the State of Maryland under the law of the state or country in which they are practicing and are performing within the scope of their practice;
2. Licensed clinical professional counselors; ~~and~~

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3. Christian Science practitioners listed with the First Church of Christ Scientist in Boston; and  
~~4.~~ Any other health care provider from whom the Institution's group health plan's benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits.

**LH. Immediate Family Member:** ~~Is the~~ Faculty Member's Parent(s), Spouse, or Child(ren), or legal wards.<sup>[BE8]</sup>

**MI. In Loco Parentis:** "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any eligible Faculty Member claiming an *in loco parentis* relationship with a child, or any eligible Faculty Member claiming to be the child ~~of~~ in an *in loco parentis* relationship, may be requested to provide documentation of such relationship.

**NJ. Institution:** ~~Is the~~ employing USMMS institution; — the USMMS institution from which the Faculty Member is taking leave.

**O. Military Member:** A Faculty Member's Spouse, child (of any age), or Parent who is on Covered Active Duty.

**PK. Next of Kin:** The nearest blood relative other than the Covered Servicemember's Spouse, Parent or child (of any age) in the following order of priority:

1. A blood relative whom the Covered Servicemember has specifically designated in writing as his or her nearest blood relative for purposes of military caregiver leave under the FMLA;
2. Blood relatives who have been granted legal custody of the Covered Servicemember by court decree or statutory provision;
3. Brothers and sisters;
4. Grandparents;
5. Aunts and uncles;
6. First cousins.

**Q. Parent:** ~~Is the~~ Faculty Member's biological, adoptive, step or foster mother or father, or someone who stood *In Loco Parentis* to the Faculty Member when the Faculty Member was a child. This term does not include parents "in law."

**R. Parental Care:** Care provided to the Military Member's Parent, who must be incapable of self-care and must be the Military Member's biological, adoptive,

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step or foster father or mother, or any other individual who stood *In Loco Parentis* to the Military Member when the member was under 18 years of age.

SE. **Restore(d) or Restoration:** [BE9]A return to the position held by the Faculty Member when FMLA commenced or to an Equivalent Position. ~~As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the F&M leave the faculty member will be returned either to the same position from which he/she took leave, or to an equivalent faculty position.~~

TM. **Serious Health Condition:** [BE10]An illness, injury, impairment, or physical or mental condition of the Faculty Member or an Immediate Family Member that involves:

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
2. a period of incapacity requiring absence of more than three consecutive [BE11] calendar days from work or other regular daily activities that also involves continuing treatment by (or under the supervision of) a Health Care Provider; or
3. any period of incapacity due to pregnancy, or for prenatal care; or
4. any period of incapacity (or treatment therefore) due to a chronic serious health condition (i.e., conditions that require periodic visits for treatment, continue over an extended period of time, and may cause episodic incapacity, such as asthma, diabetes, epilepsy, etc.); or
5. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective and for which the faculty member or Immediate Family Member is under the continuing supervision of a Health Care Provider (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
6. any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a Health Care Provider for a condition that likely would result in incapacity of more than three consecutive calendar days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.) or for a restorative surgery after an accident or other injury.

Incapacity means inability to work, attend school, or perform other regular daily activities due to the Serious Health Condition, treatment therefor, or recovery therefrom. [BE12]A Serious Health Condition is a qualifying reason for a Faculty Member's leave where the Faculty Member is unable to perform any one of the essential functions of his/her position due to the Serious Health Condition. ~~Is an illness, injury, impairment, or physical or mental condition that involves inpatient~~

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~~care in a hospital, hospice, or residential medical care facility, or home care, or continuing treatment by a health care provider. A serious health condition is also intended to cover conditions or illnesses that affect the faculty member's health or the health of the faculty member's immediate family to the extent that the family member is in the hospital or other health care facility or at home and unable to care for his/her own basic hygienic or nutritional needs or safety such that the faculty member must be absent from work on a regular and recurring basis for more than a few days for treatment or recovery. With respect to the faculty member, a serious health condition means that the faculty member must be incapacitated from performing the essential functions of his/her position.~~

~~Examples of serious health conditions applicable to the faculty member or the faculty member's immediate family member include, but are not limited to: heart conditions requiring heart bypass or valve operations; most types of cancer; back conditions requiring extensive therapy or surgical procedures; severe respiratory conditions; appendicitis; emphysema; spinal injuries; pneumonia; severe arthritis; severe nervous disorders; injuries caused by serious accidents; ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth. Additional examples are a faculty member or immediate family member whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or clinical depression, who is recovering from major surgery, or who is in the final stages of a terminal illness.~~

U. Serious Injury or Illness:

1. In the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
2. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

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VN. **Spouse:** A husband or wife as defined or recognized under state law for purposes of marriage in the state where the Faculty Member resides, including common law marriage and same sex marriage. The person to whom the faculty member is legally married—a husband or a wife.

W. **Twelve- (12-) Month Period:**

1. A rolling 12-month period measured backward from the date a Faculty Member uses any FML. Each time a Faculty Member takes FML, the remaining FML amount is the balance of the twelve (12) weeks that has not been used during the immediately preceding twelve months.
2. With regard to Care for a Covered Servicemember, for which a Faculty Member who is the Spouse, child (of any age)<sup>BE13</sup>, Parent, or Next of Kin of a Covered Servicemember may use up to 26 weeks of FML in a single Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness, the 12-Month Period shall be measured forward, beginning on the first day the Faculty Member takes FML and ending twelve (12) months after that date.
3. Each Institution shall indicate in its implementation procedures that its 12-Month Period is based on a 12-month period measured backward from the date a Faculty Member uses any FML, subject to paragraph 2 of this Section. This 12-Month Period shall be consistently and uniformly applied to all eligible employees<sup>BE14</sup>, including faculty and staff, at that Institution.

**III. REASONS FOR LEAVE:**

A.—A Faculty Member is entitled to take ~~F&M leave~~ FML for the following reasons:

1. the birth of the Faculty Member's Child,
2. the placement of a Child with the Faculty Member for adoption or foster care,
3. the need to take care of the Faculty Member's Child within a twelve- (12-) month Period from birth or placement,
4. the need to take Care of the Faculty Member's Immediate Family Member who has a Serious Health Condition, ~~and~~
5. the Serious Health Condition of the Faculty Member; that makes the Faculty Member unable to perform any one of the essential functions of the Faculty Member's job.



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6. the need to take Care of a Covered Servicemember's Serious Injury or Illness, and
7. qualifying Exigencies arising out of the Covered Active Duty and call-up to Covered Active Duty of a Military Member (the Faculty Member's Spouse, child (of any age), or Parent).
- ~~B. F&M leave is not intended to cover minor illnesses that last only a few days and short term medical and/or surgical procedures that typically do not involve hospitalization and require only a brief recovery period such as these that are normally handled through non-creditable and earned sick leave (see UMS BOR II 2.30). [BE15]~~
- ~~C. Additionally, requests for leave to take care of the employee's school-age child under the age of fourteen (14) during school vacations may be granted to the extent that the leave does not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit. [BE16]~~

**IV. COMPENSATION DURING LEAVE [BE17]**

~~F&M leave is an unpaid leave. However, based upon either the election of the faculty member or the requirement of the Chief Executive Officer or designee and in accordance with UMS's and the institution's existing leave procedures, accrued paid leave and noncreditable leave used for purposes that qualify under FMLA shall be substituted for all or any part of the F&M leave.~~ The FMLA provides Faculty Members with job-protected leave for the qualifying reasons listed under Section III of this Policy. The FMLA allows for the leave to be unpaid, paid through the concurrent use of leave accrued or acquired under the Institution's policies, or a combination of both. Each Institution shall require Faculty Members to use concurrently with FMLA paid leave accrued or acquired under USM's and the Institution's policies and procedures in the following order: (1) Accrued or Acquired Paid Leave as defined in Section II.A; and (2) paid parental leave under USM BOR Policy II-2.25. Any remaining FML will be unpaid.

**V. F&M FAMILY AND MEDICAL LEAVE ENTITLEMENT [BE18]**

- A. A Faculty Member is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave FML, based on the Faculty Member's normal workweek, within a calendar year Twelve- (12-) Month Period. F&M leave FML can be taken continuously or, per Section VII of this Policy, under certain circumstances, on a reduced F&M leave schedule, or intermittently or under a reduced work schedule, over the course of a calendar year Twelve- (12-) Month Period. F&M leave FML entitlement shall not be carried over from calendar year to calendar year a Twelve- (12-) Month Period to the subsequent Twelve- (12-) Month Period.
- B. For example:

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1. If a Faculty Member normally works forty (40) hours per week and takes three (3) weeks of FML continuously, then the Faculty Member's three (3) weeks of leave will constitute three (3) weeks of FML.
  2. If a Faculty Member normally works thirty-two (32) hours per week and takes twenty-four (24) hours of FML, then the Faculty Member's twenty-four (24) hours of leave will constitute three-fourths (3/4) of a week of FML.
  3. If a Faculty Member normally works forty (40) hours per week and works twenty (20) hours under a reduced schedule, then the Faculty Member's twenty (20) hours of leave will constitute one-half (1/2) of a week of FML for each week the Faculty Member works under the reduced schedule.
  4. If a Faculty Member normally works thirty (30) hours per week and works twenty (20) hours per week under a reduced schedule, then the Faculty Member's ten (10) hours of leave will constitute one-third (1/3) of a week of FML for each week the Faculty Member works under the reduced schedule. The actual F&M leave entitlement shall be integrated with the amount of other leave taken for F&M related reasons during the calendar year within which the F&M leave is to begin.
- C. Whether a period of FML is paid or unpaid will be determined by Section IV of this Policy. A faculty member who regularly works full time is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave per calendar year. A faculty member who works less than full time is entitled to a pro rata share of the twelve (12) week/sixty (60) day maximum.
- D. The spouse of a faculty member employed by the UMS shall be entitled to a separate, individual, maximum family and medical leave eligibility amount. The amount of leave for which one spouse may be eligible, or the amount of leave used by one spouse shall not limit or enhance the leave amount or the leave usage of the other spouse. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum for reasons of a serious health condition of the faculty member and for the serious health condition of the faculty member's immediate family members. Requests for simultaneous F&M leave by spouses employed by the same institutional unit may be granted for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not substantially disrupt the academic program or unit of which the faculty members are a part.<sup>[BE19]</sup>

## VI. MILITARY FML ENTITLEMENT

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- A. Military Caregiver Leave: A Faculty Member who is the Spouse, child (of any age)<sup>[BE20]</sup>, Parent, or Next of Kin of a Covered Servicemember may use up to 26 workweeks of leave<sup>[BE21]</sup> in a single ~~Twelve-~~ (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. The 12-Month Period described in this paragraph shall be measured forward, beginning on the first day the Faculty Member takes FML to Care for a Covered Servicemember and ending 12 months after that date.
- B. Exigency Leave: A Faculty Member with a Spouse, child (of any age), or Parent who is a Military Member on Covered Active Duty or notified of an impending call or order to Covered Active Duty status may use up to 12 workweeks of leave<sup>[BE22]</sup> to address a qualifying Exigency arising out of the fact that the Faculty Member's Spouse, child, or Parent is on Covered Active Duty or notified of an impending call or order to Covered Active Duty status.

**V. INTEGRATION OF OTHER LEAVE TAKEN WITH F&M LEAVE ENTITLEMENT:**

~~Actual F&M leave entitlement shall be based on the faculty member's use of other leave during the calendar year within which the F&M leave begins. The faculty member's use of the following types of leave shall be deducted from the actual F&M leave entitlement:~~

- ~~• Any prior F&M leave taken within the applicable year, including accrued paid leave and noncreditable leave substituted for F&M leave.~~
- ~~• Accident leave used within the applicable year~~
- ~~• Any type of unpaid leave for reasons related to family and medical circumstances taken within the applicable year<sup>[BE23]</sup>~~
- ~~•~~

**VIII. INTERMITTENT LEAVE OR REDUCED SCHEDULE LEAVE<sup>[BE24]</sup>**

- A. Intermittent leave is FML taken in separate blocks of time for a single qualifying reason. Reduced schedule leave is FML that reduces a Faculty Member's usual number of working hours per workweek or workday for a period of time.<sup>[BE25]</sup><sup>[BE26]</sup>
- B. In the case of a documented medical necessity, a faculty member shall be entitled to intermittent leave and/or a reduced schedule that reduces regular hours per workday or workweek. A Faculty Member may take intermittent or reduced

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schedule leave for purposes of the Faculty Member's or the Immediate Family Member's Serious Health Condition, the Serious Injury or Illness of a Covered Servicemember, or for a qualifying Exigency. There must be a medical need for leave and it must be that such medical need can be best accommodated through intermittent or reduced schedule leave.<sup>[BE27]</sup>

C. The Faculty Member shall attempt to make a reasonable effort to schedule intermittent leave or leave on a or reduced schedule leave for planned medical treatment so as not to substantially unduly disrupt the academic program or unit of which the faculty member is a part operations of the Institution's applicable unit.<sup>[BE28]</sup> If the Faculty Member neglects to consult with the Institution to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the Institution's operations, the Institution may initiate discussions with the Faculty Member and require the Faculty Member to make a reasonable effort to make such arrangements, subject to the approval of the Health Care Provider.<sup>[BE29]</sup>

~~DB.~~ A faculty member may be granted It is within the discretion of the President or designee to grant intermittent leave or reduced schedule leave that reduces regular hours per workday or workweek for reasons of child-birth, placement with the Faculty Member of a Child for adoption or foster care, or care for a newborn Child, to the extent that the intermittent or reduced leave does not represent an undue hardship on the academic program or unit of which the faculty member is a part.<sup>[BE30]</sup>

~~EC.~~ The Chief Executive Officer- President -or designee may temporarily reassign a Faculty Member on intermittent or reduced F&M leave- schedule leave to an Alternative Position for which the Faculty Member is qualified and which that better accommodates intermittent or reduced schedule leave or intermittent periods of leave than does the Faculty Member's regular position. Such reassignment may occur only where the Faculty Member foreseeably needs intermittent or reduced schedule leave or where the President or designee agrees to permit such leave under paragraph D of this Section VII.<sup>[BE31]</sup> The Alternative Position must have equivalent pay and benefits but need not have equivalent duties, and may not constitute a hardship on the Faculty Member or discourage the Faculty Member from taking leave. When the Faculty Member no longer needs leave, they must be placed in the position they held when FML commenced or in an Equivalent Position.<sup>[BE32]</sup>

### VIII. JOB RIGHTS AND PROTECTIONS

A. A tenure-track Faculty Member whose leave under this Policy ~~the sick leave or FMLA leave policies totals at least one semester or six continuous months.~~<sup>[BE33]</sup> is six continuous months or totals at least one semester may request through his or

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her department chair or appropriate appointing authority that the mandatory tenure review be postponed for one (1) year. The request shall be forwarded through the Faculty Member's dean, for recommendation, to the chief academic officer of the Institution for decision.

