



Faculty Handbook

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CHAPTER 1: MISSION STATEMENT AND INTRODUCTION

1.1 Mission Statement

Tulane's purpose is to create, communicate and conserve knowledge in order to enrich the capacity of individuals, organizations and communities to think, to learn and to act and lead with integrity and wisdom.

Tulane pursues this mission by cultivating an environment that focuses on learning and the generation of new knowledge; by expecting and rewarding teaching and research of extraordinarily high quality and impact; and by fostering community-building initiatives as well as scientific, cultural and social understanding that integrate with and strengthen learning and research. This mission is pursued in the context of the unique qualities of our location in New Orleans and our continual aspiration to be a truly distinctive international university.

1.2 Introduction

Tulane University is a community dedicated to excellence in the pursuit of knowledge through superior teaching and research, distinguished professional accomplishment, and leadership in education on the regional, national, and international levels. Its status as a privately endowed, non-sectarian educational institution, the quality of its faculty and student body, and its reputation support this mission. This Handbook is intended as a general guide to the policies and operation of Tulane University. For detailed, comprehensive information on the constitutions of the faculties, the regulations of departments, and matters such as benefits, faculty members should refer to the offices of their dean, their department chair, and the Office of Human Resources. The information in the Handbook is current at the date of its issuance, but much of it is presented in summary form, and nearly all of it is subject to amendment.

Tulane's graduate and professional programs are concentrated in those areas where it carries on superior teaching and research. In order to maintain and increase a high level of institutional distinction, Tulane strengthens its undergraduate and graduate programs by the judicious application of human and material resources in those disciplinary and interdisciplinary areas where it currently enjoys distinction or is on the threshold of attaining distinction. The guiding principle of academic distinction to be considered in the expansion or initiation of fields is the same as that followed in promotion and tenure procedures for the faculty, where the criteria dictate rigorous evaluation to assure high standards of quality.

Tulane's beginnings date back to 1834 when a group of New Orleans physicians founded the Medical College of Louisiana. By 1850, the college had merged with the public University of Louisiana; a law school had been added; and an academic department, the forerunner of Newcomb-Tulane College, had been established. The University was reorganized as the private, non-sectarian Tulane University of Louisiana in 1884, when Paul Tulane gave the school its first endowment, and since that time has been governed by a self-perpetuating Board of

Administrators. In 1886, Mrs. Josephine Louise Newcomb founded Newcomb College, the first degree-granting coordinate women's college in the nation, as a memorial to her daughter Harriott Sophie.

Since then, more schools and colleges were incorporated. The undergraduate programs in Architecture, Business, Liberal Arts, Science and Engineering, and Public Health and Tropical Medicine reside under one undergraduate college, Newcomb-Tulane College. Graduate programs are offered in these disciplines as well as Law, Medicine, and Social Work. Master and doctoral programs in liberal arts, the sciences, and engineering, are administered through the academic departments. The School of Professional Advancement offers courses in applied programs designed for working adults.

From the construction of the first building of the Medical College of Louisiana in 1843, the campus continued for half a century on Common Street between University Place and Baronne Street. In 1894, a new 110-acre campus was established in residential uptown New Orleans. In addition to the uptown campus, the University maintains a downtown health sciences campus, the F. Edward Hebert Research Center in nearby Belle Chasse, the Tulane National Primate Research Center near Covington, Louisiana, and satellite sites for Professional Advancement classes in suburban New Orleans and Biloxi, Mississippi.

Since the 1960's, the University has grown rapidly in size and importance. It prides itself upon its selective undergraduate admission, its demanding and diverse curriculum, and its distinguished graduate and professional schools. Building on its strength as a center for international studies, Tulane continues to attract outstanding international students and scholars to study and teach here. Its stature as an international center of scholarship is a particular source of pride for the University.

CHAPTER 2: ORGANIZATION OF THE UNIVERSITY

2.1 The Board of Administrators

<https://tulane.edu/about/leadership-and-administration/board-tulane>

The governing and policy-making authority for the University is vested in a group of trustees incorporated under the title of the Administrators of the Tulane Educational Fund and commonly referred to as the Tulane Board.

The Board's authority regarding the University is derived from Act 43 of the Louisiana General Assembly (Legislature) of 1884, which was confirmed in a general election as an amendment to the state constitution. Act 43 of 1884 provides "That the Board of Administrators of the University of Louisiana shall hereafter consist of seventeen Administrators of The 'Tulane Educational Fund,' or such greater numbers as the Administrators shall, from time to time, determine by suitable provision in their bylaws, with power, perpetually, to fill any vacancy in their own number; with the addition of the Governor of the State, the Superintendent of Public Education, and the Mayor of the City of New Orleans as ex-officio members of said Board." In practice, the ex-officio members do not take part in the Board's activities. The act specified that this new Board should have "full direction, control and administration of the University...in all its departments." The name of the institution was then changed to the Tulane University of Louisiana.

Administrators elected after October 28, 2005 are elected for a term of three years, and except for the Administrators elected pursuant to Sections 3 and 4 of Article I of the bylaws, may be re-elected to three additional three-year terms. Members who have served four terms to completion are eligible for re-election for one additional three-year term after two years, provided that no one may serve more than 15 years. The term of office of the Chair is automatically extended to coincide with this Administrator's term as Chair. Administrators who attain the age of 75 retire and are appointed as Emeritus members of the Board.

Section 3 of Article I of the bylaws provides that one of the Administrators is chosen by the Board of Administrators from a list of three nominees submitted to the Board of Administrators by the Board of Directors of the Tulane Alumni Association. This Administrator serves for a term of three years and is not eligible for re-election. Section 4 of Article I of the bylaws provides that the individual who serves as President of the University serves as a member of the Board of Administrators during that individual's term as President and has all the voting privileges of membership.

In addition to the Board of Administrators, in which all corporate powers of corporation are exclusively vested, there is also a Board of Administrators (Emeritus). The Board of Administrators (Emeritus) is composed of persons who have served as elected Administrators for four three-year terms or who have retired as elected Administrators upon attainment of age 75. Emeritus Administrators are eligible to serve on committees of the Board, to attend all meetings of the Board and committees to which they are assigned, participate in discussions and enjoy all

other prerogatives of office of the Administrators; they have the right to vote and be counted in the determination of quorums at committee meetings, but not at meetings of the Board. Emeritus Administrators are not eligible to serve as chair of any standing committees.

Under a resolution of the Administrators, faculty, students, staff and the Alumni Association may have appointed representatives who may attend meetings of the Board and have the privileges of the floor, but may not vote. Under a resolution of the Administrators, "faculty, student, alumni or staff delegates to the Board may be invited to meetings of the Executive Committee of the Board when the Chairperson of the Board determines that the opinions of such delegates would be helpful in arriving at decisions on matters to be considered at such meetings."

Most official Board actions are taken at regular meetings. The duties of the Administrators, however, entail extensive work by committees, including:

- (a) The Executive Committee, comprising the officers of the Board, the Chairs of standing committees, and not more than two at-large members, meeting in those months in which regular Board meetings are not held.
- (b) Standing committees in the areas of academic affairs, audit, board governance, compensation and personnel, development, endowment management, finance, Health Sciences, intercollegiate athletics, physical plant and campus development, student affairs and ad hoc committee on honorary degrees.

2.2 The President's Cabinet

president.tulane.edu/office/leadership

Chaired by the President, the Cabinet consists of the senior leadership of the university who advise the president on important matters pertaining to the management, operations and policies of Tulane University and the implementation of its strategic goals.

The President is the Chief Executive Officer of the University. Elected by the Board of Administrators, the President has general responsibility for the management of the University and exercises the authority, including all appointments within the University, as delegated by the Board. The President also makes recommendations to the Administrators on matters requiring Board action or approval. The President presides over the University Senate and confers academic degrees on candidates recommended by the faculties.

The Senior Vice President and Chief Operating Officer is responsible to the President for managing the university's business, operating, and financial affairs. S/He provides oversight of all financial areas of the University. Together with other members of the President's Cabinet, the Chief Operating Officer recommends to the President the proposed annual budget for presentation to and approval by the Board of Administrators. S/He has overall supervision of the Controller, Treasurer, Internal Audit, and the operations of the University's physical plant, facilities management, campus development, public safety, emergency preparedness, insurance and risk management, dining, mail and contracted services, and workforce management.

The Senior Vice President for Academic Affairs and Provost is the chief academic officer of the University and is responsible to the President for the administration of the entire academic program of instruction and research. Working with deans and executive directors of academic centers and institutes, s/he oversees faculty affairs, student affairs, research initiatives and administration, libraries and museum collections, institutional research and the Center for Public Service. Academic initiatives are presented by the Provost to the Board of Administrators for approval.

The Senior Vice President for Advancement is responsible to the President for areas of fundraising, and alumni affairs. As chief development officer, s/he serves as the key liaison with the Board of Administrators on all University development.

The Senior Vice President and Dean, School of Medicine is responsible to the President for programs in medical education and medical research at the School of Medicine and the Tulane National Primate Research Center. S/He also manages the clinical enterprise with Tulane University Health Center and other research partnerships.

The Senior Vice President for Strategic Initiatives and Institutional Effectiveness is responsible to the President, and oversees university communications. S/he works closely with the Provost on innovative initiatives, particularly the use of digital technologies to enhance the classroom experience and online education.

The Senior Vice President, Secretary of the University, and Chief of Staff serves as senior staff to the University President, oversees the operation of the President's Office and the President's Cabinet, and implements presidential decisions. In addition, s/he is responsible to the President for government affairs and the Board of Administrators.

The General Counsel is responsible to the President for the administration of all legal affairs and institutional compliance with federal and state regulations. S/He oversees issues related to equal opportunity and privacy and contracting.

The Vice President for Student Affairs and Dean of Students is responsible to the senior vice president for academic affairs and provost for oversight of student resources and support services, housing and residence life, campus recreation, student health and wellness, campus life, including fraternity and sorority programs, student programming, and multicultural life.

The Vice President for Enrollment Management is responsible to the President and senior vice president for academic affairs and provost for oversight of the complete admission process for full-time undergraduates. S/He is also manages the university registrar and financial aid.

The Chief Investment Officer is responsible to the President for managing all aspects of the University's endowment and related assets.

The Director of Athletics is responsible to the President for oversight of the day-to-day operations of the Department of Intercollegiate Athletics. Coaches and trainers prepare student athletes for competition in NCAA Division 1 programs. In addition to on-field play, s/he manages sport facilities, media relations, ticket operations, and develops fundraising opportunities to support capital improvements and student athletic scholarships.

2.3 The University Senate

senate.tulane.edu

The University Senate is the principal agency through which members of the faculty influence policies and operation of the University as a whole. Voting membership in the Senate consists of the following:

- (a) Ex-Officio Senators - The President of the University, who is ex-officio Chair of the Senate; the Vice Chair and the Secretary (elected by the Senate from its faculty membership); the Executive Vice President for University Relations and Development; the Senior Vice President for Academic Affairs and Provost; the Senior Vice President and Dean, School of Medicine; the Senior Vice President for Operations and Chief Financial Officer; the Deans of each academic constituency; and the President of the Associated Student Body.
- (b) Elected Faculty Senators - From one to seven Senators from each academic constituency, depending upon the size of its full-time faculty. Senators are apportioned as follows:
 - 1) fewer than 6 full-time faculty - one Senator
 - 2) 6 to 49 - two Senators
 - 3) 50 to 99 - three Senators
 - 4) 100 to 149 - four Senators
 - 5) 150 to 199 - five Senators
 - 6) 200 to 299 - six Senators
 - 7) at least 300 - seven Senators
- (c) Elected Student Senators - Two students, elected from the student body of the undergraduate constituencies and two students, elected from the student body of the other academic constituencies.
- (d) Senators at Large - Eight members, elected annually by the Senate, from a slate of full-time faculty members (ordinarily Chairs of Senate Committees) submitted by the Committee on Committees.
- (e) Staff Senators - Three staff senators, consisting of the Chair of the Staff Advisory Council and two others elected by the Staff Advisory Council.

The Senate Constitution states its powers and jurisdiction as follows:

- 1) The Senate may make recommendations on all matters of general University concern.
- 2) While the Senate recognizes the autonomy of the academic constituencies of the University in matters of their special concern, it reserves the right to review any actions of those academic constituencies which affect the University as a whole.

- 3) New academic policies of general University concern, or changes in current academic policies of general University concern, shall be submitted to the Senate for its consideration.
- 4) The Senate may request necessary budget information in order to implement its jurisdictional responsibilities.

The Senate maintains a communication link with the Board of Administrators in the form of three Faculty Representatives to the Board, elected by the Senate to staggered three-year terms. These representatives attend the regular quarterly meetings of the Board of Administrators and have privileges of the floor, but not of voting.

The Senate functions largely through standing and ad hoc committees, which recommend action, and in some matters, are empowered to act for the Senate. The standing committees are: Academic Freedom and Responsibility of Students; Assessment; Athletics; Budget Review; Committees; Educational Policy; Equal Opportunity and Institutional Equity; Faculty and Staff Benefits; Faculty Tenure, Freedom & Responsibility; Honors; Information Technology; Libraries; Physical Facilities; Research; Social Issues; Student Affairs.

The Senate's regular meetings are ordinarily scheduled on the first Monday of each month during the academic year except January.

2.4 Bodies Advisory to the President

The President regularly receives the advice of four standing groups:

The President's Council was created in 1976. The members of the Council serve at the invitation of the President. They are chosen on the basis of their distinguished personal achievements and their awareness of the needs of private higher education, and Tulane University in particular, in its pursuit of excellence. The Council provides the President with advice and support in achieving the goals of the University.

The Administrative Council is chaired by the President and is made up of key academic and administrative leaders who serve in an advisory capacity to the President and the Cabinet. The Council provides a forum for the exchange of information among the university's senior leadership on important institutional issues, policies and strategies.

<http://tulane.edu/about/leadership-and-administration/administrative-council>

The President's Faculty Advisory Committee advises the President on matters of university policy, particularly when subjects of great urgency or delicacy require immediate consultation. The Committee consists of six faculty members, no more than two from a single academic constituency. Each year, two faculty senators are nominated by the elected faculty senators for election by the full Senate to serve for three-year terms. The Vice Chair and the Secretary of the Senate serve as ex-officio members. The Committee elects its Chair annually. It is also responsible for resolving jurisdictional disputes involving other Senate Committees.

The Parents Council, founded in 1980, consists of a select group of parents who have a child currently enrolled in the University. The Council gives the President advice and support on a wide range of subjects, including admissions, financial aid, student life and fundraising.

2.5 College and School Organization

<http://tulane.edu/about/leadership-and-administration/deans>

The dean conducts the affairs of the college or school in accord with the general policies the University. The dean leads the development of the school's programs and is the representative of its faculty to the administration and of the administration to the faculty.

Because schools differ in size, objectives, and methods, there are differences in their forms and procedures pertaining to faculty organization. Each school, in addition to its advisory board, has its own constitution and/or set of rules regarding faculty meetings, curriculum, committees and their functions, teaching loads, academic honors and ceremonies, and other matters. There also are variations in policies regarding consultant services and other outside professional activity, since the nature of such work and its relation to the individual's primary faculty responsibilities differ considerably. Questions in these areas should be addressed to the appropriate dean, department head or chair, or other designated officer.

***CHAPTER 3: FACULTY: ACADEMIC PRACTICES AND POLICIES**

3.1 Statement on Academic Freedom, Tenure, and Responsibilities

The following statement has been approved by the University Senate and by the Board of Administrators.

3.1.1 Preamble

Tulane University, as an institution of higher learning, exists for the pursuit and communication of knowledge. It serves the common good rather than the interest of individual teachers or the University as a whole. The common good depends upon the free search for truth and respect for the individual and the processes by which inquiry and teaching are pursued.

