

# GLOSSARY

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# Faculty Handbook Glossary

**Academic Clemency** – Students who leave the university with a poor academic record are eligible to request that a course(S) be removed from attempted hours (AHRs), earned hours (EHRs), quality hours (QHRs) and the grade point average (GPA calculations).

**Academic Misconduct** – this act is intended to foster student academic integrity and to address cases of student academic misconduct which may include, but are not limited to lying, cheating, plagiarism, and misappropriation of course-based intellectual property.

**Accrued or Acquired Paid Leave:** Annual and personal leave available for use under USM BOR policy II-2.40 – Policy on Annual Leave for Faculty, holiday leave for holidays observed during FML, sick leave available for use under USM BOR policy II-2.30 – Policy on Sick Leave for Faculty Members, and accident leave.

**Admitted (Matriculated) Students** - Students admitted to the University, attending full- or part-time, pursuing a bachelor's degree. They are either in good academic standing or on academic probation.

**Admission Revoked Students** - Students on probation who fail to return to good standing or who fail to meet the criteria which allows them to remain on probation will have their admissions revoked and their academic standing changed to restricted status.

**Alternative Position:** A position to which an Eligible Faculty Member may be reassigned temporarily during a period of intermittent or reduced schedule FML. The alternative position shall have equivalent benefits and pay to the position from which the Eligible Faculty Member was reassigned.

**Arbitrary/Capricious Grading** – the assignment of a course grade to a student on some basis other than performance in the course, by unreasonable application of standards different from the standards that were applied to other students in that courses or by a substantial and unreasonable departure from the instructor's initially articulated standards.

**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.

**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.

**Cheating** – the act of wrongfully using or attempting to use unauthorized materials; information; study aids or the ideas or work of another in order to gain an advantage.

**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) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time FML commences. The son and/or daughter may be the biological, adopted, step or foster child of the Eligible Faculty Member.

**Closed Site** - A program offered for a particular organization or constituency that is not open to the general public, e.g. military base, hospital, or business organization.

**Collegial Leave** - A form of collegially supported leave in which the colleagues of the faculty member,

on a voluntary basis, assume responsibilities for an absent member's classes and other essential functions, in addition to carrying on their regular work.

**Commercial venture** - a start-up company, limited partnership, joint venture or any other entity that has obtained an option or a license to university technology.

**Confidential Disclosure Agreement** - An agreement or section of an agreement that prevents parties to the agreement from releasing knowledge or information without the other's permission.

**Copyright** - The intangible property right granted by statute for an original work fixed in a tangible means of expression. A copyright provides the owner with the following exclusive rights over a work: to reproduce, to prepare derivative works, to distribute, to perform publicly, and to display publicly. Copyright comes into existence immediately at the time the work is fixed in a tangible means of expression.

**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.

**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.

**Creative works** - "Original works of authorship" that are fixed in a tangible form of expression that may be protected by copyright. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories: (1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works.

**Creator** - Refers to an individual or group of individuals who make, conceive, and reduce to practice, or otherwise make a substantive intellectual contribution to the creation of intellectual property. "Creator" follows the definition of "inventor" used in U.S. patent law and the definition of "author" used in the U.S. Copyright Act.

**Credit by examination** – it provides undergraduate students with opportunities to earn up to sixty semester credit hours by examination.

**Creditable Sick Leave** is leave that is accrued during the course of the faculty member's service and, subject to the conditions described in Section III.C of this policy, may be credited toward the faculty member's service for retirement benefit purposes.

**Disclose** - Formally record the essence of a potentially patentable concept, the circumstances in which it was conceived, the persons participating in the invention, and the steps taken to reduce it to practice, if applicable, in accord with the requirements of U.S. patent law for establishing precedence.

**Dismissed Students** - previously-enrolled students who are no longer allowed to attend the University (for at least five years).

**Eligible Faculty Member:** An employee who is covered under the provisions of USM BOR policy II-1.00 – University System Policy on Appointment, Rank, and Tenure of Faculty. See FMLA policy for complete details. See FMLA policy for complete details.