- B. Except as provided in ~~IXVIII~~. C., D., ~~and~~-E., and F., a Faculty Member returning to work at the conclusion of a ~~F&M leave~~FML shall be Restored to his/her the former position they held when FML commenced or to an Equivalent Position <sup>[BE34]</sup>with the pay, benefits, and other terms and conditions of employment that ~~he/she~~they enjoyed immediately prior to the ~~F&M leave~~FML.
- C. A Faculty Member is not entitled to Restoration if the Chief Executive Officer/President or designee determines that the Faculty Member had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the Institution would not otherwise have continued to employ the Faculty Member.<sup>[BE35]</sup>
- D. If at any point prior to or during the ~~F&M leave~~FML the ~~Chief Executive Officer/President~~ or designee determines that the Faculty Member's former position held when FML commenced cannot be held available for the duration of the leave, the ~~Chief Executive Officer/President~~ or designee, at the conclusion of the leave, shall Restore the Faculty Member to an Equivalent Position.
- ~~If the determination of it is determined that an inability to hold the former position occurs after the F&M leave FML begins cannot be held available, the Chief Executive Officer/President or designee shall immediately notify the Faculty Member in writing of details associated with the decision and the details of the Equivalent Position to which the employee Faculty Member will be Restored. The Faculty Member shall have the right to return to work within fifteen (15) working days from receipt of such notice to keep the position held by the Faculty Member when FML commenced. his/her former position.~~<sup>[BE36]</sup>
- E. If there are reductions in the work force while the Faculty Member is on ~~F&M leave~~FML and ~~he/she~~the Faculty Member would have lost his/her position under the Institution's retrenchment policy(ies) had he/she not been on ~~leave~~FML, ~~there is~~then the Institution has no obligation to Restore the Faculty Member to his/her the position held by the Faculty Member when FML commenced or to former or an Equivalent Position.
- F. ~~A faculty member shall be restored consistent with current, applicable, appropriate pay, benefits and other terms and conditions of employment.~~<sup>[BE37]</sup>
- F. Faculty Members on FML are subject to generally applicable changes in compensation, benefits, or other terms or conditions of employment.

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- G. A disruption in a Faculty Member's service due to FML taken in accordance with this Policy shall not count against years of service for purposes of eligibility for sabbatical leave under USM BOR Policy II-2.00.[BE38]

**IX. STATUS OF BENEFITS WHILE ON FAMILY AND MEDICAL LEAVE/FML:**

- A. A Faculty Member who is granted an approved F&M leave on FML under this Policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the F&M leave/FML, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, unless otherwise elected by the Faculty Member and subject to any generally applicable changes in benefits eligibility or terms that may have taken place during the period of FML.
- B. A Faculty Member on F&M leave/FML for reasons noted in Section III.A may elect to continue employer-subsidized health care benefits during the period of leave. The Chief Executive Officer/President or designee shall, in accordance with Section XI.B of this Policy, provide advance written notice to the Faculty Member of the terms and conditions under which premium payments are to be made by the Faculty Member—, which shall include the following:
1. If Accrued or Acquired Paid Leave or paid parental leave is being used concurrently during the FML period, the Faculty Member's share of premiums shall be paid by the method normally used during any paid leave.
  2. If the FML period is unpaid, the Institution shall require the Faculty Member to pay his or her share of premium payments in the manner required by the State of Maryland Department of Budget and Management.
- The subsidy shall cease. If a Faculty Member gives notice that he/she no longer wishes to will not return to work, the Faculty Member will not be eligible to continue participating in employer health benefit plans, except to the extent eligible as a retiree or under COBRA.
- C. The Institution shall recover its share of health premiums during a period of unpaid F&M leave/FML if the Faculty Member fails to return to work (does not work for at least 30 calendar days) after the FML has been exhausted or the Faculty Member's eligibility expires, or returns to work but fails to stay thirty (30) calendar days, unless the reason for not returning or staying is due to the continuation, recurrence, or onset of a Serious Health Condition of the Faculty Member or Immediate Family Member, or a Serious Injury or Illness of a

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Covered Servicemember, or other circumstances beyond the faculty member's control.

When a Faculty Member fails to return to work because of the continuation, recurrence, or onset of either a Serious Health Condition of the Faculty Member or Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, thereby precluding the Institution from recovering its (share of) health benefit premium payments made on the Faculty Member's behalf during a period of unpaid FML, the Institution shall require medical certification of the Faculty Member's or the Immediate Family Member's Serious Health Condition or the Covered Servicemember's Serious Injury or Illness. If the Institution requires such certification, the Faculty Member must provide the certification within 30 days of the Institution's request. If the Faculty Member does not provide requested certification within 30 days, or the reason for not returning to work does not involve circumstances beyond the Faculty Member's control, the Institution may recover 100 percent of the health benefit premiums it paid during the unpaid FML.<sup>[BE39]</sup>

- DC. Except as noted in Section ~~VIII~~X, Job Rights and Protections, upon return from leave-FML a Faculty Member shall be Restored ~~with~~ all the rights, benefits, and privileges enjoyed prior to the leave.
- ED. The status and maintenance of a Faculty Member's benefits other than employer-subsidized health care benefits during a period of paid or unpaid FML shall be determined by the Institution's established policies for providing those benefits when the Faculty Member is on other forms of leave (paid or unpaid, as appropriate). While on any unpaid portion of an F&M leave-FML, a Faculty Member shall not earn or accrue any additional leave or be entitled to salary or other compensation-based benefits<sup>[BE40]</sup>.
- FE. A Faculty Member may elect to purchase service credit at the time of retirement for prior leaves without pay that is~~are~~ qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, a Faculty Member shall follow the Institution procedure to assure that this option may be exercised. Service credits are not applicable to the Optional Retirement Program.

**VIII. — Notice of F&M Leave:**

Regardless of the reason for the F&M leave a faculty member shall give at least thirty (30) calendar days notice and provide the appropriate medical certification or legal certification of adoption or foster child placement, before taking a F&M leave. When the need for leave is not foreseeable, a faculty member shall give notice as soon as practicable but no less than two (2) working days of learning of the need for leave. If this is not possible due to a medical emergency, then the

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~~faculty member or the faculty member's designee shall give written notice and provide the appropriate certification as soon as practicable.~~<sup>[BE41]</sup>

**X. FACULTY NOTICE REQUIREMENTS**

**A. Timing**<sup>[BE42]</sup>

A Faculty Member shall give at least thirty (30) calendar days' notice (or if not practicable, as soon as practicable, generally within two (2) workdays) before FML is to begin for leave based on an expected birth, placement for adoption or foster care, planned medical treatment for a Serious Health Condition of the Faculty Member or of an Immediate Family Member, or planned medical treatment for a Serious Injury or Illness of a Covered Servicemember. For leave due to a qualifying Exigency, notice must be provided as soon as practicable. The Faculty Member shall advise the Institution as soon as practicable if dates of scheduled leave change or are extended, regardless of whether FML is to be continuous or is to be taken intermittently or on a reduced schedule basis.

**B. Content**<sup>[BE43]</sup>

The notice provided by the Faculty Member shall be written and provided to the Faculty Member's immediate supervisor and Provost (or his or her designee), sufficient to make the Institution aware that the Faculty Member needs FML, and include the anticipated timing and duration of the leave, if foreseeable.

**C. Notice by Spokesperson**<sup>[BE44]</sup>

Notice may be given by the Faculty Member's spokesperson (e.g., Spouse, adult family member, or other responsible party) if the Faculty Member is unable to do so personally.

**XI. EMPLOYER NOTICE REQUIREMENTS**<sup>[BE45]</sup>

**A. Eligibility Notice**

When a faculty member requests FML, or when the Institution acquires knowledge that a faculty member's leave may be for an FML-qualifying reason, the Institution shall notify the faculty member of the faculty member's eligibility to take FML within five (5) business days, absent extenuating circumstances. The Institution shall provide this eligibility notice in writing using the prototype form issued by the Department of Labor, Wage and Hour Division.

**B. Rights and Responsibilities Notice**

Institutions shall provide written notice detailing the specific expectations and obligations of the Faculty Member and explaining any consequences of a failure



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to meet these obligations. This notice shall be provided to the Faculty Member each time the eligibility notice is provided and may be contained within the same form. An Institution shall use the prototype form issued by the Department of Labor, Wage and Hour Division, which shall include:<sup>[BE46]</sup>

1. A statement that the leave may be designated and counted against the Faculty Member's annual FML entitlement if qualifying and the Twelve- (12-) Month Period defined in Section II.W of this Policy;
2. Any requirement for the Faculty Member to furnish certification of a Serious Health Condition, Serious Injury or Illness, or qualifying Exigency arising out of Covered Active Duty or call to Covered Active Duty status, and the consequences of failure to do so;
3. A statement that the Institution will require the substitution of paid leave per Section IV of this Policy, the conditions related to any substitution, and the Faculty Member's entitlement to take unpaid FML if the Faculty Member does not meet the conditions for paid leave;
4. Any requirement for the Faculty Member to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis per Section IX of this Policy;
5. A statement of the Faculty Member's status as a Key Employee under USM BOR Policy VII-7.50 if he or she holds a concurrent administrative appointment under USM BOR Policy II-1.03, and the potential consequence that Restoration may be denied following FML, explaining the conditions required for such denial;
6. A statement of the Faculty Member's rights to maintenance of benefits during FML and Restoration to the position held when FML commenced or an Equivalent Position upon return from FML; and
7. A statement of the Faculty Member's potential liability for payment of health insurance premiums paid by the Institution during the Faculty Member's unpaid FML if the Faculty Member fails to return to work after taking FML.

C. Designation Notice

1. When the Institution has enough information to determine whether the leave is being taken for an FML-qualifying reason (e.g., after receiving a certification, if requested), the Institution shall notify the Faculty Member in writing whether the leave will be designated and will be counted as FML, within five (5) business days absent extenuating circumstances. If the Institution has

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sufficient information to designate the leave as FML immediately after receiving notice of the Faculty Member's need for leave, the Institution shall provide the Faculty Member with the designation notice at that time. This notice shall be provided using the prototype form issued by the Department of Labor, Wage and Hour Division, which shall meet the requirements below in Section XI.C.2-4.

2. The Institution shall inform the Faculty Member in this written notice that the Institution is requiring the Faculty Member to use paid leave concurrently in the order set forth in Section IV of this Policy. <sup>[BE47]</sup>
3. If the Institution will require the Faculty Member to present a fitness-for-duty certification to be Restored to employment, the Institution shall provide notice of such requirement with the designation notice. If the Institution will require that the fitness-for-duty certification address the Faculty Member's ability to perform the essential functions of the Faculty Member's position, the Institution shall so indicate in the designation notice, and shall include a list of the essential functions of the Faculty Member's position. <sup>[BE48]</sup>
4. If the information provided by the Institution to the Faculty Member in the designation notice changes, the Institution shall provide written notice of the change within five (5) business days of receipt of the Faculty Member's first notice of need for leave subsequent to any change. <sup>[BE49]</sup>
5. If an Institution does not designate leave as indicated in XI.C.1-4, the Institution may retroactively designate leave as FML with appropriate notice to the Faculty Member provided that the Institution's failure to timely designate leave does not cause harm or injury to the Faculty Member. <sup>[BE50]</sup>

**XII. ~~MEDICAL CERTIFICATION:~~**

A. Medical Certification for Serious Health Conditions of Faculty Member or Immediate Family Member

1. For leaves related to a Serious Health Condition ~~and to childbirth,~~ <sup>[BE51]</sup> the Faculty Member shall provide medical certification(s) from the Faculty Member's or Immediate Family Member's Health Care Provider. The Institution shall use the Department of Labor's prototype forms for certification of the Serious Health Condition of an employee or the Serious Health Condition of a family member. The Faculty Member shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the Faculty Member's diligent good faith efforts. ~~Such certification~~ An Institution shall ~~include~~ require only the following information in the certification: ~~but not be limited to:~~

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- a. The name, addresses, telephone number, and fax number of the Health Care Provider and type of medical practice/specialization;
- b. A diagnosis of the nature and extent of the condition giving rise to the use of FML;
- c. The approximate date the condition commenced and its probable duration;
- d. A statement or description of appropriate medical facts meeting the criteria regarding the patient's health condition for which FML is requested, including a regimen of continuing treatment to be prescribed;  
~~\_\_\_\_\_ for "serious health condition,"~~  
~~\_\_\_\_\_ . Date condition commenced,~~  
~~\_\_\_\_\_ . Regimen of treatment to be prescribed,~~  
~~—The duration of absence from work.~~
- e. In the case of ~~the a~~ Faculty Member's Serious Health Condition, certification that the Faculty Member is unable to perform the essential functions of his/her position and prognosis of the Faculty Member's ability to return to his/her position;:-
- f. In the case of ~~the faculty member's need to care for a seriously ill family member~~ an Immediate Family Member's Serious Health Condition, information sufficient to establish that the family member is in need of Care and an estimate of the frequency and duration of the leave required to Care for the family member; and ~~certification of the necessity for and duration of the faculty member's presence; of the requirements of inpatient care; and of assistance for basic needs, safety and transportation;~~  
~~\_\_\_\_\_ . Title and original signature of an accredited,~~  
~~\_\_\_\_\_ licensed or certified medical provider.~~
- g. In cases of a request for intermittent or reduced schedule leave, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave, and (1) an estimate of the frequency and duration of treatments and periods of recovery if the leave is for foreseeable planned medical treatment; or (2) an estimate of the frequency and duration of episodes of incapacity if the Serious Health Condition may result in unforeseeable episodes of incapacity.

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- 2B. If a Faculty Member submits a complete and sufficient certification signed by the Health Care Provider, the Institution may not request additional information from the Health Care Provider. However, the Institution may contact the Health Care Provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the Institution has given the Faculty Member an opportunity to cure any deficiencies as set forth in paragraph D of this Section XII. To make such contact, the Institution must use a Health Care Provider, a human resources professional, a leave administrator, or a management official. Under no circumstances, however, may the Faculty Member's direct supervisor contact the Health Care Provider.<sup>[BE52]</sup>
3. ~~The Chief Executive Officer~~President or designee may require a second medical opinion at the Institution's expense if the Institution has reason to doubt the validity of a medical certification. The Institution may designate the Health Care Provider who is to furnish the second opinion. <sup>[BE53]</sup> In the case of conflicting opinions, the opinion of a third Health Care Provider, agreed upon by both Faculty Member and the ~~Chief Executive Officer~~President or designee and obtained at the Institution's expense, shall be final and binding.<sup>[BE54]</sup> The second and third opinions shall not be provided by individuals who are employed on a regular basis by the Institution.
- 4C. ~~The Chief Executive Officer~~President or designee may require reasonable recertification as the F&M leaveFML continues, and may require a faculty member to provide periodic progress reports as to the serious health condition for which he/she is taking leave and the faculty member's ability to return to work at the end of the leave. <sup>[BE55]</sup> Recertification shall not be requested more often than every thirty (30) calendar days unless the Faculty Member requests an extension of F&M leaveFML, ~~changed circumstances occur during the illness or injury~~circumstances described by the previous certification have changed significantly, or the Institution receives information that casts doubt upon the continuing validity of the most recent certification. The Institution shall allow at least fifteen (15) calendar days for the Faculty Member to provide the requested recertification. <sup>[BE56]</sup>

The Institution may ask for the same information on recertification as that set forth in Section XII.A.1 of this Policy. As part of the information allowed to be obtained on recertification for leave taken because of a Serious Health Condition, the Institution may provide the Health Care Provider with a record of the Faculty Member's absence pattern and ask the Health Care Provider if the Serious Health Condition and need for leave is consistent with such a pattern.<sup>[BE57]</sup>

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B. [Medical Certification for a Covered Servicemember](#)<sup>BE58</sup>

When leave is taken to Care for a Covered Servicemember with a Serious Injury or Illness, an Institution may require the Faculty Member to obtain a certification completed by an authorized health care provider of the Covered Servicemember. For this purpose, the Department of Defense (“DOD”) health care providers, a health care provider from the U.S. Department of Veterans Affairs (“VA”), DOD TRICARE Network and DOD non-network TRICARE authorized health care providers, and any Health Care Provider listed in Section II.K of this Policy are considered “authorized health care providers.” A Faculty Member may use the appropriate prototype form issued by the Department of Labor’s Wage and Hour Division or a comparable form requiring the same information (including invitational travel orders (“ITOs”) or invitational travel authorizations (“ITAs”) issued to any family member to join an injured or ill servicemember at his or her bedside). An Institution may require additional information per 29 C.F.R. § 825.310 or other applicable law.