Academic freedom is essential in a university and should apply to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in teaching is fundamental for the protection of the rights of the teacher so far as teaching is concerned and for the student so far as freedom to learn is concerned. Such freedom, of course, carries with it duties and responsibilities which are correlative to these rights. Tenure for faculty members is a means to an end and not the end in itself. It embraces specifically: (1) Freedom in teaching and research and extramural activities; and (2) A sufficient degree of economic security to make the teaching profession attractive to persons of ability. Guarantees of freedom and economic security to faculty members are indispensable to the success of a university in fulfilling its obligations to the students and to society.

Faculty status, including appointments, re-appointments, decisions not to reappoint, promotions, the granting of tenure, discipline and dismissal, is primarily a faculty responsibility. The power of review or final decision should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. The primary responsibility of the faculty for such matters is based upon the fact that judgment of faculty members is central to general education policy. Furthermore, scholars in a particular field or activity have the chief competence for judging work of their colleagues; in such competence, it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees, having a broader charge, such as that assigned to the Senate Committee on Faculty Tenure, Freedom and Responsibility. Determinations in matters of faculty status should first be by faculty action through established procedures with subsequent review by the dean of the appropriate division and other academic officers as are designated by the President of the University with the concurrence of the Board of Administrators.

**Any change to this part requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

3.2 Faculty Membership

The faculty of Tulane University is defined as those engaged in teaching and/or research or creative activity appointed to appropriate faculty status by the Board of Administrators of the University in accordance with the existing policies of the University.

The faculty includes members of the teaching and research personnel holding titles including the following: Professor, Associate Professor, Assistant Professor (including all titles with modifiers such as Clinical, Research, Visiting, Adjunct, etc.), Professor of the Practice, Senior Professor of the Practice, Lecturer, Senior Lecturer, Instructor, and Senior Instructor. The faculty consists of those properly appointed members of the teaching and research personnel holding these tenured, tenure-track, and non-tenure-track faculty titles. The type of appointment of individual faculty is clearly specified in the initial and subsequent appointment letters.

Academic personnel such as graduate assistants (teaching or research assistants), postdoctoral and predoctoral fellows, visiting scholars, artists-in-residence, or administrative faculty are not designated as faculty. However, the same rights and responsibilities associated with academic freedom outlined below are applicable to all academic personnel affiliated with the University.

3.3 Faculty Rights and Responsibilities

3.3.1 Academic Freedom

Tulane University adheres to national standards and procedures concerning the maintenance of academic and professional freedom, academic tenure, and full academic due process. (See also Chapter 4, Faculty Appointments, Promotions and Tenure; Chapter 6, Faculty Grievances; and Chapter 7, Faculty Disciplinary Actions and Dismissals for details as to how this adherence is made specific.)

Tulane University, as an institution of higher learning, exists to sustain the creation, preservation and communication of knowledge. It serves the common good rather than the interest of individual teachers or the University as a whole. The common good depends upon the free search for truth and respect for the individual and the processes by which inquiry and teaching are pursued.

Academic freedom is essential in a university and applies to both teaching and research/creative activity. Freedom in research and creative activity is fundamental to the advancement of truth and artistic achievement. Academic freedom in teaching is fundamental to the protection of the rights of the teacher and the student. It carries with it corresponding duties.

Tenure for faculty members is a means to an end and not the end in itself. It embraces specifically: (1) Freedom in teaching and research and extramural activities; and (2) A sufficient degree of economic security to make the teaching profession attractive to persons of ability. Guarantees of freedom and economic security to faculty members are indispensable to the success of a university in fulfilling its obligations to the students and to society.

Faculty members are entitled to academic freedom in the classroom. They have a corresponding responsibility to state the truth as they see it, and to the exercise of critical self-discipline and judgment in using, extending, and transmitting knowledge. At the same time, the faculty as a whole have a collective responsibility for the curriculum and academic programs. Academic departments or schools may adopt pedagogical, curricular and/or disciplinary standards.

Faculty members are entitled to full freedom in research and/or creative activity and the publication and/or exhibition of results. Academic freedom allows faculty to engage in research, inquiry, study, creative enterprise, and exhibition of the results of scholarly activity unfettered by unreasonable restrictions imposed by the institution. This freedom is consistent with the faculty and administration's role in evaluating scholarship and/or creative activity and in making rules concerning the ownership and conduct of university-related research and creative endeavor.

3.3.2 Academic Responsibilities

The faculty create and enhance the scholarly and artistic excellence of the University. Their importance to the intellectual life of the University and the community at large confers on them, individually and collectively, certain rights and responsibilities to the institution, to their students, and to their respective disciplines.

Faculty status and matters related thereto are primarily a faculty responsibility, as it is the faculty who undertake the processes whereby faculty are appointed; reviewed for reappointment, promotion and tenure; and/or disciplined or dismissed. The primary responsibility of the faculty for such matters is based upon the fact that judgement of faculty members is central to general educational policy and that scholars/artists in a particular field have the chief competence for judging the work of their colleagues, whether positively or adversely. Determinations in matters of faculty status should first be by faculty actions through established procedures and committees of the schools and university. The dean of the school and the Senior Vice President for Academic Affairs, as the designee of the President and the Board of Administrators, will review dossiers forwarded by the faculty committees and, in the case of disagreement, will consult with the appropriate faculty committees prior to the final decision. A final decision contrary to the faculty recommendation should be taken only in exceptional circumstances.

(a) Faculty Activities

Faculty discharge most of their responsibilities through teaching, research and/or creative activity, and service. The percentage of each will vary depending on the needs of the faculty member's academic unit, but it is expected that each tenured and tenure-track faculty member will make a significant contribution in each of the three areas of responsibility. Non-tenure-track faculty will have a different activity profile depending on the needs and expectations of the academic unit in which they serve. The specific nature of a faculty member's teaching, research, and/or service to the University may be adapted in accordance with the demands of the specific academic unit, or the terms of a particular faculty member's established profile, or both, in consultation between each faculty member and the dean or chair of the academic unit. Faculty members may pursue other professional activities, in accordance with the University's conflict of interest policies (See Section 3.7), as long as these endeavors do not interfere with the faculty member's responsibilities to the University.

(b) Teaching

Teaching includes classroom and other instruction of undergraduate, graduate, and professional and post-graduate students, academic advising, preparation, and the direction of research and/or creative activity. Faculty are expected to meet their classes, be accessible to their students through regularly scheduled and sufficient office hours and evaluate and grade student work in a timely fashion. Faculty are expected to teach courses that have been assigned to them. Assignments will be made after consultation with department faculty, on the basis of departmental or school needs. In case of faculty absences for professional reasons, it is incumbent on the faculty member to provide appropriate class coverage. Absences of two consecutive weeks or more require approval by the chair or dean. In addition, in the case of longer term university closures, faculty are responsible for maintaining instructional continuity to fulfill course contact hours through scheduled make up dates or alternative instructional delivery methods as outlined in "Instructional Continuity Policy for University Closures" at <https://academicaffairs.tulane.edu/policies/academic-policies>.

Mentoring is an important component of faculty responsibilities. Depending on the discipline, the research effort and/or creative activity involves the supervision and mentoring of undergraduate students, graduate students and those occupying post-doctoral or other research positions. Such mentoring is also part of a faculty member's teaching effort.

(c) Research and Artistic Work

Faculty are expected to engage in high quality, continuing research or creative activity of a type appropriate for the field, discipline, or interdisciplinary area. Typically, the product of the research effort is publication or its counterpart in the visual and performing arts (performances, exhibitions, and the like). Similarly, depending on the field or discipline, research and creative activity may require considerable effort in the writing of proposals or related endeavors to acquire extramural funding as may be needed to conduct a faculty member's research.

Participation in conferences, professional societies, and peer review panels are common activities. Ultimately, the results of research and creative activity are expected to contribute to the scholar's national and international reputation.

(d) Service

Service includes effort on committees and other activities at the departmental level through the University level. All faculty are expected to fulfill service responsibilities as appropriate to their title and their appointment agreements. Mentoring of junior faculty is a significant service responsibility of senior faculty members. Depending on the field or discipline, service may also include work outside the University.

3.3.3 Professional Rights of Faculty and the Obligations of the University to Protect Them

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach in accord with appropriate standards of scholarly inquiry and artistic expression.

In support of the University's central function as an institution of higher learning, a major responsibility of the administration and the faculty is to protect and encourage the faculty in its teaching, learning, research, creative development, and public service. It is the responsibility of the administration and the faculty to respect and protect faculty rights, including:

1. free inquiry, artistic expression, and exchange of ideas;
2. presentation of controversial material relevant to a course of instruction;
3. enjoyment of protected freedom of expression;
4. freedom to address any matter of institutional policy or action when acting as a member of the faculty, whether or not as a member of an agency of institutional governance;
5. participation in the governance of the University, including
 - a. approval of course content and manner of instruction,

- b. establishment of requirements for matriculation and for degrees,
- c. appointment and promotion of faculty,
- d. selection of chairs of departments and certain academic administrators,
- e. discipline of members of the faculty, and the formulation of rules and procedures for discipline of students in academic matters,
- f. establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement,
- g. determination of the forms of departmental governance, and
- h. evaluation by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

3.3.4 Faculty Ethical Principles

This listing of faculty ethical principles is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. They are drawn primarily from the 1966 Statement on Professional Ethics and its June 1987 revisions, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character and represent objectives toward which faculty members should strive.

Teaching and Students Ethical Principles

“As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.” (AAUP Statement, 1966; Revised, 1987)

In this section, the term student refers to all individuals under the academic supervision of faculty.

Scholarship

Ethical Principles

“Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end, professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Faculty and the University

Ethical Principles

“As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

Faculty and Colleagues

Ethical Principles

“As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987)

Faculty and the Community

Ethical Principles

“Faculty are simultaneously members of the public sphere, of learned professions, and of the University. When they speak as experts, i.e., within their own professional areas, they are entitled to identify themselves as members of the University. When they speak or write as private individuals, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As members of the academic community, they should remember that the public may judge their profession and the University by what they say. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the University in any official capacity.” Faculty Handbook, Chapter 3.2.5 below.

3.3.5 Appointment Letters

Appointment letters shall be issued to all academic personnel, full-time or part-time, by the appropriate University officer, specifying academic rank and title, salary, any change in tenure status, starting and ending dates for all appointments, and any change in the tenure decision date (where appropriate). Any other conditions or limitations of employment also shall be given or incorporated by reference. Offer letters for all faculty are reviewed and approved by the Office of Academic Affairs and Provost. With the exception of nontenure -track appointment letters in the School of Medicine, appointment letters for all faculty shall be reviewed and approved by the Office of Academic Affairs and Provost. Nontenure -track appointment letters in the School of Medicine shall be approved by the Senior Vice President for the Health Sciences.

3.3.6 Additional Professional Activities

Faculty members are citizens, members of learned professions, and officers of an educational institution. When they speak as experts, i.e., within their own professional areas, they are entitled to identify themselves as members of the University. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As educational officers, they should remember that the public may judge their profession and the University by their utterances. Hence, they should always be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the University in any official capacity.

a) Political Participation:

As individual citizens, faculty members are free to engage in political activities, including candidacy for public office. Where necessary, unpaid leaves of absence may be given for the duration of an election campaign or a term of office on timely application, and for a reasonable period of time. The terms of such leave of absence shall be set for in writing (see Section 3.5.9). Such a leave shall not affect the tenure status of a faculty member,

except that time spent on such leave shall not count as probationary service unless otherwise agreed to.

There shall be no restraint upon the partisan political activity of a member of the Tulane faculty, provided that they are acting as a private citizen and scrupulously avoid giving the impression of representing the University.

b) Other Extramural Activities:

Tulane University encourages faculty involvement in outside consulting, research, and professional activities, as well as community service. However, the primary responsibility of a full-time faculty member is to the University. Extramural research and consultation shall be in accord with University policy. Within the limits specified below, such activities provide an opportunity for the professional development of the faculty member and the enhancement of the University's impact beyond the classroom and laboratory. However, the facilities and services of the University may not be used in connection with compensated outside effort except to a purely incidental extent, or for appropriate University-determined compensation and in accord with University regulations, including the University's Conflict of Interest and Conflict of Commitment Policy (see 3.7 below).

As a rule, the maximum expenditure of time on such outside consulting, research and professional activities should not exceed one day per seven-day week during the academic year. The faculty member is expected to inform the dean of the details of any extramural activity. No faculty member should accept employment or carry on professional or business activities that would conflict with Tulane's conflict of interest or conflict of commitment policies or that would interfere with the performance of his or her primary responsibilities of teaching and research.

The University assumes no responsibility for private consulting services, professional, or business activities by faculty members. A faculty member must make it clear to private employers that consulting work is personal and not related to the University and that the name of the University is not to be connected with the service rendered or the results obtained.

A formal agreement must be made between the appropriate university representative and the sponsor for consulting projects requiring the use of university facilities.

3.4 Compensation

3.4.1 Payment of Salaries

Salary payments are made on the last business day of each month. Salary for full-time faculty is paid in twelve installments per year. Faculty with dual appointments or with both teaching and administrative assignments receive single monthly payments covering all compensation. Payment for Summer School teaching is normally made separately, usually with a one-time payment transaction. Please see the web site for Tulane's Human Resources Office for further details: <https://hr.tulane.edu/>

3.4.2 Changes in Compensation

Total University salary includes (a) base salary based on a nine-month academic year or a twelve-month fiscal year period of service (or other period based on individual appointment letters) and (b) can also include supplementary salary or stipends, which are set for a fixed period (one year at a time, unless a different period is specifically stated by appointment letter.)

(a) Supplementary Salary for Summer Teaching

Full-time faculty are given first option to teach courses offered by their departments during the Summer Session(s). Full-time faculty on academic year (9-month) appointments may receive up to 3/9 of their base pay from non-grant funds during the summer months, subject to the approval of their dean.

(b) Supplementary Salary for Summer Research and Other Sponsored Activities.

The United States government and some private agencies do not permit extra compensation or overload payment during the academic year on grants or contracts. No overload payment is permitted for research by faculty with 12-month appointments. For faculty with 9-month appointments, grants and contracts may provide for additional earnings during the summer up to 3/9 of base salary. Payment for more than 11 months service for faculty with 9-month appointments is permitted only when approved by the awarding agency, and the arrangement should be included in the proposal to the government or private agency concerned.

(c) Other Supplementary Salary and Administrative Stipends

Full-time faculty members on 9-month or 12-month academic appointments may receive additional compensation from non-grant funds for additional administrative work during the academic year or fiscal year, respectively, subject to the approval of the Senior Vice President for Academic Affairs and Provost. Typically, no payments for activities that could be considered service to the University will be approved.

Faculty have the opportunity to accept a research or teaching assignment in another division or school for additional compensation upon the approval of the faculty member's home department

chair and dean.

At the time of hire, the Dean may recommend a salary supplement for a faculty member who was a participant in a retirement plan immediately prior to his/her employment with Tulane. The supplemental salary may only continue for a maximum of two years at which time that faculty member will become eligible for the retirement plan. This supplemental salary will not be included in the base salary for calculating other benefits.

(d) Salary increases.

Merit-based increases in the base salary of continuing active faculty are considered annually as part of the salary setting process. University policies and school-based guidelines deal with the merit evaluation of faculty, including the participation of faculty committee(s).

3.5 Academic Leaves of Absence

3.5.1 General

The following section summarizes academic leaves of absence for which faculty members may qualify. A faculty member who has been granted a non-medical leave (sabbatical, research, or other) is expected to return to the University for at least one full year of service, or, for longer leaves, a period equal to the leave taken.

Failure to return to work after one year on leave of absence from duty may be a basis for termination of employment by the President or Senior Vice President for Academic Affairs and Provost without formal proceedings, unless the Senior Vice President for Academic Affairs and Provost approves an extension. Most types of leave are granted for one semester or one year as a maximum.