**Equivalent Position:** A position at the Institution to which a Faculty Member may be Restored upon the completion of the FML. 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.

**Emeritus** – a title of distinction conferred upon retiring faculty who normally have completed at least ten years of meritorious service to Salisbury University.

**Equity or equity shares** - Shares of common or preferred stock, warrants, options, convertible instruments, units of a limited partnership, or any other instruments conveying ownership interest in a commercial venture, or options or rights to purchase an ownership interest.

**Essential Employees** – those in positions that have been designated as vital to the operation of the facility, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well being of the campus population and/or physical plant.

**Exigency** - 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). See FMLA policy for complete details.

**Final Thirty Hours** – Students must take 30 of their last 37 hours at Salisbury University (special cooperative programs accepted).

**First sale** - The principle that gives the purchaser of a copyrighted work the right, among other things, to lend it to others.

**Ghost policy** – Instructors of courses that have reached maximum enrollment may drop from their rosters any student during the drop/add period based on their class sessions and enrollment notification submitted by the student.

**Golden Identification Card Program** – eligible senior citizens may apply for the card and may be used throughout the University System and may be entitled to attend student events as determined by the institution.

**Harmful interest** - means an interest which is found to be so influential as to imply partiality in the conduct of the research, the interpretation of the results of the research, and/or the determination of research or other professional and employment priorities.

**Health Care Providers -**

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, nurse midwives, clinical social workers, and physician assistants, who are authorized to practice under the law of the state or country in which they are practicing and are performing within the scope of their practice. See FMLA policy for complete details.

**Home Institution** - The institution that the student is currently, admitted and is enrolled as an undergraduate degree candidate.

**Host Institution** - The institution at which the student is registered to pursue courses through the inter-institutional registration program.

**Immediate Family Member:** The Faculty Member's Parent, Spouse, or Child.

**Inclusive Language** – using generic masculine words or titles to refer to all persons, and using terms or expressions that reinforce demeaning attitudes or assumptions about persons or groups without regard to race, color, religion, national origin, sex, age, marital status, disability, or sexual orientation.

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

**Institution** - means each constituent institution of the System, University System of Maryland Administration, the University of Maryland Biotechnology Institute, the Center for Estuarine & Environmental Studies, and any other Unit of the System that the chancellor shall designate.

**Institution under FMLA** - The employing USM institution; the USM institution from which the Faculty Member is taking leave.

**Integrity** – a principle which permeates all the activities of the university and guides the behavior of faculty, students and staff.

**Intellectual property** - The intangible value developed by human creativity that is protected by the legal mechanisms of patents, trademarks, copyrights, service marks, trade secrets, mask works, and plant variety protection certificates. Rights derived from legislation include ownership and disposition, including commercialization. Intellectual property encompasses inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data, and other creative or artistic works that have value. It also includes the physical embodiments of intellectual effort such as models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions or matter, plants, and records of research.

**Invention** - any discovery which is or may be patentable or which may be commercially licensable.

**Liberal Leave** – president or designee may declare liberal leave for non-essential employees who fail to report to work, who are late or choose to leave early due to inclement weather shall be excused. Such excused absence must be charged to appropriate paid or unpaid leave.

**License** - A contract in which an intellectual property owner grants permission to exercise one or more of the rights that an owner holds.

**Lying** – communicating untruths or withholding information as part of an investigation, or in order to gain an academic advantage.

**Mask work** - A series of related images representing a predetermined, three-dimensional pattern of metallic, insulating, or semiconducting layers of a semiconductor chip product.

**Material Transfer Agreement** - A contract covering transfer of physical possession and use of tangible research property into or out of the university.

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

**Misappropriation of Course-Based Intellectual Property** – the act of intentionally taking the intellectual property of faculty or others, and/or the sale or distribution of class notes, tests, assignments or class projects for profit, either directly or through a third party, without the express consent or permission of the faculty member or lecturer, or without documentation to demonstrate the need for such accommodations.

**Nepotism** – a relationship in which one family member reports to another family member, or one family member otherwise participates directly in making personnel decisions regarding another family member.