Second or third opinions are not permitted if the health care provider is from DOD, the VA, or DOD–authorized private health care providers, but are permitted if the health care provider otherwise meets the definition of Section II.K of this Policy. Recertifications are never permitted for leave to Care for a Covered Servicemember. Should an extension of leave be required, additional certification may be requested.

C. [Certification for Leave Taken Because of a Military Exigency](#)

The first time a Faculty Member requests leave because of a qualifying Exigency arising out of the Covered Active Duty or call to Covered Active Duty status (or notification of an impending call or order to Covered Active Duty) of a Military Member, the Institution may require the Faculty Member to provide a copy of the Military Member's active duty orders or other documentation issued by the military which indicates that the Military Member is on Covered Active Duty or call to Covered Active Duty status, and the dates of the Military Member's Covered Active Duty service.

An Institution may additionally require that leave under this paragraph be supported by a certification setting forth the information listed in 29 C.F.R. § 825.309 or other applicable law. An Institution shall use the appropriate prototype form issued by the Department of Labor’s Wage and Hour Division. An Institution may not require information additional to what is required by this paragraph.

D. [Sufficiency of Certification](#)

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The Faculty Member must provide a complete and sufficient certification to the Institution if required by the Institution under paragraphs A, B, or C of this Section XII. The Institution shall advise the Faculty Member if the Institution finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the Institution receives a certification but one or more of the applicable entries have not been completed. A certification is considered insufficient if the Institution receives a complete certification but the information provided is vague, ambiguous, or nonresponsive. The Institution must provide the Faculty Member seven (7) calendar days (unless not practicable) to cure any such deficiency.<sup>[BE59]</sup>

E. Confidentiality

Consistent with the FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the Faculty Member's official institutional personnel file.

**XIII. DOCUMENTATION OF CERTAIN RELATIONSHIPS**<sup>[BE60]</sup>

If a Faculty Member takes FML under this Policy, including, but not limited to, for the birth of the Faculty Member's Child, the placement of a Child with the Faculty Member for adoption or foster care, or the need to take care of the Faculty Member's Child within a twelve- (12-) month Period after birth or placement, the Institution may require the Faculty Member giving notice of the need for leave to provide reasonable documentation or a statement of family relationship for purposes of confirming the family relationship. This documentation may take the form of, but is not limited to, a simple statement from the Faculty Member, a Child's birth certificate, an adoption certification, or a court document. The Institution is entitled to examine documentation, but the Faculty Member is entitled to the return of an official document submitted for this purpose.

**XIV. SCHEDULING OF TREATMENT IN INSTANCES OF SERIOUS HEALTH CONDITIONS:**

- A. When planning medical treatment, the Faculty Member must consult with the Institution and make a reasonable effort to schedule the treatment so as not to disrupt unduly the academic program or unit of which the Faculty Member is a part, subject to the approval of the Health Care Provider. Faculty Members are ordinarily expected to consult with their Institution prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the Institution and the Faculty Member.<sup>[BE61]</sup>In instances of the serious health condition of a family member or of the faculty member himself or herself, and in keeping with the requirements of the appropriate health care provider, the

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~~faculty member shall make reasonable efforts to schedule any medical treatments so as not to substantially disrupt the academic program or unit of which the faculty member is a part.~~

- B. ~~If a Faculty Member fails to consult with the Institution to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the Institution's operations. During the course of the treatment and as the Chief Executive Officer or designee deem appropriate, the faculty member President or designee may initiate discussions with the Faculty Member, require the Faculty Member to make a reasonable effort to make such arrangements, be and request the Faculty Member to provide certification from the appropriate Health Care Provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the academic program or unit of which the Faculty Member is a part.~~<sup>[BE62]</sup>

**XV. PROVIDING INFORMATION ABOUT F&M LEAVE FML:**

Regardless of the reason for the ~~leave FML~~, a Faculty Member shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from a ~~F&M leave FML~~. An Institution may require Faculty Members on FML to report periodically on their status and intent to return to work if the Institution's procedures regarding such reports are nondiscriminatory and take into account all of the relevant facts and circumstances related to each Faculty Member's leave situation.<sup>[BE63]</sup>

**XVI. ABUSE OF F&M LEAVE FML**

The ~~Chief Executive Officer President~~ or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the ~~F&M leave FML~~ program. Cases of bad faith, falsification of documents, or fraudulent information related to ~~the F&M leave ML~~ provided to the Institution, or other abuses of the ~~F&M leave FML~~ program, may result in actions by the Institution, including, but ~~are~~ not limited to revocation of the leave, refusal to Restore, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

**XVII. EARLY RETURN FROM LEAVE:**

A Faculty Member may discover after beginning FML that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. A Faculty Member may not be required to take more FML than necessary to resolve the circumstance that precipitated the need for leave. An Institution may require the Faculty Member to provide the Institution reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable.<sup>[BE64]</sup>~~A faculty member interested in returning to work from a F&M leave prior to the agreed upon end of the leave date shall provide~~

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~~the Chief Executive Officer or designee with a written request at least seven (7) calendar days prior to the date on which the faculty member is interested in returning. The Chief Executive Officer or designee shall make a good faith effort to restore the faculty member to his/her former or an equivalent position as soon as possible but no later than thirty (30) calendar days after receipt of the request.~~

**XVIII. EXTENSIONS OF LEAVE:**

A Faculty Member may extend the date of return from a F&M leave FML to the extent ~~that~~ they have F&M leave remaining FML entitlement available. Notice need only be given one time regardless of whether the FML is to be continuous or is to be taken intermittently or on a reduced schedule basis, but the Faculty Member shall advise the Institution as soon as practicable if dates of scheduled FML are extended, and provide recertification if requested. A request for an extension of F&M leave shall be considered under this policy as if it was an initial request. [BE65]

**XIX. FAILURE TO RETURN FROM LEAVE:**

- A. A Faculty Member who will not be returning to the Institution at the conclusion of a leave FML shall so notify the ~~Chief Executive Officer~~ President or designee in writing as soon as practicable. ~~The Chief Executive Officer or designee may request certification of reasons for the faculty member's failure to return to work.~~ In the absence of written notification or other extenuating circumstances, failure to return from leave shall be generally interpreted as a resignation.
- B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the Faculty Member's last paid day.
- C. ~~Employer costs of any payments made to maintain the faculty member's benefit coverage when on unpaid F&M leave shall be recovered if a faculty member fails to return to work as described in Section VII.B.~~ [BE66]

**XX. SPOUSES EMPLOYED BY THE SAME USM INSTITUTION OR UNIT** [BE67]

- A. Regardless of whether Spouses work at the same Institution or in the same institutional unit, each Spouse shall be entitled to a separate, individual, maximum FML eligibility amount for the reasons listed in Section III of this Policy.
- B. The amount of leave for which one Spouse may be eligible, or the amount of leave used by one Spouse, shall not limit or enhance the leave amount or the leave usage of the other Spouse.
- C. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum FML eligibility amount. [BE68]

**XXI. MISCELLANEOUS**



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- A. The President or designee is under no obligation to immediately Restore a Faculty Member whose return from FML does not coincide with the normal operating schedule of the Institution or the normal work schedule of the Faculty Member's academic program and/or unit, or Restore a Faculty Member whose return date is inconsistent with the terms and conditions of the Faculty Member's appointment.
- B. Entitlement to begin FML for reasons of child-birth, placement with the Faculty Member of a Child for adoption or foster care, or care for a newborn Child expires by no later than the 364th day after the date of birth or placement. Any such FML must be concluded within this one-year period.
- C. Either the Faculty Member or the Institution may initiate a period of FML.

**IMPLEMENTATION PROCEDURES:**

Each ~~Chief Executive Officer~~ President shall identify his/her designee(s), ~~if appropriate, as appropriate for this Policy;~~ shall develop procedures as necessary to implement this Policy, for the posting, record keeping and implementation of this policy; shall communicate this Policy and applicable procedures to faculty members ~~of his/her UMS institution~~ at his/her Institution and the general campus community, and post this Policy on the institutional website; ~~and~~ Each President shall forward a copy of such designations and implementation procedures to the Chancellor.

**REFERENCE**

The Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2611 (2012); National Defense Authorization Act for Fiscal Year 2010 (2010 NDAA), Pub. L. No. 111-84 (2009); 29 C.F.R. pt. 825 (2016).

**VII - 7.50 - POLICY ON FAMILY AND MEDICAL LEAVE FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES**

(Approved by the Board of Regents, August 27, 1993; Amended April 16, 2004; Amended October 22, 2004, Amended June 18, 2010; Amended October 9, 2015; [Amended \[MONTH DAY, YEAR\]](#))

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**I. PURPOSE AND APPLICABILITY**

The purpose of this [Policy](#) is to implement the Family and Medical Leave Act of 1993

(“FMLA”), 29 U.S.C. § 2611 (2012), P.L. 103-3 and subsequent amendments to applicable federal and state laws. This Policy applies to all eligible University System of Maryland (“USM”) Nonexempt and Exempt Staff employees ~~on Regular Status~~. Under certain circumstances, it is the policy of the USM to provide Eligible Employees up to a maximum of twelve (12) weeks of ~~unpaid~~<sup>[BE1]</sup> job-protected leave (“FML”) during a Twelve- (12-) Month Period for certain family and certain Serious Health Condition reasons. Additionally, under certain circumstances, it this Policy applies-provides Eligible Employees a maximum of twelve (12) weeks of FML during a Twelve- (12-) Month Period to address a qualifying Exigency arising from a Military Member’s Covered Active Duty status or notification of an impending call or order to Covered Active Duty status, and a maximum of twenty-six (26) weeks of FML during a Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. FML may be unpaid, paid through the concurrent use of leave accrued or acquired under an Institution’s policies, or a combination of both as set forth in Section IV of this Policy. covered active duty (military) duty injury or illness and qualifying exigencies for covered active duty and call up. If applicable law is modified, abrogated, superseded, or added to, this Policy shall be interpreted in accordance with the new legal framework.

## II. TERMS AND DEFINITIONS

The following terms and definitions shall apply for purposes of this Policy:

- A. **Accrued or Acquired Paid Leave**<sup>[BE2]</sup>: ~~Earned and unused Annual leave available for use under USM BOR Policy VII-7.00, certain holiday leave for holidays observed during FML and earned floating holidays, sick leave available for use under the sick leave policy USM BOR Policy VII-7.45, accident leave, compensatory leave, and unused personal leave, and leave taken from the Leave Reserve Fund.~~
- B. **Alternative Position**: ~~A position to which an Eligible Employee may be temporarily reassigned temporarily during a period of intermittent or Family and Medical leave (FML) and/or working a reduced schedule FML.~~ The alternative position shall have equivalent benefits and pay ~~to~~ the position from which the Eligible Employee was reassigned.
- C. **Care**: ~~“To take care of” or “to care for.”~~ The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.

**D. Care for a Covered Servicemember: Care by an Eligible Employee, for a Covered Servicemember who becomes ill or injured as a result of service in the military, who is a:**

1. Spouse; and/or
2. Parent; and/or
3. Child (of any age); or
4. if none of the above is available, the Next of Kin.

**ED. Child (except for military FML requests under Section VI):** – A person who is the son or daughter of an Eligible Employee and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability during the period of the serious illness at the time FML commences. The son(s) and/or daughter(s) may be the biological, adopted, step or foster child(~~ren~~) of the Eligible Employee. The term “child” shall also include someone who is the legal ward of the Eligible Employee or someone for whom the Eligible Employee has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing *In Loco Parentis*.

**FE. Covered Active Duty:** – In the case of a member of a Regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a Reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.

**F. ~~Covered Family Members of Covered Servicemembers (Military Leave Only)~~**

~~Care by an USM employee, for a Covered Servicemember who becomes ill or injured as a result of service in the military, who is a:~~

1. ~~Spouse; and/or~~
2. ~~Parent; and/or~~
3. ~~Child (including adult children); or~~
4. ~~if none of the above is available, the Next Of Kin. ~~BE2~~~~

**G. Covered Servicemember: –**

1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or

therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or

2. A covered veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the 5-year period prior to the first date the Eligible Employee takes FMLA leave to Care for the covered veteran.

**H. Eligible Employee:** - A USM employee who:

1. has been employed for a total of at least twelve (12) months as a USM or a State of Maryland employee; and
2. who has worked for at least ~~one thousand and forty (1,040)~~ 1,040 hours during the twelve- (12-) month period immediately prior to the beginning date of the leave-FML as a USM or State of Maryland employee. ~~For part-time employees on at least a 50% basis, the minimum number of hours required for eligibility shall be prorated.~~

For convenience, within the text of this Policy the term "Employee" instead of "Eligible Employee" shall be used hereafter.

- I. **Equivalent Position:** - A position at the Institution to which an Employee may be Restored upon the completion of the FML. The equivalent position shall have ~~equivalent the same~~ benefits, pay, and other terms and conditions of employment as the position from which the Employee took leave.

**J5. Exigency Leave:** - ~~There are eight different circumstances that will qualify as an "exigency" for military FML:~~

1. Issues arising from a Military Member's short notice deployment (~~call to~~ Covered Active Duty on seven (7) or fewer calendar days' notice prior to the date of deployment~~);~~);
2. Military events and related activities (official ceremonies, programs or events sponsored by the military), or family support or assistance programs and informational briefings sponsored or promoted by the military, military

service organizations, or the American Red Cross that are related to the Covered Active Duty or call to Covered Active Duty of a Military Member;

3. Childcare and related activities arising from the Covered Active Duty or call to Covered Active Duty status of a Military Member (including but not limited to arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attendance at certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the Covered Active Duty or call to Covered Active Duty of a covered Military Member). For purposes of this paragraph, the child must meet the definition of "Child" in Section II.E of this Policy;
4. Financial and legal arrangements (to make or update legal and/or financial arrangements for the covered Military Member's absence or act as his/her representative before a government agency);
5. Attending counseling provided by someone other than a Health Care Provider for oneself, for the covered Military Member, or for a child of the covered Military Member (who must meet the definition of "Child" in Section II.E of this Policy), the need for which arose from the Covered Active Duty or call to Covered Active Duty of the covered Military Member;
6. Rest and recuperation leave of Spending up to fifteen (15) calendar days to spend with a covered Military Member who is on short-term, temporary, rest and recuperation leave (for each instance of such leaveshort-term temporary leave rest and recuperation during a deployment);
7. Attending post-deployment activities (including arrival ceremonies, reintegration briefings and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered Military Member's Covered Active Duty status, and issues arising from the death of a covered Military Member);
8. Providing Parental Care necessitated by the absence of the Covered Active Duty status of a Military Member whose parent is incapable of self-care; or;
9. Additional activities (provided that the Institutionemployer and Employee agree that such activities shall qualify as an exigency and agree to both the timing and duration of leave).