Faculty anticipating a leave without pay should consult Human Resources for information about the effect of the leave on their benefits.

3.5.2 Sabbatical Leave

Sabbatical leaves are considered to be a privilege of tenure track faculty, not a right, and will be granted only when the University is assured that the leave will not have adverse effects on departmental teaching, administrative responsibilities, or research, including the supervision of dissertations.

Sabbatical leaves may be granted for the primary purpose of enhancing the value of the recipient's further service to the University and his or her profession through study, research, creative activity or publication and/or exhibition undertaken to improve pedagogical techniques, solve administrative problems, or broaden the scope of one's knowledge in their chosen field. Applications for sabbatical leave should be accompanied by a detailed description of the work to be accomplished during the leave, the applicant's curriculum vitae, and a supporting statement from the applicant's chair, stating how teaching duties are to be covered during the leave. The faculty member applying for a sabbatical must submit an acceptable project proposal and submit a report at the end of the sabbatical. All requests for sabbatical must be submitted to the Senior Vice President for Academic Affairs and Provost for final approval. Requests for sabbatical for the following academic year are typically due in the Office of Academic Affairs in the fall semester (due dates are published in the Office of Academic Affairs website: <https://provost.tulane.edu/academic-affairs/policies/sabbaticals>).

Sabbatical leave may be granted to faculty members after either six years or twelve semesters of accrued full-time service at the University. Faculty on any kind of leave of absence do not accrue full-time service towards sabbaticals.

Deans should take into consideration the following factors when making recommendations to the Senior Vice President for Academic Affairs and Provost; they will be directly considered by the Provost in making final decisions on sabbatical requests:

- Ongoing engagement with the scholarly and/or creative enterprise relevant to their discipline
- A definite and well-defined research or study program must be submitted for approval. A candidate should indicate a timetable for completion of the project.
- Sabbatical leave will be allowed for one semester on full salary or one academic year on half salary for each twelve semesters of service.
- A faculty member on sabbatical leave should not engage in other activities for remuneration that would intrude on their sabbatical research and should not receive extra compensation for any additional duties from Tulane (teaching TIDEs classes, other extra teaching, etc.).
- The absence of a faculty member should not jeopardize the academic program of his or her department.
- A final report shall be provided to the dean upon the faculty member's return.
- Benefits shall continue during the paid sabbatical.

A department may recommend to the dean exceptions to these policies, however, to facilitate work or to meet other needs of the department, the school, or the University. Such exceptions must be approved in writing by the Provost.

3.5.2.1 Eligibility

Eligible members include persons in the rank of assistant professor or above or librarians who have completed twelve semesters of full-time service in residence at Tulane prior to the leave.

3.5.2.2 Other conditions

1. A faculty member who has been granted leave of any kind (sabbatical, research, or other) is expected to return to the University for at least one full year of service, or, for longer leaves, a period equal to the leave taken.
2. Because a sabbatical leave is intended to provide the recipient uninterrupted time for research, extramural remuneration for employment during the period of leave is restricted. For a one-semester leave, income from regular employment (e.g., teaching or salaried post in government or private business) shall be deducted from the full-time salary of the leave recipients. For a two-semester leave, income from regular employment shall not exceed one-half of the regular full-time salary of the leave recipient.
3. Normally, sabbatical leave is taken immediately following the period of service to which the leave relates. Sabbatical time does not accumulate if the period between such leaves should be more than six years, e.g., after ten years without a sabbatical, a faculty member remains eligible for no more than one year at half pay or one semester at full salary. On rare occasions when, at the specific request of the dean, a faculty member postpones sabbatical leave for the convenience of the department, an agreement with the dean may be made to bank time toward a future sabbatical. This mutual agreement in writing must be sought by the faculty member before the time is to be banked.

3.5.3 Other Leaves of Absence With or Without Pay (Research, Fellowships, Visiting Professorship, Temporary Employment)

Leave of absence for an academic year or less may be granted to a faculty member to accept a fellowship, visiting professorship, or other temporary appointment. Each case is considered individually. A faculty member granted leave is expected to return to the University for at least one full year of service, or longer, depending on the length of the leave. Ordinarily, no leave of absence for employment elsewhere will exceed one year. The maximum period of such a leave is two successive years. Faculty members who wish to maintain health insurance, group life insurance, and other benefits, including TIAA/CREF payments, should contact the Office of Human Resources to arrange for payments. Such payments are the responsibility of the individual. When a faculty member is successful in obtaining salary support for a semester or a year of scholarly research from funds not administered by Tulane, the University will continue to pay the faculty member's health insurance and group life insurance benefits. A leave of absence is not credited as service toward sabbatical leave.

3.5.4 Indefinite Leave

Both tenured and non-tenured faculty may be placed on “indefinite leave” without duties or pay only as provided by Chapter 7.

3.5.5 Part-Time Leave

The Senior Vice President for Academic Affairs and Provost may grant a short-term partial leave of absence, one or two semesters at proportionate pay for part-time service, to any full-time faculty member. Faculty anticipating a leave without pay should consult Human Resources for information about the effect of the leave on their fringe benefits.

Part-time service to accommodate family responsibilities or as a transition to retirement is provided for in Chapters 10: Non-Academic Leaves of Absence and Chapter 11: Transition from Full-Time Work. Tenured and tenure-track faculty are otherwise on full-time appointments unless extraordinary permission is granted by the Senior Vice President for Academic Affairs and Provost.

3.6 Benefits

<https://hr.tulane.edu/benefits/benefits>

Tulane University offers an extensive array of benefits, which are described in the Human Resources website above. They include various insurance options, retirement plans, tuition waiver program, flexible spending accounts, and other valuable benefits. For benefits-related questions, please contact a Benefits Team member of Human Resources.

Tulane University property is insured for losses due to fire, windstorm, malicious mischief, and flood damage. However, faculty-owned personal property is not covered under the University property insurance; faculty members must confer with their own insurance advisers on ways and means of protecting their personal property including books, equipment, etc. Also, Tulane faculty members are covered while acting within the scope of their employment under Tulane University's liability policy. The Office of Insurance and Risk Management monitors these policies. <https://risk.tulane.edu/>

***CHAPTER 4: FACULTY: APPOINTMENTS, PROMOTION, AND TENURE**

4.1 Faculty Membership

The faculty of Tulane University is defined as those engaged in teaching and research/creative activity appointed to appropriate faculty status by the Board of Administrators of the University in accordance with the existing constitutions of the college, schools, and centers of the University.

4.2 Annual Reviews

Tulane University reviews the performance of all its faculty members (tenure-track, non-tenure track, full time and part time) annually to assess performance and to determine adjustments in salary. Faculty annual reviews highlight achievements and can help faculty to improve performance and/or address deficiencies, thus contributing to overall enhanced excellence. Although each school has specific procedures, annual reviews assess the faculty member's professional trajectory towards meeting the goals set for the position and include a systematic evaluation of the faculty member's performance in the past year, addressing scholarly/creative productivity, teaching, and service, as appropriate depending on appointment responsibilities. The process is internal and relies on department chairs (sometimes with the collaboration of departmental review committees) reporting results to deans. In schools without departments, the dean or their designee is responsible for annual reviews. The results of the annual review process are expected to inform the dean's recommendations to the Senior Vice President for Academic Affairs and Provost of the school's annual salary budget.

4.3 Academic Titles Currently in Use

The titles below are used by all Schools.

4.3.1 Tenured and Tenure-Track (Full-Time)

Assistant Professor:

This is an entry-level position to the tenure-track open to those who hold a Ph.D. or the terminal degree in their field. Candidates for appointment demonstrate promise as a scholar and teacher. The criteria for reappointment include evidence of scholarly and/or artistic achievement, success as a teacher and service to the University.

**Any change to this chapter requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

Associate Professor:

Appointment to this rank is accorded to an individual who has attained scholarly distinction of high quality as demonstrated by scholarly and/or artistic achievement, teaching excellence, service to the University and the profession, and extra-mural support, as appropriate to the field.

Professor:

Appointment to the Rank of Professor is made not merely on the basis of length of service but in recognition of outstanding quality. The title signifies that the holder is an accomplished scholar and/or artist of distinguished achievement who has won national or international standing in his or her field, and a successful teacher with a record of service to the University and the profession and a track-record of extra-mural support, as appropriate to the field.

4.3.2 Non-Tenure Track (Full or Part-Time) (For all Schools except the School of Medicine)**Instructor:**

In most schools, this is an entry-level position for individuals who have not yet completed the terminal degree. Appointments are for no more than three years and may be renewed following appropriate review. In the School of Law, instructors hold the terminal degree and are appointed to the Law School clinics to supervise and assist students in the management of client cases. After completion of a second term and appropriate faculty review, instructors may be promoted to Senior Instructor.

Professor of Practice, Senior Professor of Practice, Lecturer, Senior Lecturer:

For individuals engaged primarily in teaching and teaching-related duties. Professors of Practice /Lecturers typically hold a terminal degree in their field or have appropriate professional experience. Appointments are typically for no more than three years and may be renewed following appropriate review. After completion of a second term and appropriate faculty review, Professors of Practice and Lecturers may be promoted to Senior Professor of Practice /Senior Lecturer and reappointed for five-year terms. After completion of a second term as Senior Professor of Practice /Senior Lecturer and appropriate faculty review, Senior Professors of Practice/Lecturers may be reappointed for seven-year terms.

Clinical Professor (Instructor, Assistant Professor, Associate Professor, Full Professor):

A category of faculty membership in the School of Public Health and Tropical Medicine, the School of Social Work, and the School of Law for individuals engaged in clinical practice, clinical or skills teaching, and/or clinical research who do not have the same research expectations as tenure-track faculty. Clinical professors typically have a terminal degree in their field or appropriate professional experience. Clinical instructors do not have to have a terminal degree but should have appropriate professional experience. Appointments at the level of Instructor or Assistant Professor are typically for no more than three years and may be renewed following appropriate faculty review. Appointment at the level of Associate Professor may be renewed for five-year terms. After two renewals as Associate, seven-year appointments may be issued subsequent to appropriate faculty review. Promotions within the rank are subject to appropriate faculty review and dean and Provost approval.

Research Professor (Instructor, Assistant Professor, Associate Professor, Full Professor):

For individuals engaged primarily in conducting research, usually with external funding. Research Professors (at any rank) are generally not expected to undertake regular service and/or teaching responsibilities. Appointments are typically for no more than three years and may be renewed following appropriate faculty review.

University Professor

A title awarded very selectively to individuals whose accomplishments in the public sphere bring special recognition to Tulane University. University Professors engage renowned public leaders and artists with Tulane's teaching and research missions. The title is bestowed upon the

recommendations of the President in recognition of a uniquely distinguished record of achievement. University Professors may teach at graduate and undergraduate levels, conduct research and/or creative activity and share their expertise with the greater Tulane community. University Professors do not receive and are not eligible for tenure. University Professors are typically appointed for five-year terms, renewable upon appropriate faculty review.

4.3.3 Non-Tenure Track (Full -Time) (For the School of Medicine)

4.3.3.1 Tracks

Full Time non-tenure track faculty in the School of Medicine are typically appointed to one of the following tracks: Research, Clinical, or Education. Faculty in these tracks can hold the titles of Instructor, Assistant Professor, Associate Professor and Professor. While all faculty in the SOM generally engage in the three missions (scholarship, education, and service), non-tenure track faculty in the School of Medicine are expected to undertake responsibilities identified for their particular track. Additionally, faculty may be appointed to non-tenure tracks that do not require scholarship including the Instructional track and Clinical Professor of Practice track. Appointments to one of these non-tenure tracks are typically

- a) Clinical Track: This track is for faculty with a majority of effort in provision of high-quality clinical care (human or animal) in the chosen specialty.
- b) Research Track: This track is for faculty with the majority of effort in scientific investigation including but not limited to basic research, clinical research, translational research, population and social science research, and/or novel applications of existing methods and/or technologies. Faculty members in this track are expected to have extramural support for their research activities.
- c) Education Track: This education track is for faculty who spend the majority of their effort on educational activities and who view education as their primary academic focus. Educational activities are broadly defined as including: didactic teaching of students, residents, clinical fellows, research fellows and peers; research training and mentorship; clinical teaching and mentorship; and, administrative teaching leadership roles at Tulane and its affiliates.
- d) Instructional Track: Faculty on the Instructional track can hold the titles of: Instructor, Senior Instructor, Professor of Practice, Senior Professor of Practice, Lecturer, and Senior Lecturer. Instructors on this track have appropriate professional experience and may engage in teaching or clinical service; a terminal degree is not required; appointments are normally for one year. After appropriate faculty review, Instructors may be promoted to Senior Instructor. Professor of Practice, Senior Professor of Practice, Lecturer, and Senior Lecturer are appropriate titles for individuals engaged primarily in teaching and teaching-related duties. Professors of Practice/Lecturers typically hold a terminal degree in their field or have appropriate professional experience. Appointments are for no more than three years and may be renewed following appropriate review. After completion of a second term and appropriate faculty review, Professors of Practice/Lecturers may be promoted to Senior Professor of Practice/Senior Lecturer and reappointed for five-year terms. After completion of a second term as Senior Professor of Practice/Senior Lecturer and appropriate faculty review, Senior Professors of Practice/Senior Lecturers may be reappointed for seven-year terms.
- e) Clinical Professor of Practice Track: This track is for community-based clinicians who focus their contributions on the clinical service mission in provision of high-quality clinical care (human or animal) in their specialty. Faculty in this track have terminal degrees and can hold the titles of: Clinical Instructor of Practice; Clinical Assistant Professor of Practice; Clinical Associate Professor of Practice; Clinical Professor of Practice.

4.3.4 Visiting Faculty (Lecturer, Professor of the Practice, Assistant Professor, Associate Professor, Professor)

This category of faculty membership is for individuals with the terminal degree or appropriate professional experience on temporary appointment. Appointment to the visiting ranks is normally made for no more than two years but may be renewed for an additional third year by permission of the Senior Vice President for Academic Affairs and Provost. If a visiting faculty member receives a tenure-track faculty appointment at Tulane, the period of the visit may be counted as part of the probationary period, at the discretion of the dean of the school and in negotiation with the faculty member.

4.3.5 Part-Time Faculty (Adjunct)

4.3.5.1 Part-Time Faculty (Adjunct) (For all Schools except the School of Medicine)

Individuals with part-time appointments; rank will be determined by the dean upon the recommendation of the department and with the approval of the Senior Vice President for Academic Affairs and Provost. Appointment to adjunct faculty ranks may also be used for academically qualified persons employed by the University for administrative duties or for faculty members whose primary appointment is in another department or school. Individuals may serve as adjunct faculty for an unlimited time through successive reappointments, so long as their teaching is part time. The University does not guarantee continuity of appointment for any person in the adjunct faculty. Part-time is defined as teaching no more than 6 credit hours per semester (12 credit hours per academic year) for 9 month-appointment faculty.

4.3.5.2 Part-Time Faculty (Adjunct) (For the School of Medicine)

Individuals with part-time appointments in the School of Medicine; rank will be determined by the executive committee upon the recommendation of the department and the personnel and honors committee of the School of Medicine and with approval the Senior Vice President for the Health Sciences and notification to the Senior Vice President of Academic Affairs and Provost. Appointment to adjunct faculty ranks may also be used for academically qualified persons employed by the University for administrative duties or for faculty members whose primary appointment is in another department or school. Individuals may serve as adjunct faculty for an unlimited time through successive reappointments, so long as their effort is part-time. The University does not guarantee continuity of appointment for any person in the adjunct faculty. Part-time is defined in the School of Medicine as less than 100% full-time equivalent. The modifier “Clinical” is used as a prefix for part-time clinical faculty in their primary department. The modifier “Adjunct” is used as a prefix for part-time and secondary appointments for non-clinical faculty and as a prefix for secondary appointments for clinical faculty.