**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. See FMLA policy for complete details.

**Non-Creditable Leave** - Collegially supported sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.

**Off-Campus Program** - Any program delivered in any format to a site other than that of the main campus of the institution offering the program.

**On-Campus Program** - Any program offered in any format by a USM institution at its own main campus.

**Open Site** - A program site that is open to the general public, i.e. access to program offered at an open site is not restricted to members of any particular group or organization.

**Parent:** 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."

**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 eighteen (18) years of age.

**Patent** (U.S. only) - The intangible property right to exclude others from making, using, offering for sale, or selling the invention in the United States or importing the invention into the United States. In order to obtain patent protection, an invention must be useful, novel and unobvious.

**Plagiarism** – student presents information, material, thoughts or ideas from another source as if he/she owned it or without giving appropriate attribution by adding quotation marks or indentation on that page.

**Plant variety protection certificate** - Registration under the Plant Variety Act of 1970 that protects sexually propagated cultivars that are distinctive, uniform and true breeding.

**Program** - A sequence of courses that leads to the awarding of an approved degree or certificate.

**Proprietary Information or materials** - unclassified information or materials that can be made public or that can be disseminated only with the approval of an individual or organization external to the University System of Maryland.

**Relationship** - means any interest, service, employment, gift, or other benefit or relationship with an entity that would be prohibited by **Title 15, Subtitle 5** of the State's Public Ethics Law if not disclosed and approved pursuant to this policy and procedures adopted pursuant to it. "Relationship" includes any relationship of the spouse or other relative of an officer or employee if such a relationship creates restrictions on the officer or employee under the conflict of interest provisions of the Ethics Law.

**Removal for Cause** – president of the university may terminate the appointment of library faculty with permanent status for cause. Cause shall include moral turpitude, professional or scholarly misconduct, incompetence, and/or willful neglect of duty, provided that prior to the termination necessary steps are taken.

**Research or development** - means the basic or applied research or development, and includes the development or marketing of university-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

**Restricted Status Students** - previously-admitted students who have been dismissed because of poor academic performance and who are no longer degree-seeking students. These students are allowed to register as non-degree students and are limited to 8 credits per semester.

**Restore(d) or Restoration:** A return to the position held by the Faculty Member when FML commenced or to an Equivalent Position.

**Royalty** - Payment made to an owner of intellectual property for the privilege of practicing a right held by the owner of the intellectual property under applicable law.

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition of the Faculty Member or an Immediate Family Member that involves See FMLA policy for complete details.

**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.

**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.

**Students in Good Academic Standing** - students who’s SU cumulative GPA’s are at least 2.0. Students who are not in good academic standing are either on academic probation or on restricted status.

**Students on Academic Probation** - students who are not in good academic standing but who are still admitted and pursuing degrees. Such students have academic (and other) limitations placed upon them.

**Tangible research property** - Includes the physical embodiments of intellectual effort such as models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research. Tangible research property is distinct from intangible properties such as patents, trademarks, copyrights, service marks, trade secrets, mask works, and plant variety protection certificates. Individual items of tangible research property may be associated with one or more intangible properties.

**Trade dress** - Distinctive and unique packaging, color combinations, building designs, product styles, and overall presentations identifying the source, product, producer, or distributor of goods and services where the appearance distinguishes the product or business from other similar products or businesses but is not distinctive or specific enough to be considered a trademark.

**Trademarks and service marks** - Distinctive words or graphic symbols identifying the source, product, producer, or distributor of goods and services.

**Tuition** - The price students pay for their education, including those mandatory fees that do not fund auxiliary enterprises or other self-funded activities.

**Twelve- (12-) Month Period – 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 (12) months. See FMLA policy for complete details.

**Undergraduate Non-Degree Students (UND)** - Students who usually pursue one or two courses for personal or professional development and are not assigned an advisor.

**University Closings** – the University closes prior to the start of classes and/or an employee’s work day/shift, non-essential employees, except those on previously approved leave, are considered to be on administrative leave.