#### K6. Health Care Providers:—

Are

1. Doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners, ~~and~~ nurse midwives, clinical social workers, and physician assistants, who are authorized to practice ~~by the State of Maryland~~ under the law of the state or country in which they are practicing and are performing within the scope of their practice;
2. ~~Licensed clinical professional counselors;~~
3. Christian Science practitioners listed with the First Church of Christ Scientist in Boston; and
4. Any other health care provider from whom the Institution's group health plan's benefits manager will accept certification of the existence of a Serious Health Condition to substantiate a claim for benefits; ~~and Licensed Clinical Professional Counselor.~~

**L7. Immediate Family Member:**— ~~Is~~ The Employee's Parent(s), Spouse, or Child (ren), or legal dependent(s).

**M8. In Loco Parentis:**— "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any Employee claiming an *in loco parentis* relationship with a child, or any Employee claiming to be the child ~~in~~ of an *in loco parentis* relationship, may be requested to provide documentation of such relationship.

**N9. Institution:**— ~~Is~~ The employing USM institution; the USM institution from which the Employee is taking leave.

**Q40. Key Employee:**— A salaried Employee who is among the highest paid ten (10) percent of all the employees employed by the Institution within 75 miles of the employee's workplace at the time the Employee gives notice of the need for leave. [BE4]

**P11. Military Member:**— An eligible Employee's Spouse, ~~son, daughter~~ child (of any age), or Parent who is on Covered Active Duty.

**Q42. Next of Kin:**— ~~Is~~ The nearest blood relative other than the Covered Servicemember's Spouse, Parent or child (of any age) in the following order of priority:

1. A blood relative whom the Covered Servicemember has specifically designated in writing as his or her nearest blood relative for purposes of military caregiver leave under the FMLA;
2. Blood relatives who have been granted legal custody of the Covered Servicemember by court decree or statutory provision;
3. Brothers and sisters;
4. Grandparents;
5. Aunts and uncles;
6. First cousins.

**R13. Parent:**— ~~Is~~ The Employee's biological, adoptive, step or foster mother or father, or someone who stood *In Loco Parentis* to the Employee when the Employee was a child. This term does not include parents “in law.”

~~14. Parent of a covered servicemember— Means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”~~

**S15. Parental Care:**— Care provided to the Military Member’s Parent, who must be incapable of self-care and must be the Military Member’s biological, adoptive, step or foster father or mother, or any other individual who stood *In Loco Parentis* to the Military Member when the member was under 18 years of age.

**T16. Restore(d) or Restoration:**<sup>[BE5]</sup>— ~~For Employees other than Key Employees, a return to the position held by the Employee when FML commenced or to an Equivalent Position. For Key Employees, a return to the position held when FML commenced. As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the FML the employee will be returned either to the same position from which he/she took leave, or to an equivalent position within the same job classification.~~

**U17. Serious Health Condition:**<sup>[BE6]</sup>— ~~Is a An illness, injury, impairment, or physical or mental condition of the Employee or an Immediate Family Member, or that involves; either inpatient care as defined in 29 CFR §825.114 or continuing treatment by a health care provider. FML with respect to the employee, a serious health condition means that the employee must be incapacitated from performing the essential functions of his/her position.~~

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or



2. a period of incapacity requiring absence of more than three consecutive calendar days from work or other regular daily activities that also involves continuing treatment by (or under the supervision of) a Health Care Provider; or  
or
3. any period of incapacity due to pregnancy, or for prenatal care; or
4. any period of incapacity (or treatment therefore) due to a chronic serious health condition (i.e., conditions that require periodic visits for treatment, continue over an extended period of time, and may cause episodic incapacity, such as asthma, diabetes, epilepsy, etc.); or
5. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective and for which the employee or Immediate Family Member is under the continuing supervision of a Health Care Provider (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
6. any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a Health Care Provider for a condition that likely would result in incapacity of more than three consecutive calendar days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.) or for a restorative surgery after an accident or other injury.

Incapacity means inability to work, attend school, or perform other regular daily activities due to the Serious Health Condition, treatment therefor, or recovery therefrom. A Serious Health Condition is a qualifying reason for an Employee's leave where the Employee is unable to perform any one of the essential functions of his/her position due to the Serious Health Condition.

V48. **Serious Injury or Illness:--**

1. In the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), ~~means~~ an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
2. In the case of a covered veteran, ~~means~~ an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

W19. **Spouse:**— A husband or wife as defined or recognized under state law for purposes of marriage in the state where the Employee resides, including common law marriage and same sex marriage.

X20. **Twelve- (12-) Month Period:**— ~~Shall be defined in the institution’s implementation procedures to indicate whether the twelve (12) months are based on a calendar year or a “rolling twelve month period” for uniform treatment of all employees at that institution.~~

1. A rolling 12-month period measured backward from the date an Employee uses any FML. Each time an Employee takes FML, the remaining FML amount is the balance of the twelve (12) weeks that has not been used during the immediately preceding twelve months.

2. With regard to Care for a Covered Servicemember, for which an Employee who is the Spouse, child (of any age) <sup>(BE7)</sup>, Parent, or Next of Kin of a Covered Servicemember may use up to 26 weeks of FML in a single Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness, the 12-Month Period shall be measured forward, beginning on the first day the Employee takes FML and ending twelve (12) months after that date.

3. Each Institution shall indicate in its implementation procedures that its 12-Month Period is based on a 12-month period measured backward from the date an Employee uses any FML, subject to paragraph 2 of this Section. This 12-Month Period shall be consistently and uniformly applied to all eligible employees <sup>(BE8)</sup>, including faculty and staff, at that Institution.

### III. REASONS FOR LEAVE

A.—An Employees are<sup>is</sup> entitled to take FML for the following reasons:

1. the birth of the Employee's Child,
2. the placement of a Child with the Employee for adoption or foster care,
3. the need to take care of the Employee's Child within a twelve- (12-) month period from birth or placement,
4. the need to take Care of the Employee's ImmEDIATE Family Member who has a Serious Health Condition,

- 5. the Serious Health Condition of the Employee, that makes the Employee unable to perform any one of the essential functions of the Employee's job,
- 6. the need to take Care of a Covered Servicemember's Serious Injury or Illness, and
- 7. ~~qualifying Exigencies arising out of the Covered Active Duty and military active duty and call-up to Covered Active Duty of a Military Member (the Employee's Spouse, son, daughter child (of any age), or Parent).~~
- 8.7. ~~B. Additionally, requests for leave to take care of the employee's school age child under the age of fourteen (14) during school vacations may be granted to the extent that the leave does not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.~~

**IV. COMPENSATION DURING LEAVE**<sup>[BE9]</sup>

The FMLA provides Employees with job-protected leave for the qualifying reasons listed under Section III of this Policy. The FMLA allows for the leave to be unpaid, paid through the concurrent use of leave accrued or acquired under the Institution's policies, or a combination of both. Each Institution shall require Employees to use concurrently with FML paid leave accrued or acquired under USM's and the Institution's policies and procedures in the following order: (1) Accrued or Acquired Paid Leave as defined in Section II.A; and (2) paid parental leave under USM BOR Policy VII-7.49. Any remaining FML will be unpaid.

**V. FAMILY AND MEDICAL LEAVE ENTITLEMENT**<sup>[BE10]</sup>

- A. An Employees ~~is~~are entitled to a maximum of twelve (12) workweeks (~~60 days~~) of FML, based on the Employee's normal workweek, within a Twelve- (12--) Month Period. FML can be taken continuously or, ~~under per certain circumstances~~Section VII of this Policy, ~~on a reduced FML work schedule, or~~ intermittently or under a reduced work schedule, over the course of a Twelve- (12--) Month Period. FML entitlement shall not be carried over from a Twelve- (12--) Month Period to the subsequent Twelve- (12--) Month Period.
- B. For example:
  - 1. If an Employee normally works forty (40) hours per week and takes three (3) weeks of FML continuously, then the Employee's three (3) weeks of leave will constitute three (3) weeks of FML.

2. If an Employee normally works thirty-two (32) hours per week and takes twenty-four (24) hours of FML, then the Employee's twenty-four (24) hours of leave will constitute three-fourths (3/4) of a week of FML.

3. If an Employee normally works forty (40) hours per week and works twenty (20) hours under a reduced schedule, then the Employee's twenty (20) hours of leave will constitute one-half (1/2) of a week of FML for each week the Employee works under the reduced schedule.

4. If an Employee normally works thirty (30) hours per week and works twenty (20) hours per week under a reduced schedule, then the Employee's ten (10) hours of leave will constitute one-third (1/3) of a week of FML for each week the Employee works under the reduced schedule. The actual FML entitlement shall be based on the employee's percentage of full time work for the twelve (12-) month period immediately prior to the beginning date of the FML; and shall be integrated with the amount of other leave taken for FML-related reasons during the twelve (12-) month period within which the FML is to begin.

C. Whether a period of FML is paid or unpaid will be determined by Section IV of this Policy. Employees who regularly worked full time (40 hours per week) are entitled to a maximum of twelve (12) workweeks (60 days/480 hours) of FML in a twelve (12-) month period. Employees who worked part time (less than 40 hours per week), on at least a 50% basis, are entitled to a prorated share of the twelve (12) week/sixty (60) day/480 hour maximum.

## **VI. MILITARY FML ENTITLEMENT**

A. Military Caregiver Leave:— An Employee who is the Spouse, child (of any age)[BE11], Parent, or Next of Kin of a Covered Servicemember may use up to 26 workweeks of unpaid [BE12] leave in a single Twelve- (12-) Month Period to Care for a Covered Servicemember with a Serious Injury or Illness. The 12-Month Period described in this paragraph shall be measured forward, beginning on the first day the Employee takes FML to Care for a Covered Servicemember and ending 12 months after that date.

B. Exigency Leave:— An Employee with a Spouse, child (of any age), or Parent who is a Military Member on Covered Active Duty or notified of an impending call or order to Covered Active Duty status may use up to 12 workweeks of unpaid leave to address certain a qualifying Exigencies arising out of the fact that the

Employee's Spouse, child, or Parent is on Covered Active Duty or notified of an impending call or order to Covered Active Duty status.

~~Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post deployment reintegration briefings, and providing parental care necessitated by the absence of the covered active duty of a military member whose parent is incapable of self care.~~[BE13]

## ~~VI. — INTEGRATION OF OTHER LEAVE TAKEN WITH FAMILY AND MEDICAL LEAVE ENTITLEMENT~~

~~Actual FML entitlement shall be based on the employee's use of other leave during the twelve (12 ) month period within which the FML begins. The employee's use of the following types of leave shall be deducted from the actual FML entitlement:~~

~~Any prior FML taken within the applicable year~~

~~Sick leave withdrawn from the USM Leave Reserve Fund within the applicable year~~

~~Accrued, Advanced and/or Extended sick leave used within the applicable year~~

~~Accident leave used within the applicable year~~

~~Any type of paid or unpaid leave for reasons related to family and medical circumstances taken within the applicable year.~~

## **VII. INTERMITTENT LEAVE OR REDUCED SCHEDULE LEAVE**

A. Intermittent leave is FML taken in separate blocks of time for a single qualifying reason. Reduced schedule leave is FML that reduces an Employee's usual number of working hours per workweek or workday for a period of time.[BE14]

~~AB. — In the case of a documented medical necessity, an employee shall be entitled to intermittent leave and/or a reduced schedule that reduces regular hours per workday~~

~~or workweek~~ An Employee may take intermittent or reduced schedule leave for purposes of the Employee's or the Immediate Family Member's Serious Health Condition, the Serious Injury or Illness of a Covered Servicemember, or for a qualifying Exigency. There must be a medical need for leave and it must be that such medical need can be best accommodated through intermittent or reduced schedule leave. [BE15]

~~The employee shall make a reasonable effort to schedule intermittent leave or leave on a reduced schedule so as not to disrupt the operations of the institution's applicable unit.~~

CB. ~~The Employee shall make a reasonable effort to schedule intermittent or reduced schedule leave for planned medical treatment so as not to unduly disrupt the operations of the Institution's applicable unit. If the Employee neglects to consult with the Institution to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the Institution's operations, the Institution may initiate discussions with the Employee and require the Employee to make a reasonable effort to make such arrangements, subject to the approval of the Health Care Provider.~~ [BE16][BE17]

D. ~~It is within the discretion of the President or designee to grant intermittent or reduced schedule leave. Employees may be granted leave that reduces regular hours per workday or workweek for reasons of child birth, placement with the Employee of a Child for adoption or foster care, or care for a newborn Child, to the extent that the intermittent or reduced leave does not represent an undue hardship to the operations and work schedules of the applicable institutional unit.~~

EC. ~~The President or designee may temporarily reassign an Employee on intermittent or reduced FML schedule leave to an Alternative Position for which the Employee is qualified and which that better accommodates planned reduced work schedules or intermittent periods of intermittent or reduced schedule leave than does the Employee's regular position. Such reassignment may occur only where the Employee foreseeably needs intermittent or reduced schedule leave or where the President or designee agrees to permit such leave under paragraph D of this Section VII.~~ [BE18] ~~The Alternative Position must have equivalent pay and benefits but need not have equivalent duties, and may not constitute a hardship on the Employee or discourage the Employee from taking leave. When the Employee no longer needs leave, they must be placed in the position they held when FML commenced or in an Equivalent Position.~~ [BE19]

#### ~~VIII. SPOUSES EMPLOYED BY THE SAME USM INSTITUTION AND UNIT~~ [BE20]

- A. ~~If spouses work at the same USM institution or in the same institutional unit, each spouse shall be entitled to a separate, individual, maximum family and medical leave eligibility amount.~~
- B. ~~The amount of leave for which one spouse may be eligible, or the amount of leave used by one spouse shall not limit or enhance the leave amount or the leave usage of the other spouse.~~
- C. ~~Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum for reasons of a serious health condition of the employee and for the serious health condition of the employee's immediate family members. Requests for simultaneous FML by spouses employed by the same institutional unit may be granted for reasons of child birth, placement with the employee of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.~~

#### ~~IX. COMPENSATION DURING LEAVE~~

~~FML is an unpaid leave. However, an employee shall not be granted unpaid FML unless the employee has first exhausted all of the employee's paid leave available for use under USM leave policies and procedures.~~