4.3.6 Voluntary Faculty (Adjunct; Part-time non-paid)

Title used in the School of Medicine for individuals who volunteer their services to the school. The modifier Adjunct is used in addition to the appropriate title (Professor, Associate Professor, Assistant Professor, and/or Instructor).

4.3.7 Affiliated Academic Staff (Non-Faculty Titles)

Artist in Residence, Scholar in Residence, Writer in Residence, and Visiting Scholar:

For individuals of special expertise, renown, or promise who come to the university on a temporary or long-term basis and who are not members of the faculty. May be paid and/or unpaid.

Postdoctoral Fellows:

For individuals who come to the university to train with and/or do research with a faculty member for a specific period of time. May also involve teaching duties. See the Postdoctoral Fellows Handbook. Postdoctoral Fellows are neither faculty nor staff.

Assistant Research Fellow, Associate Research Fellow, Senior Research Fellow:

For individuals who come to the university to participate in the research enterprise, typically funded by external grants. All are staff positions.

Research Scientist 1, Research Scientist 2, and Senior Research Scientist:

All are staff positions.

Teaching Assistant, Research Assistants:

For students registered in a degree program at the university. Neither is a faculty position.

Administrative Assistant Professor, Administrative Associate Professor, or Administrative Professor:

For full-time administrators who ordinarily have the terminal degree in their field and continue to engage in faculty activities, specifically, teaching, academic advising, and research and publication. All are staff positions.

4.3.8 Emeritus/Emerita Faculty:

See Chapter 11.

4.3.9 Special Designations

a) Honorary Named Professor or Chair:

The Board of Administrators names certain professorships for a benefactor or for individuals important in Tulane's history. Such names are usually applied to a full professorship but may be given at another rank.

b) Distinguished Professor:

Title is reserved for faculty members of extraordinary achievement whose scholarly or creative accomplishments have earned them substantial recognition from their academic peers. The title is bestowed by the Trustees of the University, upon the recommendation of the University President, in recognition of a uniquely distinguished record of scholarship, research, or artistic achievement. It transcends departmental and disciplinary lines, allows the designated individual the greatest latitude in teaching, writing, and scholarly research or creative activity, and provides them with a university-wide platform for continued accomplishment. To be eligible for appointment as a Distinguished Professor a faculty member must hold the rank of professor with tenure at Tulane University or have been recommended for tenure at that rank in accordance with the University's promotion and tenure policies and procedures and have an outstanding record of scholarly or creative accomplishment that establishes him or her at the front ranks of university faculty nationally and internationally.

4.4 APPOINTMENTS

4.4.1 Authorization for New Appointments to the Faculty

Before a formal search can begin for a person to fill a faculty position, authorization in writing must be obtained from the dean of the school and from the Senior Vice President for Academic Affairs and Provost and/or the Senior Vice President for the Health Sciences for appointments in the School of Medicine as appropriate. A position is not authorized in any given department simply because a faculty member from that department has left. Authorization for a faculty position is terminated when the position is vacated or is not filled in the year in which it is budgeted. A position may be carried over to a new budget year only by specific authorization. All position authorizations, including renewal, must be determined in connection with school-wide and University-wide authorizations.

A national search is required for all new tenure track and full-time non-tenure track appointments to the Tulane faculty. When a department or school receives authorization from the dean and the Senior Vice President for Academic Affairs and Provost to appoint a new faculty member, the department chair or dean must appoint a Search Committee. The search committee must follow all procedures currently mandated by the Office of Academic Affairs and the Office of Equal Opportunity & Resolution Management. The committee shall develop a hiring plan, addressing strategies for generating a diverse pool of candidates and publicly advertise all new positions and use other appropriate methods of candidate solicitation. Announcements describing the position should be sent to those institutions of higher education or other sources that are likely to provide suitable candidates. Announcements describing the post should also be sent to appropriate professional societies and organizations including those representing minorities and women. In filling all faculty positions, as well as in all other University hiring, Tulane is an Equal Opportunity Employer. All employment and hiring practices must be in accord with relevant federal regulations and must follow the Equal Opportunity Policy of Tulane University. Deans of the schools and the Office of Equal Opportunity & Resolution Management have detailed information concerning the requirements for compliance.

The recommendation for hiring must be approved by the faculty of the department/area/unit, the dean and the Senior Vice President for Academic Affairs and Provost and/or the Senior Vice President for the Health Sciences for appointments in the School of Medicine as appropriate. The search committee must document its process, indicating the creation of prioritized short lists (e.g. top 10, top 5), interviews conducted and its rationale for the selection of the individual recommended for appointment.

4.4.2 Conditions of Appointments

The conditions of each appointment, including salary, rank, term of appointment, and tenure (or expected third-year and promotion and tenure review dates) shall be stated and confirmed to the faculty member in writing by the dean of the school and approved by the Senior Vice President for Academic Affairs and Provost and/or the Senior Vice President for the Health Sciences for appointments in the School of Medicine as appropriate. Any subsequent extensions or modifications of an appointment shall be stated and confirmed in writing by the dean of the school and the approval of the Senior Vice President for Academic Affairs and Provost and/or the Senior Vice President for the Health Sciences for appointments in the School of Medicine as appropriate.

Each person appointed to the faculty of a school shall be considered a member of the faculty of the University. The track and rank of all faculty members shall be available to the Tulane community.

Each school shall determine the qualifications required of the respective faculty (within the guidelines established in Section 4.3 of this chapter), apply its own rules for determining voting rights and apply its own standards of professional qualification for appointments and promotions (within the parameters established in Section 4.5 of this chapter).

4.4.3 Terms of Appointments

There are two kinds of faculty appointments: term-delimited non-tenure track and tenured/tenure track.

a) Term-Delimited Non-Tenure Track Appointments:

Other than visiting faculty (as defined above in Section 4.3), term-delimited appointments may be renewed upon performance review. These appointments may be full or part time (adjunct) and for service during the academic or fiscal year (9 or 12 month). The reappointment process shall include faculty review and are subject to the rules and practices of each school and, where appropriate, the approval of the Office of Academic Affairs and Provost and/or the Senior Vice President for the Health Sciences for appointments in the School of Medicine as appropriate. If the term-delimited appointment is for three years or more, the faculty member will have one year's notice before his or her employment is terminated. All other terms of appointment and reappointment are subject to the rules and practices of each school and the Office of Academic Affairs and Provost.

b) Appointments to Tenure-Track and Tenured Ranks:

Full-time tenure-track and tenured faculty appointments are for service during the academic or fiscal year (9-12 months).

Faculty members in their probationary period are appointed for specific terms (one to three years), in accordance with the practices of their school.

4.4.4 Joint Appointments

Tulane University welcomes work that crosses traditional disciplines, departments, schools, and centers/institutes. It encourages the appointment of individuals to the faculties of two or more schools, departments or centers/institutes concurrently when the appointee will make a significant contribution to undergraduate and graduate programs, research programs and/or administrative responsibilities in each of the schools, departments, and/or centers/institutes in which a joint appointment is made. [Note: joint appointments are distinct from courtesy adjunct appointments in secondary departments or schools.]

Joint appointments are available at all ranks and in all tracks, but in the tenure track, they are typically appropriate for associate and professor level appointments.

When a joint appointment of a new member of the faculty is anticipated, the initiating school or department must seek the participation of the proposed second school, department and/or center/institute in the search for candidates. Joint appointments require approval through the normal appointment procedures of schools, departments, and centers/institutes.

Appointment letters for joint appointments must clearly state the process to be used for the individual's promotion, salary recommendations, teaching, research, leaves, voting rights, committee responsibilities, and all other matters relating to that person's professional activities. The appointment letter must also specify the extent of the individual's responsibilities to each of the schools, departments, and/or centers/institutes for such matters; the arrangements for consultation concerning the individual's assignments; and the percentage of the individual's salary that will be paid by each school, department, and/or center/institute. When a significant portion of the faculty member's salary comes from one of the units, yearly consultation on salary recommendations for increases are required. The faculty member's title in each school/unit will be the same.

4.5 Length of Appointments

4.5.1 Probationary Period for Tenure-Track Faculty

The purpose of the probationary period is to provide opportunity for demonstration of the suitability of the appointee for an appointment with permanent tenure at Tulane University.

The probationary period shall not exceed seven years (except as provided for approved extensions of the probationary period, see 4.5.2).

Appointment during the probationary period shall be for a period of one to three years, in accordance with the practices of each school.

Prior Service: Any credit for full-time teaching done at Tulane University or at any other accredited institution of higher education and/or relevant prior experience may be negotiated at the time of hire. The probationary period agreed to must be stated in writing in the letter of appointment at the time of the tenure-track hire.

Tenure Decision Date: The tenure decision date is twelve months before the expiration of the probationary period. The date must be specified in the letter of appointment.

Annual Review: Like all faculty, probationary faculty should be assured that his or her record will be reviewed annually by his or her academic unit(s) according to known and established procedures. The review procedures shall include the participation of members of the department or unit, if appropriate, and the dean of the school. The nature of these procedures shall be specified in the guidelines for faculty evaluation developed within each school/unit. There will be a particularly thorough review midway in the probationary period, typically in the third year.

See Section 4.5 below.

4.5.2 Extension of the Probationary Period

Chapter 10, Academic and Work-Life Balance, provides for excluding a certain amount of time in rank from the normal probationary period (“stopping the clock”), which has the effect of adjusting the tenure decision date.

As distinct from the circumstances outlined in Chapter 10, if unforeseen and uncontrollable circumstances, such as a fire in his or her laboratory, prevent a faculty member from conducting and completing his or her research, he or she may also request a one-year extension of the probationary period. The faculty member must submit the request, in writing, to the department and it must be approved by the Office of Academic Affairs upon the recommendation of the dean of the school. If the request is supported, the extension will be granted subject to the following conditions:

The probationary period may be extended for a maximum of two years under the provisions of this chapter and any other policies, including those in Chapter 10.

No extension of the probationary period will be granted during the academic year in which an academic review (third year review or tenure review) is to take place. If the faculty member has satisfactorily met the standards set for third year review, the request for an extension of the probationary clock will be considered.

No request for an extension of the probationary period can be made under this provision if the semester scheduled for initiation of the tenure review process has begun.

If a faculty member goes on leave during his or her probationary period there should be an agreement in writing between the faculty member and the dean (or other appropriate administrative officer of the university) before the beginning of the leave stating whether the leave time extends the remaining probationary period. If such an agreement is not executed in writing, the time of the leave will be counted as probationary time.

4.5.3. Administrative Suspension of the Tenure Probationary Period

The tenure clock for faculty in the clinical departments of the School of Medicine may be suspended to take into account special programmatic duties for a maximum of three years. This requires a written agreement to suspend the clock between the faculty member and the chair of the department. The Personnel and Honors Committee, the Dean, and the Vice President for Academic Affairs and Provost must approve this agreement in writing.

The maximum cumulative time that can be suspended or excluded from the probationary period for the reasons outlined above is three years.

The agreement to exclude time from the tenure clock is to be made prospectively and must be done before the end of the fourth year of faculty service on the tenure clock.

4.5.4 Terms of Employment for Non-Tenure Track Faculty

Non-tenure track faculty are appointed to fixed-term contracts that must specify the starting and ending dates of the appointment and any duties of the appointment beyond the responsibilities stated in Chapter 3 and in school guidelines. The date on which each appointment ends shall be specified in the appointment letter and any subsequent reappointment letter. Such a letter also constitutes adequate notice of non-reappointment, and the appointment will expire at the end of its term, unless there is written renewal.

A signed copy of the non-tenure track faculty member's acceptance of the position must be filed with the dean prior to commencement of employment.

Non-tenure track faculty appointments do not lead to consideration for tenure.

4.5.5 Limits on Appointments

No more than 25% of a school's full-time faculty (with the exception of the School of Professional Advancement) will consist of Professors of Practice, Senior Professors of Practice, Lecturers, or Senior Lecturers in each academic year.

4.6 Conditions of Tenure

An appointment with tenure may be made with the first appointment to the faculty of Tulane University or it may follow a probationary period as defined in Section 4.5.1 above.

Tenure confers on its bearer the right to hold his or her position with pay until retirement, subject to the extraordinary conditions identified in 4.6.1 below. See also Chapter 7, Faculty Conduct, Corrective Actions, and Dismissals.

The President is empowered by the Board of Trustees to take action relating to appointments, promotions, demotions, dismissals and assignments to indefinite leave, of all personnel holding tenured positions as defined herein. In such actions, the President is advised by the Senior Vice President for Academic Affairs and Provost and the appropriate University committees and may delegate his or her authority to the Senior Vice President for Academic Affairs and Provost.

4.6.1 Termination of Tenure

An appointment with tenure shall be terminated only for the following reasons:

- a) For cause as outlined in Chapter 7, Faculty Conduct, Corrective Actions and Dismissals.
- b) By extraordinary circumstances caused by financial exigency.
- c) By the bona fide discontinuance of a program or department of instruction.
- d) By incapacity for a major and indefinitely continuing medical reason, when, because of a disability, a faculty member is not qualified to perform the essential functions of their job with or without reasonable accommodations.

4.6.1.1 Terms and Conditions

The terms and conditions of the latest consummated appointment shall not be modified without the consent of the faculty member except for extraordinary circumstances caused by financial exigency, bona fide discontinuance of a program or department of instruction, incapacity for a major and indefinitely continuing medical reason, or for cause as outlined in Chapter 7.

4.6.2 Termination of Tenure Due to Financial Exigency

The Faculty is primarily responsible for realizing the core mission of the University, teaching and research. Accordingly, terminations of faculty due to a condition of financial exigency should be considered only as a last resort. Any terminations must be measured against the potential effects on the University's reputation and the subsequent impact on recruitment and retention of both students and faculty. Procedures for terminations must strive to protect tenure, a necessary condition of the academic freedom essential to the advancement of truth and unhindered creativity in teaching and research.

Ultimate authority for declaring a state of financial exigency and for the measures adopted to alleviate it rests with the Board of Administrators, based on its fiduciary responsibility. Stated below are procedures and policies to ensure faculty involvement in potential faculty terminations. The Board of Administrators, in consultation with the President and the Faculty Committee on Financial Exigency, may alter the deadlines for various actions set forth below.

- a) Formation of a special Faculty Committee on Financial Exigency (FCFE).
In anticipation of a state of financial exigency that might result in faculty dismissals, the President shall call together a special senate committee as a Faculty Committee on Financial Exigency (FCFE), consisting of the President's Faculty Advisory Committee and the faculty members (who are not administrators) of the existing Senate Committees on Educational Policy and Budget Review to represent the faculty in the decision-making process and consult on actions to deal with the situation.
- b) President presents case for financial exigency to FCFE.
At the outset of the crisis the President shall present to the FCFE explicit evidence of the severity of the financial condition of the University. The FCFE shall review the evidence and transmit to the Board as soon as possible but within 15 days from the date that the President has presented the above information to FCFE, either: 1) an endorsement of the President's assessment of the situation; or 2) its own assessment, explicitly stating its point(s) of disagreement with the President. The Board shall not make a determination on financial exigency until it has received the report from FCFE or the 15 days have elapsed. These proceedings and resulting document(s) shall be considered private unless the President and the FCFE both agree to make all or portions of them public.
- c) President presents remedies to FCFE.
In the event that the Board of Administrators declares a state of financial exigency, the President shall as soon as possible but within 15 days from that declaration, present to the FCFE a report on the administration's plan, covering the full range of cost-saving measures it proposes and an estimate, with as much specificity as possible under the circumstances, of the anticipated savings to be achieved through possible program or faculty terminations, if any. The FCFE shall review the administration's report and transmit to the Board within as soon as possible but within 15 days of receipt of the President's report, either: 1) an endorsement of the administration's plan; or 2) its own assessment, explicitly stating its point(s) of disagreement with the plan. These proceedings and resulting documents shall be considered private unless the President and the FCFE both agree to make all or portions of them public.
- d) President notifies FCFE and affected Schools.
As soon as possible, but within 15 days of the adoption of a program by the Board, the President shall inform the FCFE and the School(s) in which terminations of faculty are to be made. Any affected School will have 30 days to respond with recommendations to the President as to other cost-saving options that may be available to it, short of faculty terminations. All schools should establish internal procedures/policies to respond to such a contingency. If the School does not respond within 30 days, the President shall be entitled to act. If the School does respond, the President shall consider the School's recommendation before taking further action.

Whenever possible, dismissals should proceed from non-tenured to tenured faculty. However, consideration of program accreditation and integrity, mission criticality, and strategic priorities may affect specific terminations.

Before the administration issues notice to a faculty member of its intention to terminate his or her appointment because of financial exigency, the institution will make every effort to place the faculty member concerned in another suitable position within the University.

4.6.3 Termination due to Discontinuation of a Program or Department

Termination of a tenured/tenure track appointment or of a non-tenure track appointment before the end of the specified term may occur as a result of a bona fide formal discontinuance of a program or department of instruction.

The decision to discontinue a program or department of instruction will be based upon educational considerations, as determined primarily by the faculty. (Educational considerations do not include cyclical or temporary variations in enrollment.)

Faculty members in a program or department being considered by the dean(s) for discontinuance for educational considerations will promptly be informed of this activity in writing and provided at least 30 days in which to respond.

A recommendation to discontinue a program or department of instruction must be approved by the dean and the majority of the voting faculty of the school or schools involved. It must also be reviewed and approved by the University Graduate Council (if appropriate) and the Senate Committee on Educational Policy (CEP). The program or department affected has the right to participate in the CEP process. Final approval shall be granted by the Senior Vice President for Academic Affairs and Provost.

Before the administration issues notice to a faculty member of its intention to terminate an appointment because of discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position within the University.

A faculty member may contest a proposed relocation or termination resulting from a discontinuance of a program or department of instruction and has the right to a full hearing before the Senate Committee on Faculty, Tenure, Freedom and Responsibility. The issues in such a hearing may include the institution's failure to satisfy any of the conditions outlined in this section. In the hearing, a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues, including the faculty member's appointment, will rest on the administration.

4.6.4 Notice of Termination of Appointment

In every case of financial exigency or discontinuance of a program or department of instruction, the faculty members concerned shall be given the lesser of the salary equivalent to the balance of their employment appointment or severance salary for twelve months.

If an appointment is terminated before the end of the appointment period because of financial exigency or because of the discontinuance of a program of instruction, the terminated faculty member's place shall not be filled by a replacement within a period of two years following the effective date of termination, unless the terminated faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

Twelve months' notice and/or twelve months' severance pay does not apply to terminations for cause as outlined in Chapter 7.

4.6.5 Termination for Medical Reasons

Termination of a tenured appointment or of a probationary appointment before the end of the appointment period, for medical reasons shall be based upon clear and convincing medical evidence for a major and indefinitely continuing medical reason, when, because of a disability, a faculty member is no longer qualified to perform the essential functions of their job with or without reasonable accommodations. At the request of the department chair and/or dean of the school, the Senior Vice President for Academic Affairs and Provost will make the final recommendation. The terminated faculty member has the right to appeal the termination through the Senate Committee on Faculty Tenure, Freedom and Responsibility.

4.7 Evaluation, Reappointment and Promotion of Tenure-Track and Tenured Faculty

4.7.1 Third Year (Midpoint) Review

Faculty appointed to the tenure track shall have an intensive midpoint review (“third year review”) during their probationary period, typically in their third year. Each school must develop specific guidelines for these reviews that include a rigorous assessment of the faculty member’s research and/or creative activity, teaching and service as well as their progress toward tenure. The tenured faculty of the department and/or school, the school’s academic review committee, and the dean of the school make recommendations to the Senior Vice President for Academic Affairs and Provost who makes the final decision. Before making a final decision, the Provost will discuss the case with the school’s dean and academic review committee in situations where the review has produced conflicting outcomes.

In the case of joint appointments, the two (or more) units will schedule a joint unit level meeting (the first level dossier reviewers of each unit) to discuss the case and establish any additional procedures, if necessary. Each department/school will then proceed with their normal processes for “third year review.” Each department/school will forward their recommendations to both schools’ Promotion and Tenure Committee. The Promotion and Tenure Committees will hold a special joint meeting to discuss and make a recommendation on the case. This recommendation will be forwarded to each dean. The deans will add their own recommendations and forward the dossier to the Senior Vice President for Academic Affairs and Provost.

If the review indicates satisfactory progress, the faculty member shall receive detailed feedback of the dossier from the dean and/or department chair in writing.

If the review indicates that the faculty member has not made satisfactory progress toward tenure, the faculty member shall be notified that the appointment will terminate at the end of the following academic year (or within twelve months for mid-year hires).

4.7.2 Tenure and Promotion Review

During the year before their tenure decision date, faculty on the tenure track will undergo a rigorous review for consideration of tenure and promotion to Associate Professor. A similar review is undertaken for promotion to Full Professor.

4.7.2.1 The Dossier

The dossier should present the evidence gathered by both internal and external peer review of a candidate's fitness for tenure, or for appointment or promotion as associate or full professor. It should include an assessment of the case by relevant departmental/area faculty, school committees, and the dean. With internal candidates for tenure and promotion, only tenured faculty with a higher rank than the candidate may participate in the review. For external candidates, only tenured faculty with rank equal to or higher than the rank of the candidate being considered may participate in the review for appointment, but only tenured faculty with an equal or higher rank than the one being proposed may participate in the review for tenure. In other words, for an appointment of an external candidate as Professor with tenure, Associate Professors and Professors may participate in the appointment decision, but only Professors in the department/unit may participate in the tenure/title decision. Candidates for promotion and tenure should submit their curriculum vitae and a personal statement outlining their accomplishments and goals in teaching and research and candidates for appointment from outside the University should do so whenever feasible. The teaching record should be accompanied by evaluations of classroom instruction and all other pedagogical activity. External letters of evaluation should be solicited from leading experts in the field chosen for their competence to judge the candidate's academic and, where appropriate, professional qualifications (to be documented by inclusion in the dossier of biographical information); whenever possible, such experts should be full professors at research universities, but it is recognized that the relevant expertise may be found at other institutions and at other ranks as well. Although some of the reviewers may be selected from a list of names provided by the candidate, most should neither be from that list nor have a close personal or professional relationship with the candidate. The dossier must include all letters of evaluation received, as well as information on all those asked to give an evaluation that did not do so. Each school must develop specific and detailed guidelines and timetables for dossier preparation and evaluation.

4.7.2.2 Evaluation Process

Evaluation of each faculty member shall be made at the time of consideration for tenure and promotion to Associate Professor and/or promotion to Professor. The quality of the faculty member's work is to be assessed by a careful and thorough review by the faculty member's colleagues in the department, school, and discipline(s), the dean of the school, and the Senior Vice President for Academic Affairs and Provost. Before making a final decision, the Provost will discuss the case with the school's dean and academic review committee in situations where the review has produced conflicting outcomes.

In the case of joint appointments, the units involved will schedule a joint departmental level meeting (the first level dossier reviewers of each unit) to discuss the case and establish any additional procedures, if necessary. Each department/school will then proceed with their normal processes for promotion and tenure or promotion to full professor reviews. Each department/school will forward their recommendations to both school's Promotion and Tenure Committee. The Promotion and Tenure Committees will hold a special joint meeting to discuss and make recommendations on the case. These recommendations will be forwarded to each dean. The deans will add their own recommendations and forward the dossier to the Senior Vice President for Academic Affairs and Provost.

If the evaluations are positive, the faculty member shall receive a notification from the Senior Vice President for Academic Affairs and Provost on behalf of the President and the Board of Administrators stating the new status. If the decision is negative, the faculty member shall receive timely notice, as specified in Section 4.7.2.3 below, that his or her appointment of employment with the University will not be renewed. In the case of negative decisions, the faculty member shall have the right to request reconsideration (based on new evidence) as outlined in each school's Promotion and Tenure policies. The faculty member also has the right to pursue a grievance as outlined in Chapter 6.

If a formal review of a faculty member for promotion to Associate Professor and tenure has not been initiated by the beginning of the specified year as described above, or if formal tenure review has not been initiated by nine months before the Tenure Decision Date, it is the duty of the faculty member to bring this to the attention of the Senior Vice President for Academic Affairs and Provost by written notice. The Provost shall then notify the appropriate school to commence the review procedure. There is no such thing as de facto tenure or tenure by default.

4.7.2.3 Non-Reappointment for Tenure-Track Faculty

In the case of non-reappointment of a tenure-track faculty member, the faculty member shall receive notice of non-reappointment, in writing, at least twelve months before the expiration of the appointment after two or more years at the University as an Assistant Professor.

If the result of a formal review is to deny promotion and tenure, the faculty member shall be offered a terminal year of employment. Faculty may seek reconsideration in the terminal year in accordance with the policies of individual schools. They may also appeal such decisions, as outlined in Chapter 6.

In the case of non-reappointment or terminal year notice, during this period the faculty member will continue to receive his or her full salary and benefits, but the faculty member's responsibilities may be altered by mutual agreement between the faculty member and the University. Alternatively, the Senior Vice President for Academic Affairs and Provost may authorize early termination of the faculty member's performance of duties; in such a case, the faculty member will receive compensation equivalent to salary for the notice period.

4.7.2.4 Timing

Tenure and promotion ordinarily will occur on July 1 or January 1 for mid-year appointments, after approval by the Senior Vice President for Academic Affairs and Provost and approval by the Board of Administrators. In the School of Medicine, tenure and promotion reviews are conducted year-round.

4.8 Evaluation, Reappointment, and Promotion of Non-Tenure Track Faculty

1. The University has no obligation to renew a non-tenure track faculty appointment after its expiration and subject to applicable accreditation requirements.
2. Notice of non-renewal is not required for appointments of fewer than three years.
3. University policies and unit-specific guidelines approved by the Senior Vice President for Academic Affairs and Provost address the question of review and recommendation procedures for appointment, review, reappointment and/or promotion of non-tenure track faculty.
4. Procedures for appointment, reappointment and promotion shall provide thoroughness and documentation sufficient for evaluation of the suitability and qualifications of the candidate, and review and recommendation by an appropriate faculty body. The quality of the faculty member's work is to be assessed by a careful and thorough review by the faculty member's colleagues in the department, school, and discipline(s), the dean of the school/unit, and the Senior Vice President for Academic Affairs and Provost.
5. Professors of Practice and Lecturers with appointments of three or more years are evaluated for reappointment during the penultimate year of the appointment term. If the results of the performance review are negative (recommendation to not reappoint), the faculty member will have one year's notice before his or her employment is terminated. Faculty may seek reconsideration in the terminal year in accordance with the policies of individual schools/units. If the results of the performance review are positive, the faculty member should receive detailed feedback from the dean and/or direct supervisor in writing.
6. Appointments of one year or less of non-tenure-track faculty may be terminated earlier than their stipulated end, with a minimum of 90 days' notice, if there is a bona fide need to do so
 - a) based on cutbacks in external sources of funding for the specific activity, or
 - b) based on substantial program change or departmental reorganization or substantial resource limitations in the school, or
 - c) based upon poor performance or adequate cause, in which case the dean must consult first with the appropriate faculty committee. Dismissals for cause must be in accord with the procedures specified in Chapter 7.

During any notice period the faculty member will continue to receive his or her full salary and benefits, but the faculty member's responsibilities may be altered by mutual agreement between the faculty member and the University. Alternatively, the Provost may authorize early termination of the faculty member's performance of duties. In such a case, the faculty member will receive compensation equivalent to 90 days salary.

Procedures for reappointment and promotion do not apply to individuals on non-renewable contracts.

4.9 Procedures and Considerations for Other Appointments

4.9.1 Appointments to Administrative Office (other than Department Chair/Program Director)

A member of the faculty who is appointed to an administrative office retains full faculty status in his or her academic unit(s), even if he or she is either partially or entirely relieved of teaching/research duties. The rules of tenure (for tenured/tenure track faculty) or reappointment (for non-tenure track faculty) continue to apply in regard to faculty status but not to the administrative position.

Promotion or salary increase in the administrative position is independent of faculty considerations; promotion in faculty rank will continue to depend on policies of the school in which the faculty member retains membership.

Faculty members appointed to administrative office who are required to perform their administrative duties over a twelve-month period are eligible to take reasonable paid vacation leave. The grant of such vacation leave is not guaranteed, is discretionary in nature and is subject to the approval of the administrative officer's department head. Vacation leave does not accrue, and accordingly, "unused" vacation leave of this type will not be paid upon termination of the appointment.

A person from outside the University who is newly appointed to an administrative office, and who has qualifications for faculty status as shown by the appropriate process, may be given such status with or without tenure according to the established procedures of the appropriate academic unit regarding new faculty appointees of similar rank and experience.

Appointments to administrative positions, including departmental chair, dean, director, or general University administrative offices (such as the President and Provost) have no tenure in office. A faculty member who also holds an administrative position may be removed from the administrative position, but not from faculty membership, without reference to the principles of academic tenure.

4.9.1.1 Reappointments to Administrative Office

Administrators generally receive five-year appointments that are renewable after a multi-layered review. Review of deans and interdisciplinary center or program directors are conducted by the Office of Academic Affairs and Provost. In schools that have developed processes for the review of deans, reviews will be conducted in collaboration with the faculty of the schools/units.

4.10 Resignation from a Faculty Appointment

A faculty member may terminate his or her appointment by resignation effective at the end of an academic year, provided he or she gives notice in writing at the earliest possible opportunity in accordance with the rules of a particular school or unit.

4.11 Foreign Nationals

Deans and department chairs are urged to consult with the Office of International Students and Scholars (OISS) [<https://oiss.tulane.edu/>] about immigration regulations and visas before inviting international faculty and researchers to Tulane. OISS will process all applications to the Immigration Service for the employment of faculty and staff who are coming to the University in a non-immigrant status.

Administrators should be advised that immigration and labor regulations for international faculty are complicated and require an extended period of time to be fulfilled. Thus, it is recommended that six months lead time be given when offering temporary positions. Applications for permanent residence must be initiated and carried through by the individual faculty member in consultation with the General Counsel's Office.

CHAPTER 5: INTEGRITY OF THE ACADEMIC ENVIRONMENT

Tulane University is an Equal Employment and Educational Opportunity institution and consequently its Equal Opportunity/Anti-Discrimination Policies protect students, faculty, and staff from discrimination based on race/color, sex, gender expression, gender identity, genetic information, religion, national origin, citizenship, marital status, pregnancy, sexual orientation, age, disability, military status, veteran status, and any other legally protected class. Tulane University's Equal Opportunity/Anti-Discrimination Policies, including the complaint procedures for such matters, are located [here](#).

Tulane's Department of Equal Opportunity & Resolution Management (EO) monitors on an ongoing basis compliance with University policies and procedures concerned with non-discrimination and/or equal employment and educational opportunity. Any grievances, complaints, or concerns of alleged discrimination, harassment, or retaliation should be reported immediately at <http://tulane.edu/concerns>.

Direct inquiries regarding these policies may be referred to the Equal Opportunity & Resolution Management Department by email at eo@tulane.edu or by telephone at (504) 862-8083.

The Office of Campus Accessibility can be reached at ADAaccess@tulane.edu or (504) 247-1774 for assistance and information about filing a request for an accommodation or for support and resources pursuant to the Americans with Disabilities Act (ADA).

Tulane also has a designated Title IX Coordinator for matters related to Title IX of the Education Amendments Act of 1972. Julia Broussard, Assistant Provost for Title IX Compliance and Education, may be reached by telephone at (504) 865-5611 or by email at titleix@tulane.edu.