#### VIII.X. JOB RIGHTS AND PROTECTIONS

- A. Except as provided in ~~VIII.X.~~ B., C., D., E., and F., an Employee returning to work at the conclusion of ~~a~~ FML shall be Restored to their ~~former~~ position they held when FML commenced or to an Equivalent Position <sup>[BE21]</sup> with the pay, benefits, and other terms and conditions of employment that they enjoyed immediately prior to the FML.
- B. An Employee is not entitled to Restoration if the President or designee determines that the Employee had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the Institution would not otherwise have continued to employ the Employee <sup>[BE22]</sup>.
- C. ~~1-~~ 1- If at any point prior to or during the FML the President or designee determines that the Employee's former position held when FML commenced cannot be held available for the duration of the leave, the President or designee, at the conclusion of the leave, shall Restore the Employee to an Equivalent Position.  
~~2- If it is determined that the position cannot be held available, the determination of~~

~~an inability to hold the former position available occurs after the FML begins,~~ the President or designee shall immediately notify the Employee in writing of details associated with the decision and the details of the Equivalent Position to which the Employee will be Restored. The Employee shall have the right to return to work within fifteen (15) working days from receipt of such notice to keep the position held by the Employee when FML commenced.~~his/her former position.~~

- D. If there are reductions in the work force while the Employee is on FML and ~~he/she~~the Employee would have lost his/her position under USM BOR Policies VII-1.30, VII-1.32, and VII-9.61 had ~~he/she~~the Employee not been on ~~leave~~FML, ~~then except as provided under USM Policy on Layoff and USM Policy on Reinstatement, there is then the Institution has~~ no obligation to Restore the Employee to the position held by the Employee when FML commenced ~~his/her former~~ or to an Equivalent Position.
- E. Employees on FML are subject to generally applicable changes in compensation, benefits, or other terms or conditions of employment. If there are increases or decreases in pay, benefits, or other terms and conditions of employment while the employee is on FML and he/she would have had his/her pay, benefits, or other terms and conditions of employment changed were he/she not on leave, then except as provided under applicable USM policy, the employee shall be restored consistent with current, applicable, appropriate pay, benefits and other terms and conditions of employment.
- F. Restoration of Key Employees
1. If it is necessary to prevent substantial and grievous economic injury to the employing USM Institution's operations<sup>[BE23]</sup>, the President or his or her designee may deny Restoration to a Key Employee, provided that the Employee ~~was notified~~received written notice of <sup>[BE24]</sup>his/her status as a Key Employee at the time the FML was requested or commenced, whichever was earlier.
  2. If the President or designee believes that Restoration may be denied to a Key Employee, then at the time the FML is requested (or ~~when leave commences~~, if earlier), or as soon as practicable thereafter if notice cannot be given immediately because of the need to determine whether the Employee is a Key Employee, <sup>[BE25]</sup>the President or designee shall provide the Key Employee with written notification of the potential terms, conditions, and consequences of the leave. Notification shall include at least the following: a) notification of the fact that ~~he/she~~the Employee qualifies as a Key Employee; and b) potential consequences with respect to Restoration and maintenance of health benefits.



Failure to provide such timely written notice shall result in the Institution's loss of the right to deny Restoration to a Key Employee even if substantial and grievous economic injury will result from such Restoration.

3. As soon as the President or designee makes a good faith determination, based on the facts available, that substantial and grievous economic injury to the Institution's operations will result if the Key Employee who has requested or who is using FML is Restored, the ~~employee-Institution~~ shall ~~be given~~ written notice to the Key Employee either in person or by certified mail of the following: a) that FML cannot be denied; b) ~~notification of the~~ that the President's/designee's intention to deny Restoration upon completion of the FML; ~~and~~ c) an explanation of ~~why the~~ basis for the President's/designee's finding that Restoration will result in substantial and grievous economic injury; and d) if FML has commenced, a reasonable time (at least fifteen (15) working days from receipt of the notice) in which the Employee may return to work taking into account circumstances such as the length of the FML and the urgency of the need for the Employee to return to work.<sup>[BE26]</sup>
4. When practicable, the President shall provide the notice described in XVIII.F. 3- at least one calendar week prior to the Employee starting the leaveFML. If such notice is provided after the leave commences, then the President/designee ~~also~~ shall also provide the Employee a period of at least fifteen (15) working days from receipt of the notice to return to his/her position.
5. If a Key Employee does not return to work in response to the Institution's notification of intent to deny Restoration, then the Employee shall continue to be entitled to maintenance of health benefits through the scheduled leave, and the Institution ~~cannot~~ may not recover its share of premiums unless and until the Employee gives notice that he/she does not wish to return to work or the Institution actually denies Restoration at the conclusion of the leaveFML period.
6. After notice to a Key Employee has been given that substantial and grievous economic injury will result if the Employee is Restored to employment, an Employee is still entitled to request Restoration at the end of the leave period even if the Employee did not return to work in response to the President's/designee's notice. Based on the facts at that time, the President or designee must ~~then~~ again determine whether there will be substantial and grievous economic injury from Restoration. If it is determined that substantial and grievous economic injury will result, the President or designee shall notify the Employee in writing (in person or by certified mail) of the denial of Restoration.

**IXXI. STATUS OF BENEFITS WHILE ON FAMILY AND MEDICAL LEAVE/FML**

A. An Employee who is granted an approved-on FML under this Policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the FML, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, unless otherwise elected by the Employee and subject to any generally applicable changes in benefits eligibility or terms that may have taken place during the period of FML.-

B. An Employee on FML for reasons noted in Section III. A. may elect to continue employer-subsidized health care benefits during the period of leave. The President or designee shall, in accordance with Section XI.B of this Policy, provide advance written notice to the Employee of the terms and conditions under which premium payments are to be made by the Employee, which shall include the following: -

1. If Accrued or Acquired Paid Leave or paid parental leave is being used concurrently during the FML period, the Employee's share of premiums must be paid by the method normally used during any paid leave.

+2.If the FML period is unpaid, the Institution shall require the Employee to pay his or her share of premium payments in the manner required by the State of Maryland Department of Budget and Management.

The subsidy shall cease if an Employee gives notice that he/she will not no longer wishes to return to work, the Employee will not be eligible to continue participating in employer health benefit plans, except to the extent eligible as a retiree or under COBRA.

C. The Institution shall recover its share of health premiums during a period of unpaid FML if the Employee fails to return to work (does not work for at least 30 calendar days) after the FML has been exhausted or the Employee's eligibility expires, or returns to work but fails to stay thirty (30) calendar days, unless the reason for not returning or staying is due to the continuation, recurrence, or onset of a Serious Health Condition of the Employee or Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, or other circumstances beyond the Employee's control.

When an Employee fails to return to work because of the continuation, recurrence, or onset of either a Serious Health Condition of the Employee or Immediate Family Member, or a Serious Injury or Illness of a Covered Servicemember, thereby precluding the Institution from recovering its (share of) health benefit premium

payments made on the Employee's behalf during a period of unpaid FML, the Institution shall require medical certification of the Employee's or the Immediate Family Member's Serious Health Condition or the Covered Servicemember's Serious Injury or Illness. If the Institution requires such certification, the Employee must provide the certification within 30 days of the Institution's request. If the Employee does not provide requested certification within 30 days, or the reason for not returning to work does not involve circumstances beyond the Employee's control, the Institution may recover 100 percent of the health benefit premiums it paid during the unpaid FML.<sup>[BE27]</sup>

- C. ~~An employee on FML for reasons noted in Section III. B. may elect to continue health care and other benefits, as permitted by law or regulation, by paying the full cost of the benefits, including the share ordinarily paid by the employer.~~
- D. Except as noted in Section ~~X.VIII~~, Job Rights and Protections, upon return from ~~leave-FML~~ an Employee shall be Restored ~~with~~ all the rights, benefits, and privileges enjoyed prior to the leave.
- E. The status and maintenance of an Employee's benefits other than employer-subsidized health care benefits during a period of paid or unpaid FML shall be determined by the Institution's established policies for providing those benefits when the Employee is on other forms of leave (paid or unpaid, as appropriate). While on any unpaid portion of an FML, an Employee shall not earn or accrue any additional leave or seniority credits.<sup>[BE28]</sup>
- F. An Employee may elect to purchase service credit at the time of retirement for prior leaves without pay that ~~is~~are qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, an Employee shall follow the Institution procedure to assure that this option may be exercised. Service credits are not applicable to the Optional Retirement Program.

## **XII. EMPLOYEE NOTICE REQUIREMENTS**

### A. Timing<sup>[BE29]</sup>

~~Regardless of the reason for the FML-~~ An Employee shall give at least thirty (30) calendar days' notice (or if not practicable, as soon as practicable, generally within two (2) work days) before FML is to begin for leave based on an expected birth, placement for adoption or foster care, planned medical treatment for a Serious Health Condition of the Employee or of an Immediate Family Member, or planned medical treatment for a Serious Injury or Illness of a Covered Servicemember. For leave due to a qualifying Exigency, notice must be provided

~~as soon as practicable. The Employee shall advise the Institution as soon as practicable if dates of scheduled leave change or are extended, regardless of whether FML is to be continuous or is to be taken intermittently or on a reduced schedule basis. and provide the appropriate medical certification or legal certification of adoption (as soon as practicable) or foster child placement, before taking FML. When the need for leave is not foreseeable, an employee shall give notice as soon as practicable but no less than two (2) working days of learning of the need for leave. If this is not possible due to a medical emergency, then the employee or the employee's designee shall give written notice and provide the appropriate certification as soon as practicable.~~

#### B. Content

~~The notice provided by the Employee shall be written and provided to the Employee's immediate supervisor or other individual as designated by the Institution's policies, sufficient to make the Institution aware that the Employee needs FML, and include the anticipated timing and duration of the leave, if foreseeable.~~

#### C. Notice by Spokesperson<sup>[BE30]</sup>

~~Notice may be given the Employee's spokesperson (e.g., Spouse, adult family member, or other responsible party) if the Employee is unable to do so personally.~~

### **XIII. EMPLOYER NOTICE REQUIREMENTS**<sup>[BE31]</sup>

#### A. Eligibility Notice

~~When an employee requests FML, or when the ~~employer~~-Institution acquires knowledge that an employee's leave may be for an FML-qualifying reason, the ~~employer~~-Institution ~~must~~-shall notify the employee of the employee's eligibility to take FML ~~leave~~ within five (5) business days, absent extenuating circumstances. The Institution shall provide this eligibility notice in writing using the prototype form issued by the Department of Labor, Wage and Hour Division. ~~Notification of eligibility may be oral or in writing.~~~~

#### B. Rights and Responsibilities Notice

~~Employers~~-Institutions shall provide written notice detailing the specific expectations and obligations of the Employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the Employee each time the ~~a~~ eligibility notice is provided and may be contained within the same

form. An Institution shall use the prototype form issued by the Department of Labor, Wage and Hour Division, which shall include:

1. A statement that the leave may be designated and counted against the Employee's annual FML entitlement if qualifying and the Twelve- (12-) Month Period defined in Section II.X of this Policy;
2. Any requirement for the Employee to furnish certification of a Serious Health Condition, Serious Injury or Illness, or qualifying Exigency arising out of Covered Active Duty or call to Covered Active Duty status, and the consequences of failure to do so;
3. A statement that the Institution will require the substitution of paid leave per Section IV of this Policy, the conditions related to any substitution, and the Employee's entitlement to take unpaid FML if the Employee does not meet the conditions for paid leave;
4. Any requirement for the Employee to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis per Section IX of this Policy;
5. A statement of the Employee's status as a Key Employee and the potential consequence that Restoration may be denied following FML, explaining the conditions required for such denial;
6. A statement of the Employee's rights to maintenance of benefits during FML and Restoration to the position held when FML commenced or an Equivalent Position upon return from FML; and
7. A statement of the Employee's potential liability for payment of health insurance premiums paid by the Institution during the Employee's unpaid FML if the Employee fails to return to work after taking FML.

C. Designation Notice

1. ~~1.~~—When the ~~employer~~-Institution has enough information to determine whether the leave is being taken for an FML-qualifying reason (e.g., after receiving a certification, if requested), the ~~employer~~-Institution ~~must~~ shall notify the Employee in writing whether the leave will be designated and will be counted as FML ~~leave~~, within five (5) business days absent extenuating circumstances. If the ~~employer~~-Institution has sufficient information to designate the leave as

FML ~~leave~~ immediately after receiving notice of the Employee's need for leave, the ~~employer-Institution may~~ shall provide the Employee with the designation notice at that time. This notice shall be provided using the prototype form issued by the Department of Labor, Wage and Hour Division, which shall meet the requirements below in Section XI.C.2.-.4.

2. The Institution shall inform the Employee in this written notice that the Institution is requiring the Employee to use paid leave concurrently in the order set forth in Section IV of this Policy.<sup>[BE32]</sup>
3. If the Institution will require the Employee to present a fitness-for-duty certification to be Restored to employment, the Institution shall provide notice of such requirement with the designation notice. If the Institution will require that the fitness-for-duty certification address the Employee's ability to perform the essential functions of the Employee's position, the Institution shall so indicate in the designation notice, and shall include a list of the essential functions of the Employee's position.<sup>[BE33]</sup>
- 1.4. If the information provided by the Institution to the Employee in the designation notice changes, the Institution shall provide written notice of the change within five (5) business days of receipt of the Employee's first notice of need for leave subsequent to any change.<sup>[BE34]</sup>
52. If an ~~employer-Institution~~ does not designate leave as ~~required~~ indicated in ~~XIII.C.1.-.4~~, the ~~employer-Institution~~ may retroactively designate leave as FML ~~leave~~ with appropriate notice to the Employee provided that the ~~employer's Institution's~~ failure to timely designate leave does not cause harm or injury to the Employee.<sup>[BE35]</sup>

## **XIIV. CERTIFICATION**

### **A. Medical Certification for Serious Health Conditions of Employee or Immediate Family Member**

1. For leaves related to a Serious Health Condition ~~and to child birth~~<sup>[BE36]</sup>, the Employee shall provide medical certification(s) from the Employee's or Immediate Family Member's Health Care Provider. The Institution shall use the Department of Labor's prototype forms for certification of the Serious Health Condition of an employee or the Serious Health Condition of a family member. The Employee shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the Employee's diligent good

faith efforts. ~~Such certification~~ An Institution shall ~~include but not be limited to~~ require only the following information in the certification:

- a. The name, addresses, telephone number, and fax number of the Health Care Provider and type of medical practice/specialization;
- b. A diagnosis of the nature and extent of the condition giving rise to the use of FML;
- c. The approximate date the condition commenced and its probable duration;
- d. A statement or description of appropriate medical facts regarding the patient's health condition for which FML ~~leave~~ is requested, including a regimen of continuing treatment to be prescribed;
- ~~e. The duration of absence from work;~~
- ef. In the case of ~~the an~~ Employee's Serious Health Condition, certification that the Employee is unable to perform the essential functions of his/her position and prognosis of the Employee's ability to return to his/her position;
- fg. In the case of an Immediate Family Member's Serious Health Condition, ~~the employee's need to care for a seriously ill family member~~, information sufficient to establish that the family member is in need of Care and an estimate of the frequency and duration of the leave required to Care for the family member; ~~and-~~
- gh. In cases of a request for intermittent or reduced schedule leave, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave, and (1) an estimate of the dates frequency and duration of such treatments and any periods of recovery if the leave is for foreseeable planned medical treatment; or (2) an estimate of the frequency and duration of episodes of incapacity if the Serious Health Condition may result in unforeseeable episodes of incapacity.