5.1 Equal Employment Opportunity Statement

Tulane University is an equal opportunity educator and employer committed to providing an education and employment environment free of unlawful discrimination, harassment, and retaliation. Legally protected demographic classifications (such as a person's race¹, color, religion, age, sex, national origin, shared ancestry, disability, genetics, veteran status, or any other characteristic protected by federal, state, or local laws) are not relied upon as an eligibility, selection, or participation criteria for Tulane's employment or educational programs or activities.

5.2 Anti-Discrimination Statement

Tulane prohibits discrimination in its employment practices or educational programs/activities on the basis of age, color, disability, gender expression, gender identity, genetic information, marital status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, shared ancestry, or veteran status, or any other status or classification protected by federal, state, or local law. Tulane complies with applicable federal and state laws addressing discrimination, harassment, and/or retaliation. Discrimination or harassment on the basis of any protected status or classification, by anyone affiliated with Tulane, whether verbal, physical, written, or visual, is unacceptable and will not be tolerated. Please refer to [Tulane's Equal Opportunity/Anti-Discrimination Policies](#) for information related to types of protected statuses and prohibited conduct.

Tulane encourages all community members to take reasonable and prudent actions to prevent or stop discrimination and harassment and to report concerning conduct so appropriate action can be taken. An appropriate response to concerning conduct may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, and/or filing a complaint.

Internal complaints of discrimination, harassment and/or retaliation must be filed in accordance with this Tulane's Equal Opportunity/Anti-Discrimination Policies. Individuals must promptly report possible discrimination, harassment (including sexual harassment and violence), and/or retaliation so prompt and appropriate action can be taken.

¹

In 2022, the Louisiana legislature passed its version of the CROWN Act, extending the definition of "race" to include traits historically associated with race, including but not limited to hair texture and protective hairstyles. Tulane recognizes and adheres to the CROWN Act and prohibits discrimination on account of one's natural, protective, or cultural hairstyles. Protective, natural or cultural hairstyles are but not limited to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, and curls.

5.3 Americans with Disabilities Act

In keeping with Tulane's commitment to foster a sense of belonging and unified community, Tulane seeks to ensure access to its programs and activities to the broadest possible audience. Tulane complies with federal and state laws concerning the employment of people with disabilities, including Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), and follows the regulations issued by the Equal Employment Opportunity Commission (EEOC). It is Tulane's policy to reasonably accommodate qualified individuals with disabilities when accommodation is necessary to allow an individual to compete for a job, perform the essential functions of a job, and/or enjoy equal benefits and privileges of employment, and where the accommodation would not impose an undue hardship on the university.

The Office of Campus Accessibility has been designated to coordinate employee requests for workplace accommodations. Employees should make accommodation requests directly to the Office of Campus Accessibility.

Once reasonable accommodations have been approved, the Office of Campus Accessibility will provide guidance to the employee and, where applicable, the employee's supervisor, to facilitate and implement the accommodations in compliance with the law.

Employees who have requested or were granted an accommodation should report any changes in their ongoing need for accommodation to their supervisor and Tulane's Office of Campus Accessibility.

Prospective and current employees with disabilities can learn more about the resources available to them by accessing the Disability & Accommodations page on the Office of Human Resources website (<https://hr.tulane.edu/disability-accommodations>) or contacting Tulane's Office of Campus Accessibility at ADAaccess@tulane.edu or (504) 247-1774.

The University has adopted an internal grievance procedure providing for prompt resolution of complaints alleging violation of the University's ADA policy. If you have concerns regarding denial of a reasonable accommodation or the specific accommodation selected by the University, you are encouraged to review the process with the Office of Campus Accessibility. In the event you disagree with the determination or proposed accommodation or believe you have been discriminated against based on a disability, you should contact the Equal Opportunity & Resolution Management Department.

5.4 Title IX

Tulane complies with Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex, including sexual harassment and sexual violence, in educational programs and activities. Title IX also prohibits retaliation for asserting claims of sex discrimination. Tulane has designated Julia Broussard, Tulane's Assistant Provost for Title IX Compliance and Education, to coordinate compliance with and response to inquiries concerning Title IX. For information regarding Title IX, students or employees may contact the following:

University's Assistant Provost for Title IX Compliance and Education & Title IX Coordinator

Julia Broussard
Office of Academic Affairs & Provost
Jones Hall 308; Tulane University
New Orleans LA, 70118; phone: (504) 865-5611; email: titleix@tulane.edu

Deputy Title IX Coordinator for employees

Ruth Riley
Associate Vice President, Human Resources
1555 Poydras St., Suite 964
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5.5 Nepotism Policy

Tulane University's standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary and terminating employment are based on qualifications for the position, ability and performance. The University attempts to avoid favoritism and the appearance of favoritism and conflicts of interest in employment decision and reserves the right to take action when relationships or associations of employees impact its mission. It is against University policy for an employee to supervise a relative or to work in positions that have an audit or control function over a relative except in circumstances as indicated below.

The employment of relatives is permissible if the following general principles are applied. For purposes of this policy, "Relatives" means a connection between persons by blood, marriage, adoption, or other personal relationship including co-habitation.

Employment of relatives in the same unit or department or under the same supervisor is authorized only with the prior written approval of the head of the unit or department and the Senior Vice President for Academic Affairs and Provost for faculty members or the Office of Human Resources for all staff members, as appropriate. In addition, relatives should not participate in activities that have the potential for influencing employment decisions.

A. General Principles:

- (a) To avoid possible conflicts of interest, any dean, director, department head, chairperson, supervisor or participant in peer or administrative review procedures who is a Relative of an employee or job applicant must not participate either formally or informally in decisions (including rendering advice on decisions) on personnel matters affecting the Relative, including, but not limited to decisions to hire, retain, promote or determine salary.
- (b) In cases where an employee would have primary responsibility for the assignment, supervision, and evaluation of duties for a Relative, an appropriate individual must be designated by a higher level administrator (e.g., director, department head, dean, vice president, provost, president) to perform the functions of such employee in the decisions to hire, retain, promote, assign duties or set the salary of the individual "related" to the employee.
- (c) Within the limitations set forth above, individuals "related" to other Tulane University employees have the general rights extended to employees in comparable positions. For example, a faculty member has the right to serve on a departmental peer review committee even though a Relative will be considered by the Committee. The faculty member, however, would not participate in the review of the Relative. However, this policy has no effect upon the administration of employee benefit plans and creates no contract rights to employees.

- (d) Supervision and evaluation procedures, even when altered as described above, should ensure comparable treatment of employees.
- (e) In circumstances which have the potential for the conflicts of interest referenced in item #1 above, individuals have the responsibility for disclosing that a **Conflict of Interest** may exist to the dean, director, department head or other relevant administrator and to other affected employees prior to making any employment decisions. The specifics of the potential conflict do not have to be provided.

Decisions about individual cases should be made on the basis of these principles. In cases where the application of a principle is disputed, the administrator at the next level may be asked to assist in resolution. If resolution cannot be achieved, an employee can follow the established procedure for filing a grievance. The President shall have final approval regarding application of the general principles to particular cases. Not every relationship that can create favoritism or the appearance of favoritism can be listed here. Whenever an employee enters into a relationship with another employee, s/he should ask whether there may be favoritism or the appearance of favoritism or whether an audit or control function may be compromised.

5.5.1 Multiple Family Members

University policy permits the employment of more than one member of a family (as spouse, son or daughter), whether or not the employed are in the same department when the members are appointed on the basis of their capabilities and qualifications. However, a member of the same family should neither initiate nor participate in institutional decisions involving a direct benefit (initial appointment, retention, promotion, salary, leave, etc.) affecting a member of his or her family.

5.6 Policy on Consensual Relationships

A. Reason for Policy

Tulane's mission includes enriching the capacity of individuals to learn and to lead with integrity. Every member of the University has a fundamental interest in participating in activities free from conflicts of interests, favoritism, and exploitation. Tulane is committed to ensure equal educational opportunity for all students as the law requires. Academic freedom imposes a correlative obligation of professionalism and professional ethics. Because of the power asymmetry of the teacher-student relationship, romantic and sexual relationships between faculty and students may compromise faculty members' judgments of students, endanger students' right to equal educational opportunity, and create the appearance of bias and unprofessionalism among third parties disrupting the climate of the academic unit or work group. Romantic and sexual relationships between students and faculty risk undermining the essential educational purpose of the University, call the academic integrity of the professoriate and the institution into question, and create risk for the University.

The role of the teacher is multifaceted, including serving as intellectual guide, mentor, role model and advisor. This role is at the heart of the University's educational mission and its integrity must be maintained. The teacher's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.

Accordingly, the University expects teachers to maintain interactions with students free from influences that may interfere with the learning and personal development experiences to which students are entitled. In this context, teachers include those who are entrusted with academic responsibility over students by Tulane to teach, supervise, mentor and coach students, including faculty and consulting faculty of all ranks, lecturers, academic advisors, and principal investigators.

As a general proposition, the University believes that a sexual or romantic relationship between a teacher and a student is inconsistent with the proper role of the teacher. Not only can these relationships harm the educational environment for the individual student involved, they also undermine the educational environment for other students. Furthermore, such relationships also expose the teacher to charges of misconduct.

B. Who is Covered by this Policy?

All University employees and students are covered by this policy. Such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student, principal investigator and postdoctoral scholar or research assistant, coach and athlete, attending physician and resident or fellow, and individuals who supervise the day-to-day student living environment and their students.

C. Policy

I. Teachers and Undergraduates

Because of the inherent power imbalance, **sexual or romantic relationships between teachers and undergraduate students are prohibited**—regardless of past, current, or future academic or supervisory responsibilities for that student. (In the rare case where there may be an exception, see disclosure section.)

II. Teachers and Graduate Students

Whenever a teacher has had, or in the future might reasonably be expected to have, academic responsibility over any student, such relationships are prohibited. (In a case where there may be an exception, see disclosure section.) This includes, for example, any faculty member who teaches in a graduate student's department, interdisciplinary program, or center because even informal channels of authority are problematic. Conversely, no teacher shall exercise academic responsibility over a student with whom they have previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards. In this context, students include graduate and professional school students, postdoctoral scholars, and clinical residents or fellows. It is the responsibility of the academic unit to support students in implementing this policy.

III. Staff

Certain staff roles (including but not limited to deans and other senior administrators, coaches, supervisors of student employees, residence directors, as well as others who mentor, advise or have authority over students) also have broad influence on or authority over students and their experience at Tulane. For this reason, sexual or romantic relationships between such staff members and undergraduate students are prohibited. Similarly, relationships between staff members and graduate students over whom the staff member has had or is likely in the future to have such influence or authority are prohibited.

When a preexisting sexual or romantic relationship between a University employee and a student falls under this policy—or if the policy covers a relationship due to a change in circumstances—the employee must both recuse themselves from any supervisory or academic responsibility over the student, and notify their supervisor, department chair, dean, human resources manager, or the Office of Institutional Equity about the situation so that adequate alternative supervisory or evaluative arrangements can be put in place. This obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. The University understands that sexual or romantic relationships are private and treats such information to the extent practicable as confidential.

IV. Student Teachers, Teaching Assistants and Graders

Existing policies govern student responsibilities towards one other. The current policy applies when undergraduate or graduate students or post-doctoral scholars are serving in the teaching role as teachers, TAs, graders or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a student teacher and a student in a setting in which the student teacher is serving in this capacity, they shall not exercise any evaluative or teaching function for that student. **Furthermore, the student teacher must recuse themselves and notify their supervisor or the Office of Institutional Equity so that alternative evaluative, oversight or teaching arrangements can be put in place.** This obligation to recuse and notify exists for past as well as for current relationships. Failure to notify and recuse in this situation will be subject to discipline under the Faculty Handbook.

V. Relationship Between Employees

Consensual sexual or romantic relationships between employees (including faculty) are not in general prohibited by this policy; however, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic, including not only relationships between supervisors and their staff, but also between senior faculty and junior faculty, faculty and both academic and non-academic staff.

Where such a relationship develops, the person in the position of greater authority or power must recuse themselves to ensure that they do not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify their supervisor, department chair, dean, human resources manager, or the Office of Institutional Equity so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. This obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. The University understands that sexual or romantic relationships are often private in nature and the University treats such information sensitively and (to the extent practicable) confidentially.

The University has the option to take any action necessary to ensure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work group.

The academic unit has the responsibility to support students in ensuring this policy.

D. Duty to Disclose

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to your supervisor, department chair, relevant dean, human resources manager, or to the Office of Institutional Equity. In those rare situations where it is programmatically infeasible to provide alternative supervision, academic responsibility and/or evaluation, the dean, director or supervisor must approve all (as applicable) academic responsibility, evaluative, and compensation actions.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the guidance, prohibitions and requirements provided in the policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those relationships.

Tulane's policy with regard to nepotism can be found in the Faculty Handbook. Nothing herein shall abridge the rights of faculty as outlined in the University's Faculty Handbook.”*

5.7 Smoking Policy

The following policy applies to all units of the University:

Smoking is prohibited in all University buildings. This includes work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, cafeterias, hallways, and vehicles. Employees who smoke should do so outside during their designated break and lunch periods. Complaints regarding this policy should be directed in writing to the Office of Environmental Health and Safety.

“No Smoking” signs or the international “No Smoking” symbol must be clearly posted and ashtrays must be removed where smoking is prohibited. Facilities Services will be responsible for the installation of the required signs.

The law provides for fines for individuals and employers who do not comply with the above-mentioned requirements. The maximum fine for an employer could be \$500. Payment for such fines is the responsibility of the employee or the Department where the infraction occurred.

5.8 Students

Confidentiality of Student Records

Buckley Amendment—Confidentiality of student records is comprehensively governed by the Family Educational Rights and Privacy Act of 1974, commonly known as the Buckley Amendment. Accordingly, the United States Department of Education has produced clarifying guidelines which are binding on the University. In addition, the Tulane Board of Administrators has adopted a policy that covers institutional matters. Generally speaking, faculty members are not denied access to educationally related information concerning students provided there is a legitimate educational need to know. However, the confidentiality of the information must be maintained. Further, the faculty member is obligated to maintain the confidentiality of certain information routinely generated within the class, e.g., grades. Instructors are cautioned not to release information found in school records except where it is necessary in writing recommendations which have been requested by the student. Specific details regarding confidentiality are available at the deans' offices or the Office of the Registrar.

Office of the Registrar—The several types of information stored in the Office of the Registrar may be divided into two general categories: information that is a matter of public record and information considered confidential.

Information of public record includes the dates of a student's enrollment; the division in which enrolled; and information concerning any degree earned, such as the name of the degree, the date granted, the major, and any associated honors.

However, under federal statute a student may direct that this type of information, as well as data heretofore considered proper for publication in directories, be withheld from dissemination without his or her consent. To determine if a student has requested that information of this kind be withheld, faculty members are cautioned to check with the Office of the Registrar before giving out any information.

Records considered confidential include:

- (a) The student's academic record. Copies may not be released to either institutions or individuals except at the express request of the student. The record is available to faculty members who have a need to know, in the respective dean's office at the dean's discretion, and in the Office of the Registrar subject to the discretion of the director of that office.
- (b) University disciplinary actions taken against a student. Indications of disciplinary action are made on a student's permanent record only if the action results in suspension or expulsion. No supporting facts are kept in the Office of the Registrar.
- (c) Personal information such as religion is considered confidential, with release being made only by the student's authorization. Racial data is collected as required by law so that anonymous statistics can be compiled. It is understood that discriminatory use of such data is forbidden by law.

- (d) "Directory Information," if a student has specified that he or she does not wish it released without his or her consent. This includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, and the most recent previous educational agency or institution attended by the student.

Offices of Admission. Much information contained in a student's admission folder is confidential. Requests by faculty and others must be channeled to the director of the office at whose discretion they may be examined.