2. If an Employee submits a complete and sufficient certification signed by the Health Care Provider, the Institution may not request additional information from the Health Care Provider. However, the Institution may contact the Health Care Provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the Institution has given the Employee an opportunity to cure any deficiencies as set forth in

paragraph D of this Section XII. To make such contact, the Institution must use a Health Care Provider, a human resources professional, a leave administrator, or a management official. Under no circumstances, however, may the Employee's direct supervisor contact the Health Care Provider. [BE37]

2.3. The President or designee may require a second medical opinion at the Institution's expense. ~~if the Institution has reason to doubt the validity of a medical certification. The Institution may designate the Health Care Provider who is to furnish the second opinion.~~ [BE38] In the case of conflicting opinions, the opinion of a third Health Care Provider, agreed upon by both Employee and the President or designee and obtained at the Institution's expense, shall be final and binding. [BE39]. The second and third opinions shall not be provided by individuals who are employed on a regular basis by the Institution.

43. The President or designee may require reasonable recertification as the FML continues, ~~and may require an employee to provide periodic progress reports as to the serious health condition for which he/she is taking leave and the employee's ability to return to work at the end of the leave.~~ [BE40] Recertification shall not be requested more often than every thirty (30) calendar days unless the Employee requests an extension of FML, ~~changed circumstances occur during the illness or injury~~ circumstances described by the previous certification have changed significantly, or the Institution receives information that casts doubt upon the continuing validity of the most recent certification. The Institution shall allow at least fifteen (15) calendar days for the Employee to provide the requested recertification.

~~Medical certification of fitness to return to work that includes medical limitations and their expected duration shall be requested in writing by the President or designee prior to the employee's return to work.~~

The Institution may ask for the same information on recertification as that set forth in Section XII.A.1 of this Policy. As part of the information allowed to be obtained on recertification for leave taken because of a Serious Health Condition, the Institution may provide the Health Care Provider with a record of the Employee's absence pattern and ask the Health Care Provider if the Serious Health Condition and need for leave is consistent with such a pattern. [BE41]

B. Medical Certification for a Covered Servicemember [BE42]

When leave is taken to Care for a Covered Servicemember with a Serious Injury or Illness, an Institution may require the Employee to obtain a certification completed by an authorized health care provider of the Covered Servicemember. For military



~~leave to care for a covered servicemember~~For this purpose, the Department of Defense (“DOD”) healthcare providers, a health care provider from the U.S. Department of Veterans Affairs (“VA”), ~~and DOD Tricare Network~~ and DOD non-network TRICARE authorized and non-network authorized health care providers, and any Health Care Provider listed in Section II.K of this Policy are considered “authorized health care providers.” An Employee may use the appropriate prototype form issued by the Department of Labor’s Wage and Hour Division or a comparable form requiring the same information (including invitational travel order (“ITOs”) or invitational travel authorizations (“ITAs”) issued to any family member to join an injured or ill servicemember at his or her bedside). An Institution may require additional information per 29 C.F.R. § 825.310 or other applicable law.

~~The USM may not utilize the second opinion or recertification process for this leave entitlement. Should an extension of leave be required, additional certification may be requested. Second or third opinions are not permitted if the health care provider is from DOD, the VA, or DOD-authorized private health care providers, but are permitted if the health care provider otherwise meets the definition of Section II.K of this Policy. Recertifications are never permitted for leave to Care for a Covered Servicemember. Should an extension of leave be required, additional certification may be requested.~~

#### C. ~~C.~~ — Certification for Leave Taken Because of a Military Exigency

The first time an Employee requests leave because of a qualifying Exigency arising out of the Covered Active Duty or call to Covered Active Duty status (or notification of an impending call or order to Covered Active Duty) of a Military Member, the Institution may require the Employee to provide a copy of the Military Member's active duty orders or other documentation issued by the military which indicates that the Military Member is on Covered Active Duty or call to Covered Active Duty status, and the dates of the Military Member's Covered Active Duty service.

An Institution may additionally require that leave under this paragraph be supported by a certification setting forth the information listed in 29 C.F.R. § 825.309 or other applicable law. An Institution shall use the appropriate prototype form issued by the Department of Labor’s Wage and Hour Division. An Institution may not require information additional to what is required by this paragraph.

#### D. Sufficiency of Certification

The Employee must provide a complete and sufficient certification to the Institution if required by the Institution under paragraphs A, B, or C of this Section XII. The Institution shall advise the Employee if the Institution finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the Institution receives a certification but one or more of the applicable entries have not been completed. A certification is considered insufficient if the Institution receives a complete certification but the information provided is vague, ambiguous, or nonresponsive. The Institution must provide the Employee seven (7) calendar days (unless not practicable) to cure any such deficiency.

#### E. Confidentiality

Consistent with the FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the Employee's official institutional personnel file.

### XIII.V. DOCUMENTATION OF CERTAIN RELATIONSHIPS [BE43]

If an Employee takes FML under this Policy, including, but not limited to, for the birth of the Employee's Child, the placement of a Child with the Employee for adoption or foster care, or the need to take care of the Employee's Child within a twelve- (12-) month period after birth or placement, the Institution may require the Employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship for purposes of confirming the family relationship. This documentation may take the form of, but is not limited to, a simple statement from the Employee, a Child's birth certificate, an adoption certification, or a court document. The Institution is entitled to examine documentation, but the Employee is entitled to the return of an official document submitted for this purpose.

### XIV. SCHEDULING OF TREATMENT IN INSTANCES OF SERIOUS HEALTH CONDITIONS

- A. When planning medical treatment, the Employee must consult with the Institution and In instances of the serious health condition of a family member or of the employee himself or herself, and in keeping with the requirements of the appropriate health care provider, the employee shall make a reasonable efforts to schedule any medical the- treatments so as not to disrupt unduly the operations of the applicable institutional unit, subject to the approval of the Health Care Provider. Employees are ordinarily expected to consult with their Institution prior to the

scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the Institution and the Employee. <sup>[BE44]</sup>

- B. ~~If an Employee fails to consult with the Institution to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the Institution's operations, During the course of the treatment and as the President or designee may initiate discussions with the Employee, require the Employee to make a reasonable effort to make such arrangements, deems appropriate, the employee may be and requested the Employee~~ to provide certification from the appropriate Health Care Provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the operations of the Employee's unit. <sup>[BE45]</sup>

#### **XVI. PROVIDING INFORMATION ABOUT FML**

Regardless of the reason for the ~~leave~~FML, an Employee shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from ~~an~~FML. ~~An Institution may require Employees on FML to report periodically on their status and intent to return to work if the Institution's procedures regarding such reports are nondiscriminatory and take into account all of the relevant facts and circumstances related to each Employee's leave situation.~~ <sup>[BE46]</sup>

#### **XVII. ABUSE OF FML**

The President or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the FML program. Cases of bad faith, falsification of documents, or fraudulent information related to ~~the~~FML provided to the institution, or other abuses of the FML program, may result in ~~actions by the Institution, including,~~ but ~~are~~ not limited to ~~;~~ revocation of the leave, refusal to ~~Restore~~, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

#### **XVIII. EARLY RETURN FROM LEAVE**

~~An Employee may discover after beginning FML that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An Employee may not be required to take more FML than necessary to resolve the circumstance that precipitated the need for leave. An Institution may require the Employee to provide the Institution reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable.~~ <sup>[BE47]</sup>~~An employee interested in returning to work from a FML prior to the agreed upon end of the leave date shall provide the President or designee with a written request at least thirty (30) calendar days prior to the date on which the employee is interested in returning. The President or designee shall make a~~

~~good faith effort to restore the employee to his/her former or an equivalent position as soon as possible at the employee's request but no later than the thirty (30) calendar day notice provided by the employee.~~

#### **XVIII. EXTENSIONS OF LEAVE**

~~An Employees may extend the date of return from an FML to the extent that they have remaining FML entitlement available. Notice need only be given one time regardless of whether the FML is to be continuous or is to be taken intermittently or on a reduced schedule basis, but the Employee shall advise the Institution as soon as practicable if dates of scheduled FML are extended, and provide recertification if requested. A request for an extension of FML shall be considered under this policy as if it was an initial request.~~ [BE48]

#### **XIX. FAILURE TO RETURN FROM LEAVE**

- A. An Employee who will not be returning to the Institution at the conclusion of a leave FML shall notify the President or designee in writing as soon as practicable. In the absence of written notification or other extenuating circumstances, failure to return from leave shall be generally interpreted as a resignation.
- B. If applicable, any benefit entitlements based upon length of service shall be calculated as of the Employee's last paid day.
- C. ~~Employer costs of any payments made to maintain the employee's benefit coverage when on unpaid FML shall be recovered if an employee fails to return to work as described in Section X.B.~~

~~The President or designee may request certification of reasons for the employee's failure to return to work.~~

#### **XXI. SPOUSES EMPLOYED BY THE SAME INSTITUTION OR UNIT** [BE49]

- A. ~~If Regardless of whether~~ Spouses work at the same ~~USM~~ Institution or in the same institutional unit, each Spouse shall be entitled to a separate, individual, maximum ~~family and medical leave~~ FML eligibility amount for the reasons listed in Section III of this Policy.
- B. The amount of leave for which one Spouse may be eligible, or the amount of leave used by one Spouse, shall not limit or enhance the leave amount or the leave usage of the other Spouse.

- C. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum FML eligibility amount, for reasons of a serious health condition of the employee and for the serious health condition of the employee's immediate family members. Requests for simultaneous FML by spouses employed by the same institutional unit may be granted for reasons of child birth, placement with the employee of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.<sup>[BE50]</sup>

## XXI. MISCELLANEOUS

- A. The President or designee is under no obligation to immediately Restore an Employee whose return from leave-FML does not coincide with the normal operating schedule of the Institution or the normal work schedule of the Employee's unit, or Restore an Employee whose return date is inconsistent with the terms and conditions of the Employee's appointment.
- B. Entitlement to begin FML for reasons of child-birth, placement with the Employee of a Child for adoption or foster care, or care for a newborn Child expires by no later than the 364th day after the date of birth or placement. Any such FML must be concluded within this one-year period.
- C. When FML is taken by an Employee on probation status, the probationary period shall be adjusted upon the return of the Employee by the length of time used for FML.

~~A-D.~~ Either the Employee or the Institution may initiate a period of FML.

~~D.~~ Reasonable documentation relating to an employee's request for FML may be requested.

## **IMPLEMENTATION PROCEDURES**

Each President shall identify his/her designee(s) as appropriate for this Policy, develop procedures as necessary to implement this Policy, communicate this policy and applicable procedures to employees at his/her Institution and the general campus community, his/her institutional community, and post this Policy on their institutional website. Each President shall forward a copy of such designations and implementation procedures to the Chancellor.

**REFERENCE:**

[The Family and Medical Leave Act of 1993 \(FMLA\), 29 U.S.C. § 2611 \(2012\); National Defense Authorization Act for Fiscal Year 2010 \(2010 NDAA\), Pub. L. No. 111-84 \(2009\); 29 C.F.R. pt. 825 \(2016\).](#)

~~U.S. Department of Labor—The Family and Medical Leave Act of 1993, as amended—National Defense Authorization Act (NDAA), October 28, 2009~~

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**II—2.25 Policy on Parental Leave and other Family Supports for Faculty** ~~-(Approved by the Board of Regents, June 22, 2012; Amended [Month Day, Year])~~

**I. Purpose**

This ~~P~~policy is intended to support faculty in balancing professional and family demands during and after the birth or adoption of a child through a combination of measures to promote a “family-friendly” environment on each USM campus. ~~These measures include:~~

- A. A minimum assured period of paid parental leave of eight (8) weeks;
- B. The adoption of Family Support Plans at each institution;
- C. Minimum requirements to extend the time for tenure review for new parents; and
- D. The availability of lactation facilities on each campus.

**II. Assured Minimum Parental Leave**

Each eligible faculty member shall be assured a period of up to eight (8) weeks ~~(i.e., forty (40) work days)~~ of paid parental leave to care for a new child, as follows:

**A. Nature of Leave:** The parental leave period ~~shall~~~~will~~ consist of any form of annual ~~and personal leave available for use under USM BOR Policy II-2.40~~, sick ~~leave available for use under USM BOR Policy II-2.30~~, or ~~personal holiday leave for holidays observed during parental leave, that the faculty member has accrued~~, to be supplemented by the institution with additional paid leave days to attain an eight ~~(8)~~ week period of paid parental leave.

**A-B. Interaction of Leave with the Family and Medical Leave Act:** All leave taken during the parental leave period (annual, sick, personal, holiday, or additional paid parental leave assurance) shall run concurrently with any available FMLA leave (“FML”) per Section IV of USM BOR Policy II-2.31 Policy on Family and Medical Leave for Faculty if the faculty member is also eligible for FML under USM BOR Policy II-2.31. The institution shall administer both policies concurrently.

**B-C. Applicability:** The eight ~~(8)~~ week paid leave assurance ~~shall~~~~will~~ be available during a six ~~(6)~~ month period surrounding:

1. The birth of a ~~newborn~~child;
2. The ~~recent~~ adoption of a child ~~under the age of six (6)~~; and
3. At the discretion of the institution’s chief academic officer and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six(6).

**C-D. Eligibility:** At a minimum, the paid leave assurance ~~shall~~~~will~~ apply to tenured and tenure-track faculty, and non-tenure-track faculty with multi-year contracts, upon

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written affirmation that the faculty member will be the child's primary caregiver during the parental leave period, subject to the following:-

1. Institutions may offer assured minimum paid leave to other categories of faculty as a matter of institution policy.
2. Leave shall be pro-rated for eligible part-time faculty.
3. If a child's parents are employed by the same institution, both parents may be eligible for paid parental leave ~~up to the eight (8) week maximum~~ as follows:
  - a. Both parents may use accrued annual, sick, holiday, or personal leave concurrently with the birth of a child or adoption of ~~a~~ the child ~~under age six (6)~~;
  - b. A parent may use additional guaranteed paid leave under this Policy only during a period when that parent is the child's primary caregiver.
4. A faculty member shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit and the terms of the faculty member's appointment establish a lesser eligibility period.
5. A faculty member may be eligible for paid parental leave under this Policy on one occasion in ~~any given~~ 12-month period, and on two occasions during the duration of the faculty member's employment within the USM, except to the extent institution policies provide otherwise. ~~Any additional periods of paid parental leave require the approval of the President, or the President's designee.~~

### III. Faculty Family Support Plans

Each institution shall assure that each eligible faculty member, as defined below in Section III.C, has the opportunity to establish a "Family Support Plan." These plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted during periods of ~~faculty~~ parental leave.