Retention of Exams

A 1975 resolution passed by the University Senate provided that all examinations and assigned written work which are used by an instructor in arriving at an academic evaluation and which are not returned to the student be kept by the instructor for a period of six months from the conclusion of the semester.

5.9 Teaching Load, Overloads, Office Hours, and Other Teaching- Related Faculty Responsibilities

Because of differences among the schools in methods, schedules, and requirements of instruction, policies on these matters are subject to variation. Information should be obtained from the appropriate dean or department chair.

Notwithstanding the above, faculty have the opportunity to accept a teaching assignment in another division or school for additional compensation upon consultation with the faculty member's home department chair and dean.

Each full-time faculty member may voluntarily teach one course per year during the regular academic year in addition to his or her regular teaching responsibilities as defined by that member's dean. The faculty member would be paid for that service at a rate to be negotiated with the dean of the division in which the class is to be taught. Faculty members may not teach at another institution during the academic year.

5.10 Scheduling and Class Absences Related to University Sponsored Events or Activities

It is the policy of Tulane University to take all reasonable steps to minimize the number of classes that students miss as a result of representing the University at University-**Sponsored** events or activities. The responsibility for complying with this policy falls on persons scheduling these events or activities and on students who wish to take courses that conflict with these events or activities. To this end, it is the responsibility of faculty members to make clear their absence rules as they relate to University-sponsored events or activities. The following rules implement this policy:

Persons responsible for scheduling such events or activities shall attempt to schedule them so that such events or activities interfere with the fewest possible number of classes. Any student who is aware at the commencement of a semester that he or she will miss classes in a particular course that he or she wishes to take, because of representing the University at University-sponsored events or activities, shall discuss this situation with the course instructor no later than the end of the first week of classes. Special attention should be paid to the timing of examinations and critical assignments. If the expected absences would exceed the instructor's articulated limit on absences, the student must obtain the instructor's permission to enroll or remain in the class. The number of excused absences that an instructor may permit is within the absolute control of the instructor. If the student is granted permission to enroll in the course, the student is, of course, responsible for making up all work and assignments he or she misses. The student and the instructor should come to an express understanding as to what this will entail. Failure by the student to discuss these expected absences with the instructor shall result in such absences being treated as an absence other than because of representing the University in a University-sponsored event or activity.

If unanticipated absences due to representing the University at a University-sponsored event or activity arise during the semester, students must inform the instructor of such absence in advance of the event. Failure to do so shall result in such absences being treated as an absence other than because of representing the University in a University sponsored event or activity.

If an instructor chooses to impose a penalty for failure to attend a certain number of classes (whether that penalty is the imposition of a failing grade or a reduction in the final grade) and/or is not willing to reschedule examinations or critical assignments missed as a result of an absence due to representing the University at a University-sponsored event or activity during the semester, the instructor must announce this policy during the first week of classes and give students written notice of the policy in the course syllabus or in some other fashion during the first week of classes. Failure to do so will preclude the instructor from imposing a penalty or from refusing to reschedule an examination or critical assignment resulting from an absence due to representing the University at a University-sponsored event or activity during the semester. The nature and type of such examination is at the sole discretion of the instructor.

***CHAPTER 6: FACULTY GRIEVANCES**

PREAMBLE

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge and creative endeavors. Effective performance of these central functions requires that faculty members, administrators, and staff treat each other fairly and with civility, mutual respect, and reasonable consideration.

The grievance process provides a means to resolve disputes that have not been resolved through the normal process of reasoned discussion. The grievance process is intended to clearly define the matters that are at issue; to assure the faculty member that their complaint or problem has been presented to and considered by appropriate University officials and bodies; and to assure the University community that decisions involving faculty members in their relationship to the University are fully considered.

A grievance is an official statement of a complaint over workplace or employment conditions believed to be wrong or unfair. This chapter addresses grievances initiated by faculty. A faculty member may file a grievance, for example, if they have been subject to a violation, misinterpretation, or inequitable application of the provisions of the Faculty Handbook, other published University or School/Unit policies, or their appointment letter.

6.1 Purpose

This chapter provides the procedures for grievances by faculty regarding conditions of employment, due process, violations of academic freedom or academic responsibility, and other issues of grievance or unfair action of concern to the faculty not listed below. Although each school grievance committee also hears disciplinary and research misconduct matters, this Chapter relates solely to grievance committee procedures related to workplace conditions.

Procedures for addressing other types of grievances are outlined elsewhere in the Faculty Handbook:

1. Grievances alleging discrimination, harassment, or retaliation on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identify, gender expression, pregnancy, marital status, military status, veteran status or any other status or classification protected by federal, state or local law, are handled by the Office of Institutional Equity and the Senate Committee on Equal Opportunity Grievances as outlined in 6.4.
2. Cases involving allegations of scholarship and research misconduct will be forwarded to the School Grievance Committee by the dean of the school after an initial inquiry as outlined in Chapter 9.6 of the Faculty Handbook.

**Any change to this chapter requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

3. When a dean or administrator intends to take disciplinary action against a faculty member, they initiate disciplinary processes as outlined in Chapter 7.
4. Faculty who wish to appeal tenure and promotion decisions may file those concerns with the Senate Committee on FTFR as outlined in Chapter 4.
5. Faculty who believe a student is acting in a disruptive, disrespectful, dishonest manner, or exhibits otherwise problematic behavior in a class or office may file a report with the [Office of Student Conduct](#).

6.2 School Faculty Grievance Procedures

6.2.1 Preliminary Faculty Grievance Proceedings

When faculty members believe their rights as faculty have been violated, they should ordinarily discuss the matter with the relevant chair, dean, or other administrator(s) to reach a mutual settlement. If the parties are unable to solve the problem through discussion, then the faculty member can follow the grievance procedure as outlined below.

When appropriate, parties can seek mediation to resolve disputes. The Office of Human Resources & Institutional Equity offers a conflict resolution program to support the Tulane community to take a positive, proactive approach to resolving conflicts and disputes in the workplace. Please visit <https://hr.tulane.edu/conflict-resolution-program> to learn more and to speak with Tulane's conflict resolution specialist.

6.2.2 School-Based Faculty Grievances (Not involving Equal Opportunity/Anti-Discrimination)

Formal proceedings for a faculty grievance shall commence within the aggrieved faculty member's school and following the procedures outlined by the school for the operations of its standing Grievance Committee (see 6.2.3 below). Typically, the faculty member must file a grievance in writing to their school's standing grievance committee within six (6) months of the discovery of the action on which the grievance is based.

The school's dean's office shall maintain all grievance records in a confidential manner.

The grievance must clearly state the nature of the dispute and the relief being sought.

Two or more persons with essentially the same grievance may file a single grievance, covering all of them. If an individual files a grievance, and it is later discovered that one or more others are similarly affected, the others may ask to join the original grievant at any stage of the grievance procedure.

Grievances against a dean are first heard by the school's grievance committee.

The faculty member may seek the counsel of the chair of the Senate Committee on Faculty Tenure, Freedom and Responsibilities at an early stage.

6.2.3 Procedures for School Faculty Grievance Committees

For both legal and policy reasons, it is appropriate for each school to adopt and publish procedures providing for the prompt and equitable resolution of grievances or complaints.

It is also important for school-based grievance procedures to be standardized to ensure fair and equitable disposition of all faculty concerns regardless of the school of appointment. These procedures are presented to the faculties to achieve this outcome in each school.

6.2.3.1 Constitution of the School Faculty Grievance Committee

- a. Each school must have a standing grievance committee comprising at least 3 (three) elected faculty members who do not hold administrative positions with the title of dean, provost, or Department chair. Elections must be competitive. The committee shall elect a chair either annually or for a pre-established term.
- b. The charge to the committee must be clearly outlined either in the school's constitution or in some other policy document that is available to faculty.
- c. The school's constitution or other policy document should also indicate that a member of the faculty with a grievance should, in the first instance, take the matter to their department chair, director, dean, or the dean of faculty affairs for the school/unit, or other appropriate administrator and attempt to pursue an informal resolution before bringing up formal charges.

6.2.3.2 Jurisdiction of the School Faculty Grievance Committee

- a. The School Faculty Grievance Committee shall have jurisdiction to receive, hear, and recommend dispositions of grievances and complaints originated by faculty members in the school.
- b. In the event of any jurisdictional ambiguity – for example, a grievance involving individuals from several schools – the school Faculty Grievance Committee shall forward the case to the Senate Committee on Faculty Tenure, Freedom, and Responsibility (FTFR).

6.2.3.3 School Faculty Grievance Committee Procedures

Upon receiving a formal written complaint or grievance, the committee may pursue the following actions:

- a. Decide to hold formal hearings;
- b. Decide that a case does not warrant a formal hearing and provide a written explanation to the person who brought the grievance, the person against whom the grievance was brought, and the dean of the school. If the Dean is the respondent, the explanation will go to the Provost's Office.
- c. Appoint a sub-committee consisting of at least three members of the committee to hold a preliminary hearing to determine whether a formal hearing should be held. If the sub-committee decides that the grievance should be heard, that decision shall be binding.
- d. Any member of the Grievance Committee who has a conflict of interest or the reasonable appearance of a conflict of interest in the grievance (as determined by the chair) shall be recused from discussion and vote in that grievance. The final authority on resolving conflicts of interest rests with the Committee chair. If there is an allegation that the Chair of the Grievance Committee has a conflict of interest, then, out of the presence of the Chair, the other members of the Grievance Committee shall determine, by majority vote, whether to recuse the Chair due to a conflict of interest. If there are only two members of the Grievance Committee other than the Chair, the Committee may appoint an additional member on an ad hoc basis, as necessary, from the School's faculty to the Grievance Committee to obtain a majority vote.
- e. If grievances involve departmental/area decisions, members of that department/area shall recuse themselves from the grievance process.
- f. The Committee shall explain its findings in writing to the person or persons who brought the grievance and the respondents(s). The Committee shall also report its recommendation to the dean of the school and other appropriate administrative officers. If the dean is a party to the grievance, the Committee shall report its recommendation directly to the Senior Vice President for Academic Affairs and Provost.

6.2.3.4 School Faculty Grievance Hearings

Each school will determine and publish appropriate hearing procedures, which should include the following provisions:

- a. The hearings shall be private and all matters pertaining to the grievance shall be kept strictly confidential except to the extent that (i) release of information is necessary to the implementation of these procedures and (ii) the Dean is kept informed of the fact of the submission of the grievance, its contents, and the status of the grievance procedures as applied (unless the Dean is the respondent).
- b. The burden of proof shall rest upon the grievant to establish the facts supporting the grievance by the equivalent of a preponderance of

evidence. They must submit the grievance in writing. The respondent should be given the opportunity to submit a written response.

- c. An advisor for each party may be present, as long as the advisor is a faculty member of the University and receives no compensation for being an advisor. The role of the advisor is to serve in a consulting capacity. An advisor normally may not address the grievance committee but can with permission of the Chair.
- d. The Committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value for the issues involved but shall afford all parties to the grievance the opportunity to present witnesses, documentary or other evidence, and arguments on their behalf.
- e. Only the Chair and Members of the Committee can question witnesses. While parties cannot directly cross-examine witnesses, either party may provide the Chair and Committee members with questions to ask witnesses on their behalf.
- f. The Chair of the Committee is responsible for maintaining records of all Committee meetings and hearings.

6.2.3.5 Timeline for Faculty Grievance Committee Actions

- a. All grievances must be handled in an expeditious manner.
- b. Typically, the grievance should be submitted within six months of the date of the alleged action. (Grievances alleging discrimination, harassment or retaliation (see Chapter 5 of the Faculty Handbook) or research misconduct (see Chapter 9 of the Faculty Handbook) have no statute of limitations).
- c. In schools where the majority of the faculty hold 9-month appointments, Faculty Grievance Committee actions occur during the academic year so that the timetables below may have to be revised to accommodate summer breaks.
- d. Upon receiving a grievance, the Faculty Grievance Committee shall notify in writing all parties involved within five (5) working days.
- e. No later than twenty (20) working days after resolving any jurisdictional issues, the Faculty Grievance Committee shall set dates and places for the hearing which are mutually acceptable to all parties, which dates shall not be sooner than twenty (20) working days nor later than forty (40) working days after the delivery of the notice.
- f. No later than fifteen (15) working days after the hearing, the Faculty Grievance Committee shall make explicit findings of fact and arrive at conclusions. The report may include such supporting material as deemed appropriate by the committee and a recommendation to the dean. The parties to the grievance shall be given a copy of the report and they may submit a statement to the dean concerning the committee report within ten (10) working days after receipt of the Faculty Grievance Committee report.

- g. Upon receipt of the report, the dean may:
 - i. Take or initiate whatever action in his/her view the report warrants and so advise the parties to the grievance.
 - ii. Ask the Faculty Grievance Committee to investigate or to consider the matter further. Upon completion of the supplementary review by the committee, the dean shall take whatever action, if any, that in their view the report warrants and so advise the parties to the grievance.
 - iii. If the Dean's decision is contrary to the Committee's recommendations, the Dean shall communicate the reasons to the Committee and the parties to the grievance.
- h. The final action by the dean completes the formal grievance procedures at the school level.

6.2.3.6 Subsequent Faculty Grievance Actions

The grievant or the respondent may pursue an appeal to the Senate Committee on Faculty Tenure, Freedom and Responsibility. outlined below.

6.3 Faculty Grievance Appeal Process (not Equal Opportunity/Anti-Discrimination)

If the faculty member believes the decision of the school's standing faculty grievance committee or the decision by the dean is unsatisfactory, they may appeal the ruling and bring the grievance forward to the Senate Committee on Faculty Tenure, Freedom, and Responsibility (FTFR) within six (6) months of the first findings. See the FTFR bylaws for the process governing appeals.

SECTION 6.4 PROCEDURES FOR EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION FACULTY GRIEVANCES

The University Senate's Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty has executive responsibility to consider grievances alleging faculty violations of Tulane University's Equal Opportunity/Anti-Discrimination policies, make findings and recommend remedial actions and/or sanctions to the Senior Vice President for Academic Affairs and Provost. This process does not apply to faculty on appointments of less than a year or on the first year of appointment. Those grievances are handled directly by the Office of Institutional Equity (OIE) and Human Resources.

6.4.1. Training

All members of the Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty (the Committee) should receive training by the Office of Institutional Equity (OIE) and others, as necessary, on issues connected with potential violations of Tulane's Equal Opportunity/Anti-discrimination Policies (EO Policies).

6.4.2 Jurisdiction

The Committee shall hear grievances alleging faculty violations of Tulane University's Equal Opportunity and Anti-Discrimination policies that cannot be resolved informally by OIE. The committee does not have jurisdiction over grievances against faculty on appointments of less than a year or on the first year of appointment. Those grievances are handled directly by OIE and Human Resources.

In cases where there are complaints that involve more than one faculty member respondent, the Committee shall have the discretion to hear the grievance jointly, even if one of the faculty had an appointment of less than a year and/or is in their first year of appointment.

The Chair of the Committee shall have discretion to decide whether a party to a complaint has standing to proceed before the Committee against a faculty member. The Committee's jurisdiction replaces that of the grievance committees of the individual schools, Newcomb Tulane College, and/or Centers/Institutes.

6.4.3 Ad Hoc Appointments

The Committee can appoint members on an ad hoc basis, as necessary, from among the pool of members with prior service to the Committee (or School grievance committees), if necessary, to secure an eligible panel.

6.4.4 Investigative Process

1. Initial Review by OIE.

When a grievance comes to the attention of OIE, OIE will conduct a review to determine whether the matter sufficiently states a grievance under the University's Equal Opportunity/Anti-Discrimination Policies (the EO Policies) that it should proceed to the investigative process. OIE should provide written notice of its initial determination to the

appropriate parties within thirty (30) working days. If OIE cannot make the thirty-day deadline, it shall communicate the reasons to the parties in writing. If OIE determine there is no basis for an investigation, the complainant may appeal that decision to the chair of the committee.