- A. **Plan Development:** The plan ~~shall~~will be developed jointly by the faculty member and department chair, or the designee of the chair or the dean, upon request of the faculty member.
  1. If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator ~~shall~~will participate in completing the plan.
  2. Each completed plan ~~shall~~will be shared with the appropriate dean or other academic affairs administrator.
- B. **Plan Content:** The plan ~~shall~~will allow the faculty member to reduce or otherwise modify workload, especially teaching duties, during ~~the semester in which~~ parental leave ~~is taken~~, though a combination of:
  1. Leave, including:
    - a. Exhaustion of all ~~accrued~~ available annual, personal, holiday, and sick leave.



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- (including collegial sick leave);
    - b. Additional paid parental leave, as needed, up to the eight\_ (8\_) week total; and
    - ~~e. Collegial sick leave, as available;~~
    - ~~d.c. Any additional leave for which the faculty member may be eligible under USM BOR Policy II-2.31 Policy on Family and Medical Leave for Faculty. Unpaid leave, up to the twelve (12) week (i.e., sixty (60) work day) limit of the USM Family Medical Leave Act Policy, No. II—2.31; and~~
- 2. Workload modifications, to the extent authorized by the institution and feasible within the faculty member’s department, which may include:
  - a. Part-time employment;
  - b. The spreading of the semester’s teaching responsibilities over multiple terms preceding and succeeding the parental leave period;
  - c. Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
  - d. Other options identified by the institution or department.
- C. **Eligibility:** Each tenured or tenure-track faculty member whose responsibilities are primarily instructional -is eligible for a Ffamily Ssupport Pplan, subject to the eligibility standards of Section II.DC.1 through .5 of this Ppolicy. Institutions may offer the opportunity to develop a Ffamily Ssupport Pplan to other categories of faculty as a matter of institution policy.

**IV. Extension of Time for Tenure Review**

- A. **Minimum Requirements:** Each USM institution shall establish policies and procedures to permit faculty members who become new parents with the birth or adoption of a child to extend the time for tenure review. At a minimum, institution policies shall provide for:
  - 1. A one\_ (1\_) year extension of the time for tenure review upon the birth or adoption of a child to run concurrently with any extension provided under USM BOR Policy II-2.31 Policy on Family and Medical Leave for Faculty; and
  - 2. The ability to obtain such an extension twice during employment with an USM institution.
- B. **Institution Procedures:** Institution procedures may include requirements related to the timing and content of applications for the extension, documentation of eligibility and other aspects of the process for requesting and administering extensions of the time for tenure review.
- C. **Additional Institution Provisions:** An institution’s policies to extend the time for tenure review may be broader in scope than the minimum eligibility and duration requirements specified in this Ppolicy.

**V. Supports for Nursing Mothers**

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- A. Lactation Facilities:** Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may ~~breastfeed or~~ express milk.
    - ~~A.1.~~ \_\_\_\_\_ The area must be shielded from view and free of intrusions from others.
    - ~~B.2.~~ A bathroom or restroom may not be designated as a lactation ~~facility~~ area.
    - ~~C.3.~~ The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
    - ~~D.4.~~ The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.  
~~The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.~~
  - ~~E.B. Breastfeeding:~~ The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

**VI. Protections for Faculty**

No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure or other employment-related process as a result of utilizing the parental leave and other supports provided ~~by~~ in this ~~P~~ policy.

**Implementation**

~~This policy shall be implemented as follows:~~

~~**Parental Leave and Family Support Plans:** Eligible faculty members shall have access to parental leave and family support plans under this policy as of the beginning of the Fall 2012 semester.~~

~~**Other Provisions:** Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.~~

**VII-7.49 Policy on Parental Leave and other Family Supports for Staff (Approved by the Board of Regents, June 22, 2012; Amended [Month Day, Year])**

**I. Purpose**

This ~~P~~policy is intended to support USM staff in balancing professional and family demands during and after the birth or adoption of a child through measures to promote a “family- friendly” environment on each USM campus. These measures include the establishment of a minimum assured period of paid parental leave of eight (8) weeks and the availability of lactation facilities on each campus.

**II. Assured Minimum Parental Leave**

Each eligible staff employee shall be assured a period of up to eight (8) weeks ~~(i.e., forty work days)~~ of paid parental leave to care for a new child, as follows:

A. **Nature of Leave:** The parental leave period ~~shall~~~~will~~ consist of any form of annual ~~leave available for use under USM BOR Policy VII-7.00~~, sick ~~leave available for use under USM BOR Policy VII-7.45 (including advanced sick leave and extended sick leave)~~, personal ~~leave available for use under USM BOR Policy VII-7.10~~, holiday ~~leave available for use under USM BOR Policy VII-7.30 for holidays observed during parental leave and earned floating holidays~~, or leave ~~taken from the Leave Reserve Fund under USM BOR Policy VII-7.11~~ ~~leave accrued or otherwise available to the employee under USM policies~~, to be supplemented ~~as necessary~~ by the institution with additional paid leave days to attain an eight- ~~(8-)~~ week period of paid parental leave.

B. **Interaction of Leave with the Family and Medical Leave Act:** All leave taken during the parental leave period (annual, sick, advanced sick, extended sick, personal, holiday, Leave Reserve Fund, or additional paid parental leave assurance) shall run concurrently with any available FMLA leave (“FML”) per Section IV of USM BOR Policy VII-7.50 Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees if the employee is also eligible for FML under USM BOR Policy VII-7.50. The institution shall administer both policies concurrently.

~~B.C.~~ **Applicability:** The eight- ~~(8-)~~ week paid leave assurance ~~shall~~~~will~~ be available during a six- ~~(6-)~~ month period surrounding:

1. The birth of a ~~newborn~~child;
2. The ~~recent~~ adoption of a child ~~under the age of six (6)~~; and
3. At the discretion of the institution’s President or designee and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six(6).

~~C.D.~~ **Eligibility:** At a minimum, the paid leave assurance ~~shall~~~~will~~ apply to regular staff

employees, upon written affirmation that the employee will be the child's primary caregiver during the parental leave period, subject to the following:-

1. Institutions may offer assured minimum paid leave to other categories of staff as a matter of institution policy.
2. Leave shall be pro-rated for eligible .50 or greater Full Time Equivalent staff.
3. If a child's parents are employed by the same institution, both parents may be eligible for paid parental leave ~~up to the eight (8) week maximum~~ as follows:
  - a. Both parents may use accrued annual, sick, advanced sick, extended sick, holiday, Leave Reserve Fund, or personal leave concurrently with the birth of a child or adoption of ~~a~~ the child ~~under age six (6)~~;
  - b. A parent may use additional guaranteed paid leave under this P policy only during a period when that parent is the child's primary caregiver.
4. A staff employee shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit a lesser eligibility period.
5. A staff employee may be eligible for paid parental leave under this P policy on one occasion in ~~any given~~ 12-month period, and on two separate occasions during the duration of the staff member's employment within the USM, except to the extent institution policies provide otherwise. Any additional periods of paid parental leave require the approval of the President, or the President's designee.
6. The employee must have a satisfactory record of sick leave usage and work performance.

### III. Supports for Nursing Mothers

- A. **Lactation Facilities:** Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may ~~breastfeed or~~ express milk.
  1. The area must be shielded from view and free of intrusions from others.
  2. A bathroom or restroom may not be designated as a lactation area.
  3. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
  4. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.
  - ~~5. The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which children may be present on campus.~~

6-B. Breastfeeding: The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

~~B-C.~~ **Break Time for Nursing Mothers:** The schedule of a staff employee who is a nursing mother shall allow for reasonable break time during work hours for the purpose of breastfeeding or expressing milk.

1. Employees shall be permitted to use current paid break and unpaid lunch times to breastfeed or express milk.

—Supervisors shall work with employees who need additional break time for this purpose to provide for the flexible scheduling of additional unpaid breaktime.

2.

#### IV. Protections ~~for~~ Staff Employees

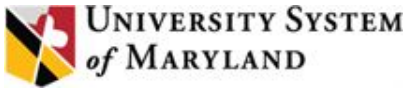
No employee shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, or other employment-related process as a result of utilizing the parental leave and other supports provided ~~by~~ in this ~~P~~ policy.

#### **Implementation**

~~This policy shall be implemented as follows:~~

~~**Parental Leave:** Eligible employees shall have access to parental leave under this policy as of September 1, 2012.~~

~~**Other Provisions:** Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.~~



**BOARD OF REGENTS**

SUMMARY OF ITEM FOR ACTION,  
INFORMATION OR DISCUSSION

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**TOPIC:** University of Maryland, Baltimore: Dental Student Clinics Management Contract Renewal

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** The University of Maryland, Baltimore (UMB) requests approval to exercise the second of five one-year renewal options with U.M. FDSP Associates, P.A (FDSP) for the day-to-day operations of the student dental clinics at the Dental School at UMB. Daily operations include activities such as providing non-faculty support, scheduling patient visits and collecting fees charged to patients for clinical services and operations materials provided by the clinics.

The request for approval is made pursuant to University of Maryland Procurement Policies and Procedures: Section VII.C.2 for procurements exceeding \$5 million. The term of the renewal is June 1, 2018 to May 31, 2019. The estimated value of the renewal is \$11,593,200.

**VENDOR:** U.M. FDSP Associates, P.A. (FDSP)

**ALTERNATIVE(S):** FDSP was organized as a tax exempt Maryland Corporation in order to implement a Faculty Dental Service Plan approved by the USM Board of Regents in August of 1985. The University undertook a study of private sector dental clinics and practices to determine if the costs for management and operation of the dental clinics by FDSP were competitive. The University found that a for-profit commercial entity could not perform the required services more economically since FDSP receives no compensation other than transfer funds from the University to support FDSP’s direct costs. The contract renewal will not exceed generated revenues.

**FISCAL IMPACT:** The contract renewal provides a positive fiscal impact in that FDSP receives no compensation other than reimbursement for personnel expenses and reasonable out-of-pocket expenses that are documented in periodic statements of income and expense to the Dental School.

**CHANCELLOR’S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve this request to exercise the first one-year renewal option with U.M. FDSP Associates, P.A. as described above.

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COMMITTEE RECOMMENDATION:

DATE:

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BOARD ACTION:

DATE:

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SUBMITTED BY: Ellen Herbst (301) 445-1923

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**TOPIC:** Towson University: Dining Services Contract Renewal

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** Towson University (TU) requests approval to renew its dining services contract with Compass Group USA, by and through its Chartwells Division, for student meal plans, cash dining, and catering services on campus. This request for approval is made pursuant to University System of Maryland Procurement Policies and Procedures: Section VII.C.2 for procurements exceeding \$5 million.

The term of the contract renewal is for five (5) years to commence on July 1, 2018, and continue through June 30, 2023. With estimated gross sales of \$128 million and expenses of \$87 million, the contract is expected to generate \$41 million in revenue during the five-year renewal term. This renewal represents years six (6) through ten (10) of the contract with Chartwells.

**CONTRACTOR(S):** Compass Group USA, Inc. – Chartwells Division

**ALTERNATIVE(S):** The current contract would have to be extended until an award could be made as a result of a new competitive procurement.

**FISCAL IMPACT:** The Contractor provided a capital investment of \$5.9 million during the initial five-year term of the contract for food service facilities renovations and upgrades. These renovations and upgrades included Au Bon Pain, Newell Dining, Starbucks and Panda Express. The contractor's investment is amortized on a straight-line basis over the potential ten-year contract that commenced on July 1, 2013. Should the contract not be renewed, Towson would have to pay the contractor for the remaining five years of the unamortized investment. If a new procurement resulted in an award to a new contractor, TU would also forgo \$6.5 million of scheduled investment in facilities and equipment upgrades. If the contract is renewed, the University is guaranteed annual commissions of \$1 million per year, including 12% on franchise sales, 15% on non-franchise sales, 13% on general catering and summer conferences, 18% on external catering and 35% on concessions. The contractor will make capital investments of \$6.5 million in dining area renovations and food service equipment upgrades to enhance the student experience. The contractor will also provide an annual capital campaign gift of \$50,000, \$75,000 in program marketing funds, and \$116,000 in cash and in-kind contributions to campus groups and operations each year, in addition to a continuity bonus of \$1.5 million in year one of the renewal term.

**CHANCELLOR'S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents approve for Towson University to renew the contract with Compass Group USA, Inc. by and through its Chartwells Division for a term of five (5) years in the amount of approximately \$87 million to commence on July 1, 2018.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

DATE:

SUBMITTED BY: Ellen Herbst (301) 445-1923



**BOARD OF REGENTS**

SUMMARY OF ITEM FOR ACTION,  
INFORMATION OR DISCUSSION

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**TOPIC:** University System of Maryland: Review of Capital Improvement Projects

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** March 29, 2018

**SUMMARY:** This report provides information on the status of capital improvement projects systemwide. Included are contract awards, completions, and detailed project schedules. The attached report reflects activity for the six-month period starting August 1, 2017 and ending January 31, 2018.

Highlights include:

- One design award (\$5.6 million)
- Eight construction awards (\$120.5 million) to Maryland firms
- Nine project completions (\$316.5 million)

**ALTERNATIVE(S):** This is an information item.

**FISCAL IMPACT:** This is an information item.

**CHANCELLOR’S RECOMMENDATION:** This is an information item.

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<b>COMMITTEE RECOMMENDATION:</b>	<b>DATE:</b>
<hr/>	<hr/>
<b>BOARD ACTION:</b>	<b>DATE:</b>
<hr/>	<hr/>
<b>SUBMITTED BY:</b> Ellen Herbst (301) 445-1923	
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**PROGRESS OF CAPITAL IMPROVEMENT PROJECTS**  
(For the period ending  
January 31, 2018)

This report provides information on capital projects systemwide, excluding energy performance contracts. Projects are funded through a variety of sources: State capital and operating funds, including facilities renewal; internal funding through the System Funded Construction Program (SFCP); private funds; and federal grants. This report is a summary of contract awards, project completions and project schedules for the six-month period beginning August 1, 2017 and ending January 31, 2018. Only construction projects that are \$1 million, or greater, are included in this report.

**ONGOING PROJECTS:**

As of January 31, 2018, there are a total of 52 projects systemwide either pending design, or in design or construction, which are managed by the service centers.

**CONTRACT AWARDS:**a. Design Awards

One design contract for \$5.6 million was awarded during the six-month period ending January 31, 2018.

UMES	School of Pharmacy and Health Professions, Ph 1	\$5,693,967
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b. Construction Awards, Including Design/Build and Construction Management

Eight construction awards for a total of \$120.5 million were made during the six-month period ending January 31, 2018.

UMCP	New Cole Fieldhouse, Ph 2, Bid Pkgs. 4 and 5	\$46,574,203
UMCP	Animal Sciences Bldg., Wing 3, Air Handling Units	\$2,750,000
UMCP	School of Public Policy (pre-construction services)	\$170,280
UMCP	Dorchester Residence Hall, Bid Pkgs. 1 and 2	\$7,714,392
UMCP	Brendan Iribe Center, Bid Pkg. 6	\$12,853,204
TU	New Science Bldg., Bid Pkg. 1	\$25,443,782
UB	USPS Replacement Facility D/B, Bid Pkgs. 1 and 2	\$10,758,158
USMO	Biomed Sciences & Engineering Educ. Bldg. @ Shady Grove	\$14,244,105

**PROJECT COMPLETIONS:**

Nine projects for a total cost of \$316.5 million were completed in the six-month period ending January 31, 2018.

UMB	Howard Hall Heat Exchangers	\$1,800,000
UMCP	A. James Clark Hall (aka New Bioengineering Bldg.)	\$168,475,000
UMCP	ERC- Natatorium PoolPak Units Replacement	\$4,000,000
TU	Recreation Bldg., Ph 2 (Add'n to Burdick)	\$42,120,000
TU	Acoustical Improvements Ctr. for Arts Music Dept.	\$1,300,000
TU	Demolish and Replace Glen Towers Pedestrian Bridge	\$1,000,000
SU	Athletic Complex Renovation, Ph 2 thru 6	\$10,752,494
UMBC	Event Center and Arena	\$85,374,000
UMBC	Communications Tower Replacement	\$1,697,500

**PROJECT SCHEDULE:** The attached information includes schedules for ongoing activities in the FY2019 Capital Improvement Program and the FY2018 System Funded Construction Program.

USM PROJECT STATUS REPORT ON MAJOR CONSTRUCTION PROJECTS AS OF JANUARY 31, 2018

STATE-FUNDED CIP PROJECTS											
SYSTEM-FUNDED NON-STATE/AUXILIARY PROJECTS											
Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
UMB	<b>Health Sciences Facility III</b> <i>Architect: Hellmuth, Obata &amp; Kassabaum, DC with Design Collective of MD</i> <i>Contractor: Barton Malow Co., MD</i>	1	305,392,000	State/NBF	5/12	CM-10/12	8/13	2/18	305,392,000	MCCBL 11, 12; 13; 14; 15, 16, 17; Cash	0.00
UMCP	<b>Cole Fieldhouse Conversion/Expansion</b> (aka Human Performance & Academic Research Facility) <i>Architect: Cannon Design, MD</i> <i>Contractor: Gilbane, MD</i>	2/3	195,700,000	State/NBF	6/15	CM-10/15	12/15	12/19	91,515,000	MCCBL 15, 16, 17; Cash	104,185,000
TU	<b>New Science Facility</b> <i>Architect: Cannon Design, MD</i> <i>Contractor: Whiting Turner, MD</i>	1	183,819,000	State/NBF	8/14	CM	10/17	8/20	47,850,000	MCCBL 12,16,17; Cash	135,969,000
USG	<b>Biomed Sc. &amp; Eng. Ed. Facility</b> <i>Architect: Cooper Carry, Inc. of Georgia</i> <i>Contractor: Gilbane Bldg. Co., MD</i>	1	162,481,000	State	5/14	CM	6/16	1/19	139,367,000	MCCBL 13, 14, 15, 16, 17	23,114,000
UMCP	<b>Brendan Iribe Ctr. for Computer Science</b> <i>Architect: HDR Architecture, MD</i> <i>Contractor: Whiting Turner, MD</i>	1	152,250,000	State/NBF	1/15	CM	6/16	8/18	145,450,000	Cash; MCCBL 16, 17	6,800,000
UMBC	<b>Interdisciplinary Life Sc. Bldg.</b> <i>Architect: Ballinger, PA</i> <i>Contractor: Whiting Turner, MD</i>	1	124,747,000	State	4/15	CM- 4/15	5/17	4/19	57,989,000	MCCBL 14, 15, 16, 17	66,758,000
TU	<b>Union Addition/Renovation</b> <i>Architect: Design Collective, MD</i> <i>Contractor: Barton Mallow, MD</i>	2/3	108,770,000	SFCP	12/16	CM	10/18	8/20-Add'n 8/21-Renov	47,670,000	38th, 39th Bond Resolutions	61,100,000
UMCP	<b>New Residence Hall (900 beds)</b>	1	97,000,000	SFCP	2/18	D/B	9/18	4/20	23,500,000	39th Bond Resolution	73,500,000

BOR Finance Committee - Public Session

Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
UMES	School of Pharmacy and Allied Health	1	86,351,000	State	9/17	CM	1/20	1/22	6,548,000	MCCBL16, 17	79,803,000
FSU	Education and Health Sciences Center	1	83,185,000	State	6/18	CM	8/20	8/22	3,500,000	MCCBL16, 17	79,685,000
USM	Southern MD Regional HEC <i>Architect: Cooper Cary Inc., GA</i>	1	81,961,000	State/NBF	8/16	CM	6/18	5/20	7,261,000	MCCBL 13,14,15,16; Cash	74,700,000
UMB	Central Electric Substation and Electrical Infrastructure Upgrades <i>Engineer: RMF Engineering, Inc., MD</i>	5	78,951,000	State	3/17	GC/CM	7/18	1/26	6,890,000	MCCBL16:17	72,061,000
UMCP	School of Public Policy Bldg. <i>Architect: Leo Daly, DC</i> <i>Contractor: J. Vinton Schafer, MD</i>	1	45,000,000	State/NBF	6/17	CM	6/18	6/20	3,360,000	Cash, MCCBL 17	41,640,000
CSU	Percy Julian Bldg. Renovation for the College of Business	3	43,231,000	State	11/18	CM	11/20	7/22	1,336,000	MCCBL 17	41,895,000
UMCP	Replace North Dining Hall	3	36,750,000	SFCP	2/18	D/B	9/18	4/20	2,000,000	39th Bond Resolution	34,750,000
FSU	New Residence Hall	1	36,580,000	SFCP	5/17	D/B	7/18	3/20	3,698,000	Cash	32,882,000
TU	Residence Tower Renovation <i>Architect: Design Collective, MD</i> <i>Contractor: Turner Construction, MD</i>	3	33,860,000	SFCP	7/15	CM- 10/15	11/16	3/18	33,860,000	37th, 38th, 39th Bond Resolutions, Cash	0.00

BOR Finance Committee - Public Session

Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
UB	<b>Langsdale Library Renovation</b> <u>Architect: Behnisch Architekten, Boston</u> <u>Contractor: Plano-Coudon, MD</u>	3	23,825,000	State/NBF	6/14	CM	6/16	4/18	23,825,000	MCCBL 13,14,16; 17; Cash	0.00
UB	<b>Replace USPS Maintenance Facility</b> <u>Contractor: Whiting Turner, MD</u>	3	13,180,000	SFCP	8/15	D/B	9/17	7/18	13,180,000	Cash	0.00
UMCP	<b>Dorchester Residence Hall Renovation</b> <u>Architect: RCG, MD</u> <u>Contractor: Quandel/J. Vinton Schafer, MD</u>	3	10,300,000	SFCP	8/16	On-Call CM	12/17	7/18	10,300,000	38th Bond Resolution	0.00
UMCP	<b>School of Public Health Labs and Studios Renovation</b>	3	9,210,835	SFCP	8/16	CM	2/18	9/18	9,210,835	Cash	0.00
TU	<b>Glen Dining Hall Renovation</b>	3	8,800,000	SFCP	1/18	GC	1/19	1/20	8,800,000	Cash	0.00
SU	<b>Severn Hall Architectural Renovation</b> <u>Architect: Ayers St. Gross, MD</u>	3	8,000,000	SFCP	8/16	GC	2/18	8/18	8,000,000	Cash/Bonds	0.00
UMCP	<b>HJP Wing 2 Mech Rm.</b> (part of Campuswide Bldg. System and Infrastructure Improvements) <u>Architect: Design Collective, MD</u> <u>Contractor: J. Vinton Schafer, MD</u>	5	6,600,000	State	11/15	CM-12/15	6/18	5/19	6,000,000	MCCBL 14; FR	600,000
BSU	<b>Marshall Library HVAC Improvements, Ph 1</b>	5	4,900,000	SFCP	3/18	TBD	10/18	12/19	4,900,000	Cash	0.00
TU	<b>Glen Plaza Renovation</b>	5	4,400,000	SFCP	8/18	TBD	5/20	7/21	4,400,000	Cash	0.00

BOR Finance Committee - Public Session

Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
SU	<b>3D Arts Building Renovation</b>	3	4,400,000	SFCP	3/18	GC	12/18	8/19	4,400,000	Cash	0.00
UMB	<b>Elevator/Fire Alarm Improve. in Various Garages</b> (including Pearl St. Garage) <i>Architect: UMB in-house design</i> <i>Contractor(s): Maranto &amp; Sons, QSS, Brawer Builders, Emjay of MD</i>	3	4,130,000	SFCP	7/13	GC, D/B	1/14	1/19	4,130,000	35th Bond Resolution	0.00
UMCP	<b>Main Administration South Wing Renovation, 1st &amp; 2nd Flrs.</b> <i>Architect: Marshall Craft Assoc., MD</i> <i>Contractor: Kinsley Construction, PA</i>	3	4,056,146	SFCP	1/14	On call CM	1/17	2/18	4,056,146	FR, Cash	0.00
UMB	<b>HSFIII Generator</b> <i>Architect: HOK w/Design Collective</i> <i>Contractor: Barton Malow of MD</i>	5	4,000,000	SFCP	4/14	CM	11/16	2/18	4,000,000	Cash	0.00
UMB	<b>620 West Lexington St., 6th Fl Renovation for Facilities Mgmt. Offices</b> <i>Contractor: North Point Builders, MD</i>	3	4,000,000	SFCP	7/17	D/B	7/17	3/18	4,000,000	Cash	0.00
BSU	<b>New Parking Lot (400 cars)</b> <i>Architect: WBCM, Maryland</i>	5	3,500,000	SFCP	2/18	TBD	1/19	9/19	3,500,000	Cash	0.00
UMCP	<b>Animal Sciences Wing 3 Replace Air Handlers</b> (part of Campuswide Infrastructure Improvements) <i>Architect: Kibart, MD</i> <i>Contractor: Maryland Mechanical, Inc.</i>	5	3,400,000	State	9/16	On-Call GC	10/17	9/18	3,400,000	MCCBL 13, 14	0.00
UMBC	<b>Stadium Improvements</b>	4	3,200,000	SFCP	5/18	CM	4/19	2/20	3,200,000	Cash	0.00

BOR Finance Committee - Public Session

Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
UMB	<b>Howard Hall/Bressler Research Bldg. Substation</b> <i>Engineer: RMF Engineering, MD</i>	5	3,000,000	SFCP	8/17	GC	1/19	9/20	3,000,000	Cash	0.00
UMB	<b>Health Sciences Facility I - Cooling Tower Replacement</b> <i>Engineer: MS Engineering, MD</i> <i>Contractor: Emjay Engineering, MD</i>	5	2,900,000	State/NBF	6/14	GC	3/17	9/18	2,900,000	CFR/Cash	0.00
UMCP	<b>Chemistry Wing 2 AHU Replacement</b>	5	2,500,000	SFCP	6/17	GC	4/18	9/18	2,500,000	Cash	0.00
UMCP	<b>CASL Replacement Two Chillers</b>	5	2,308,160	SFCP	7/17	GC	2/18	5/18	2,308,160	Cash	0.00
UMB	<b>Emergency Exit Upgrades</b>	5	2,300,000	SFCP	4/18	In House	7/18	2/21	2,300,000	Cash	0.00
UMB	<b>Howard Hall Exhaust System</b> <i>Architect: BKM of MD</i>	5	2,000,000	SFCP	4/18	GC	7/18	8/19	2,000,000	Cash	0.00
UMCP	<b>CASL 2 Chiller Replacement</b>	5	1,908,160	SFCP	7/17	On-Call GC	12/17	5/18	1,908,160	Cash	0.00
UMB	<b>Bressler Research Bldg. - 9th Fl. Renovation</b> <i>Architect: UMB In-house design</i> <i>Contractor: Emjay Engineering, MD</i>	3	1,900,000	SFCP	6/16	GC	3/17	4/18	1,900,000	Cash	0.00
UMCP	<b>Mitchell Infrastructure Renovation</b>	5	1,832,000	SFCP	11/15	TBD	8/18	3/19	1,091,500	FR	740,500

BOR Finance Committee - Public Session

Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
UMB	108 N. Greene Street Chiller Replacement	5	1,800,000	SFCP	8/18	D/B	9/18	12/19	1,800,000	Cash	0.00
UMCP	Mowatt and Union Lane Garages Renovation	5	1,770,000	SFCP	4/18	D/B	5/18	8/18	1,100,000	Cash	670,000
UMCP	Relocate Tennis Courts (Cole spin off project) <u>Architect:</u> Wallace Montgomery & Associates, MD	3	1,650,000	State	7/15	GC	7/17	11/17	1,650,000	Cole Spin Off Project, Cash	0.00
UMCP	Campus Creek Restoration <u>Architect:</u> A. Morton Thomas, MD <u>Contractor:</u> Meadville Land Services, Inc., PA	5	1,495,000	State; Grant; NBF	6/15	TBD	6/18	10/18	1,495,000	Cash; FR	0.00
UMB	Biomedical Research Bldg. Air Handler <u>Contractor:</u> Min Engineering, MD	5	1,400,000	SFCP	10/17	GC	9/18	7/19	1,400,000	Cash	0.00
UMB	Medical School Teaching Facility - Replace Condensate Removal System <u>Engineer:</u> RMF Engineering, MD <u>Contractor:</u> Emjay, MD	5	1,400,000	SFCP	8/16	GC	9/17	6/18	1,400,000	Cash	0.00
UMB	HS/HSL Cooling Tower Replacement <u>Architect:</u> RMF Engineering, MD <u>Contractor:</u> Boland, MD	5	1,400,000	SFCP	6/17	GC	3/18	5/19	1,400,000	Cash	0.00

Institution	Project	Code	Estimated Total Cost	Budget Designation	Design Start	Delivery Method	Construction Start	Substantial Completion	Total Appropriations To-Date	Funding Source	Future Funding Requirements
UMB	<b>737 Lombard St. Elevator Replacement</b> <i>Consultant: Ashland Industrial</i> <i>Contractor: Delaware Elevator</i>	5	1,200,000	SFCP	9/16	GC	7/17	9/18	1,200,000	Cash	0.00
UMB	<b>School of Pharmacy HVAC Fan Coil Units/Heating &amp; Cooling Piping Replacement</b> <i>Architect: Burdette Koelher, Murphy &amp; Associates, MD</i>	5	1,200,000	SFCP	1/18	GC	1/19	7/20	1,200,000	Cash	0.00
Total Program (State and non-State/ Auxiliary)			\$2,009,893,301	Estimated Economic Impact (full-time jobs):			7,537	Jobs supported by the capital program per DBM formula of 7.5 FTE direct (construction-related) jobs per \$1M investment divided by a rough average duration of construction from award through completion of 2 years			

Codes: 1 New facility      Total cost:      Total estimated project cost including planning, construction & equipment.  
 2 Addition/Expansion/Extension      Start design:      Date of BPW approval of architect/engineer.      CM = Construction Management  
 3 Renovation or Replacement      Construction Start:      Date of BPW approval of contractor.      D/B = Design/Build  
 4 Alterations and Addition      Completion:      Date of substantial completion/beneficial occupancy.      GC = General Contractor  
 5 Infrastructure      OCGC = On-Call General Contractor

KEY      NBF = Non-budgeted funds; MCCBL = State General Obligation Bonds; AFBA = Academic Revenue Bonds (approved by State); FR = Facilities Renewal  
 USM Bonds = USM Auxiliary Revenue Bonds; CASH = Institutional funding, including cash and plant funds