2. OIE's Investigation.

When OIE has determined that the matter should proceed to the investigative process, OIE will conduct an investigation of the complaint. OIE shall issue a written notice of investigation to the parties stating the charge(s). OIE shall also provide all parties with a written statement regarding their rights and an explanation of the investigation process. The investigation is meant to provide a fair and reliable gathering of the facts (including interviewing witnesses and gathering relevant and available evidence). OIE should provide the complainant and respondent with a fair and equal opportunity to be heard, to submit information, and to identify witnesses who have relevant information. OIE's investigator may speak with individuals who are willing to participate and have relevant information. Each party may bring an advisor to any meetings. The advisor may be a Tulane employee or an attorney. At meetings, the advisor may not speak for either the complainant or the respondent.

3. Investigator Discretion – Evidence.

The investigator, OIE, has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

4. Timing of Investigation.

Best efforts should be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. In general, OIE will seek to conclude the investigation within thirty (30) working days from the issuance of the notice of investigation, although special circumstances may extend this time frame. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Tulane University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons as defined by the investigator. Any extension of the timeframes, and the reason for the extension, should be shared with the parties in writing.

5. OIE's Preliminary Report.

OIE should provide a preliminary written report to the parties. The report should summarize the information gathered, synthesize areas of agreement and disagreement

among the parties and/or witnesses with any supporting information, and contain the investigator's findings of fact and recommended conclusions regarding whether a violation of the University's EO Policies occurred. The complainant and respondent shall have an opportunity to review the draft report and, within ten (10) working days, submit written objections to OIE.

6. OIE's Final Report.

Within a reasonable time following receipt of any additional information from the parties and/or individuals involved in the process, or after the ten (10) working day comment period has lapsed without comment, the investigator will make a final investigative determination, by a preponderance of the evidence standard, regarding whether a violation of the EO Policies occurred. The final report shall be made available to the complainant and respondent.

7. Panel Review.

Within five (5) working days of completion, OIE shall submit its final report and make available to the Chair of the Committee all evidence collected. The Chair of the Committee shall then, within a reasonable time, assemble a review panel. A panel shall consist of five members of the Committee. Four members constitute a quorum. No one shall participate on a panel if they have a conflict of interest as determined by the chair. Committee members with a conflict of interest, such as a close relationship with either the complainant or respondent, shall be recused with the final authority for resolving conflicts of interest resting with the Committee chair.

6.4.5 Preliminary Panel Meeting

The review panel will hold closed preliminary meeting(s) to discuss the results of the OIE investigation within ten (10) working days if practicable. It will determine whether a full hearing is warranted and will consult with OIE, and whether any aspect of the case or the findings requires further clarification and/or investigation which might entail consulting with other faculty members for guidance on practices and customs which may be unique to the field at issue. It will also determine which, if any, witnesses to interview during the panel meeting.

If OIE has recommended dismissal, the reviewing panel shall view the facts in the light most favorable to the complainant, and if the panel finds no genuine issue of material fact requiring a hearing, then the panel shall agree to a dismissal of the complaint. On the other hand, if the reviewing panel finds a genuine issue of material fact, it shall hold a hearing.

If the review panel determines that no hearing is warranted and that the case will be dismissed, it will send a dismissal report to the Senior Vice President for Academic Affairs and Provost within ten (10) working days. The provost will review the report and inform all parties to the grievance in writing within ten (10) working days. In cases where the review panel wishes to make recommendations to any of the parties involved, it will provide a memo to the Office of Institutional Equity for distribution to the appropriate deans.

All parties have the right to appeal this decision (i.e., to not hold a hearing) on procedural grounds to the Provost within ten (10) working days.

6.4.6 Panel Hearing

1. Timing.

Within a reasonable time (typically no more than twenty (20) working days, subject to scheduling constraints) following the preliminary closed meeting(s), the review panel shall hold a hearing with the parties (i.e., complainant(s) and respondent(s)), and any witnesses invited by the panel.

2. Advisors.

The parties may bring an advisor to the meeting. The advisor may be a Tulane University employee or an attorney unaffiliated with Tulane. At the hearing, the advisor may not speak for the complainant or respondent; only the review panel may question the parties and witnesses during the hearing. The parties to the grievance may submit in writing questions for the review panel to consider. However, the panel has the discretion to decide what questions to pose to witnesses. The Hearing Panel must retain a record of questions not asked and witnesses not invited to provide testimony.

3. Participation.

If any party chooses to not be physically present at the panel meeting or chooses to be separate, they may participate via telephone and/or video conference, or other manner deemed acceptable to the panel.

4. Record-Keeping.

The panel shall make and retain for the record an audio recording of the proceedings available to the parties on request.

5. Opening Statements.

During the hearing, each party to the grievance may make an opening statement for a reasonable time (generally, no more than ten (10) minutes).

6.4.7 Decision and Sanctions

1. Deliberations and Outcomes.

Following the hearing, the review panel will deliberate confidentially. The panel will decide whether the respondent is responsible, and, if so, it will recommend sanctions. A decision of the panel to find the respondent responsible requires three affirmative votes.

No abstentions are allowed. Within ten (10) business days, the panel will send a written copy of its findings on the grievance and its rationale, as well as the recommended sanctions in the case of a finding of responsibility, to the Senior Vice President for Academic Affairs and Provost (with a copy to the relevant Dean(s)).

2. Recommendation of Sanctions.

In the event that the finding is of responsibility on the part of the faculty member, the panel shall recommend sanctions. Depending on the gravity of the case, these may involve sanctions that can be implemented within the faculty member's department or school or harsher sanctions that may include the loss of tenure and/or termination from the university.

3. Written Notice of Intent.

Within ten (10) business days following receipt of the hearing panel's findings, conclusions, and statement of reasons, the Provost shall either accept, reject or modify the hearing panel's report, notify the panel, the Dean, the responding faculty member, and the complainant in writing of his or her intent regarding the alleged EO Policy violation, the underlying rationale, the intended sanctions and their proposed effective date.

4. Response to Written Notice of Intent.

The faculty member who receives a written notice of intent shall be entitled to respond, in writing within ten (10) working days of the date of issuance of the Notice of Intent. The response, if any, shall be reviewed by the panel of the Senate Committee on EO Policy Violations that originally held the hearing. That panel shall prepare its own response/recommendations and forward to the Senior Vice President for Academic Affairs and Provost within ten (10) working days of receipt.

5. Written Notice of Action

If the University justifies disciplinary actions following the review of all timely responses, if any, from the faculty member and the Senate Committee of Equal Opportunity Grievances, and within 30 (thirty) business days of the date of the issuance of the written notice of intent, the University shall issue a written notice of action to the faculty member of the disciplinary action to be taken and its effective date. The notice of action may not include an action more severe than those described in the Notice of Intent. Written notices of action involving dismissal shall be forwarded to FTFR for a dismissal hearing as well as to the parties involved in the case.

6.4.8 Appeals

The respondent and/or the complaint(s) have the right to appeal disciplinary findings and actions short of dismissal to FTFR, see Faculty Handbook, Chapter 7. In the case of a notice of dismissal, the case is referred to FTFR for a dismissal hearing as described in Chapter 7.

6.4.9 Notification

After all appeals are exhausted (per Chapter 8 in the Faculty Handbook), the Provost shall notify the parties and department members (if the school has departments) of the final finding and, if appropriate, sanctions imposed. For schools or centers without departments, the Provost shall notify the faculty of the respondent's school.

6.5 Appeals of Promotion or Tenure Decisions on Grounds of Discrimination

If a faculty member appeals a promotion or tenure decision upon the grounds of discrimination, he/she has the right to designate a member of the Tulane University faculty to appear in an advocate position before the grievance committee at the school level and before the Committee on Faculty Tenure, Freedom and Responsibility at the University-wide level. This policy ensures representation of the faculty member's interest in order to mitigate against possible discrimination in the promotion/tenure decision process.

***CHAPTER 7: FACULTY CONDUCT, CORRECTIVE ACTIONS AND DISMISSALS**

7.1 Faculty Conduct

PREAMBLE

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach in accord with appropriate standards of scholarly inquiry and artistic expression.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships among the faculty's special professional competencies, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members. See Chapter 3, Section 3.2 Faculty Rights and Responsibilities which sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions and enumerates standards of professional conduct and of appropriate faculty behavior shared across the academic profession. The faculty of the University views conduct that departs from these ethical standards as unacceptable because it is inconsistent with the mission of the University.

It is the right and responsibility of the faculty to foster academic freedom and to maintain the highest standards of teaching, scholarship, and artistic expression and to advance the mission of the University as an institution of higher learning.

This chapter deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and is primarily the responsibility of the faculty.

7.2 Procedures for Disciplinary Actions and Dismissals

7.2.1 Scope

This section applies to all corrective actions and dismissals for cause of faculty. This section does not apply to faculty on appointments of less than a year or on the first one-year appointment. Corrective actions and dismissals for cause should not be confused with non-reappointment or termination, as discussed in Chapter 4, "Faculty Appointments, Promotion and Tenure."

**Any change to this chapter requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

7.2.2 Types of Disciplinary Actions and Dismissals

- a. Disciplinary actions may include a written warning, written censure, or suspension without pay for adequate cause, including but not limited to misconduct, dereliction of duty or violations of the University's Equal Opportunity and Affirmative Action (EO) policies. See Chapter 5.
 - (1) A **written warning** is a communication that informs the faculty member of the nature of the misconduct, the method of correction, and the probable consequence of continued misconduct. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official disciplinary action.
 - (2) A **written censure** is a formal written expression of institutional rebuke that contains a description of the misconduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the censure.
 - (3) A **suspension** is removal without pay from appointment responsibilities for a stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.
- b. **Dismissal** is the termination of an appointment for adequate cause (unfitness as a teacher, researcher/artist or practitioner) initiated by the University prior to the ending date of appointment.

7.3 PROCEDURES FOR DISCIPLINARY ACTIONS

Procedures against faculty may originate in an Equal Opportunity/Anti-Discrimination grievance, a research misconduct violation, or other grounds. Initial procedures pertaining to allegations of unlawful discrimination, harassment or retaliation against faculty are specified in Chapter 5, "Integrity of the Academic Environment." Initial procedures pertaining to allegations of research misconduct are outlined in Chapter 9. Initial procedures for other grievances are outlined below in 7.3.1-7.3.4.

7.3.1 Informal Resolution

Prior to instituting a disciplinary action or dismissal, efforts may be made to resolve the issue(s) informally. The relevant department chair, dean or academic director may invite the faculty member to meet with them in a personal conference to discuss the problem, possible resolutions, and the possibility of disciplinary actions if it is not resolved.

7.3.2 Making A Recommendation for Disciplinary Actions other than Dismissal (See Dismissal Procedures in Section 7.5)

Recommendations for disciplinary actions originate in a faculty body such as an academic department/school and are referred to a standing elected grievance committee of full-time faculty who do not hold positions as Associate Deans or Provosts. School grievance committee membership is determined by competitive elections, voted on by all voting members of the faculty. The faculty committee will review the case and forward its recommendations in writing to the dean/academic director. If, after reviewing the faculty committee's report, the dean/academic director elects to proceed, they will forward the recommendation for an official disciplinary action to the Senior Vice President for Academic Affairs and Provost, including a detailed statement of charges and recommended disciplinary actions (see 7.2.2).

The Senior Vice President for Academic Affairs and Provost will inform the President of the process and review the charges to make their own determination of the appropriate corrective action. They may also seek the counsel of the Senate Committee of Faculty Tenure, Freedom and Responsibilities (FTFR) and the General Counsel's office.

7.3.3 Written Notice of Intent

Representing the University, the Senior Vice President for Academic Affairs and Provost shall provide a written Notice of Intent to the faculty member prior to initiating the disciplinary actions. The Notice shall state:

- 7.3.3.1 the intended action, including reasons for the action and the proposed effective date;
- 7.3.3.2 the basis of the charges, including copies of pertinent materials supporting the charges;
- 7.3.3.3 the faculty member's right to respond in writing within ten (10) working days of the date of issuance of the written Notice of Intent; and
- 7.3.3.4 The name of the person to whom the faculty member should respond.

A Notice of Intent is not required for a written warning.

7.3.4 Response to Written Notice of Intent

The faculty member who receives a written Notice of Intent shall be entitled to respond, in writing, within ten (10) working days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the faculty committee that reviewed the case at the school level. That committee shall prepare its own response/recommendation and forward to the Dean and to the Senior Vice President for Academic Affairs and Provost within (15) calendar days.

7.3.5 Written Notice of Action for all Grievances

If the University justifies disciplinary action following the review of all timely responses, if any, from the faculty member and the faculty review committee or the Senate Committee on Equal Opportunity Grievances or the Research Misconduct Grievance Committee, and within thirty (30) working days of the date of issuance of the written Notice of Intent, the designated representative of the President shall issue a written Notice of Action to the faculty member of the disciplinary action to be taken and its effective date. In cases of disciplinary actions due to alleged EO policy and/or research misconduct violations, the chair of the EO Grievance Committee or the Research Misconduct Grievance Committee shall also receive the notice of action. Based on this Notice of Action, the faculty member has the right to appeal all disciplinary actions to the University Senate Committee of Faculty, Tenure, Freedom, and Responsibility (FTFR). The Notice of Action may not include an action more severe than that described in the Notice of Intent.

7.3.6 Appeal Hearings of Disciplinary Actions

If the faculty member elects to proceed with an appeal to FTFR, a hearing committee shall be constituted as soon as practical and will proceed to hear the appeal of the case according to the normal procedural practices outlined in the Senate By-Laws and below.

7.3.6(1) Conflict of Interest

Members of FTFR shall be recused from the case, either at the request of the respondent, the complainant, or the designated representative of the President, or on their own initiative, if they deem themselves disqualified for reasons of bias or personal interest. The place of a member of the Committee shall remain vacant unless a substitute has been elected by the faculty of the division prior to the date fixed for the hearing. The final authority for resolving conflicts of interest rests with the chair of FTFR

7.3.6(2) Confidentiality

Appeal hearings shall be private

7.3.6(3) Burden of Proof

The burden of proof in challenging the disciplinary action shall rest upon the faculty member making the appeal.

7.3.6(4) Evidence

The FTFR Committee shall not be bound by strict rules of legal evidence. The Committee will offer all parties the opportunity to present witnesses, documents, or other evidence they consider relevant. FTFR has the discretion to determine what evidence or witnesses are relevant to the issues involved.

7.3.6(5) Representation

During the proceedings both the faculty member and the designated representative of the President shall be permitted to have legal counsel and should notify the Chair of their intention to be so accompanied. Faculty members may also bring a full-time faculty member of the University as an advisor to the appeal hearing. The advisor shall not receive any compensation from Tulane University for this service. The role of the advisor is to serve in a consulting capacity.

All sides shall have the opportunity to address FTFR and question witnesses (cross examination). In some circumstances when questions become harassing, redundant, or burdensome for example, FTFR may require during the hearing, in lieu of direct questioning, that questions be directed, in writing, to the FTFR chair, who will have the discretion to determine whether and how to pose such questions. A record of all questions submitted to the chair must be retained. When the witnesses cannot or will not appear, FTFR shall seek written statements from them.

7.3.6(6) Process

- a) The Chair of FTFR shall be responsible for conducting the hearing and shall rule on all evidentiary questions. The chair will establish the guidelines for the hearing, establish its pace, determine when people are heard, and ensure that all participants remain within the bounds of what the panel believes is appropriate in a hearing conducted by faculty colleagues in the efficient pursuit of truth.
- b) The Chair of FTFR shall not have a vote in the outcome of the proceedings.
- c) The Committee's recommendations must be in accordance with established University policies including those contained in the Faculty Handbook and the faculty member's appointment letter.
- d) A full written or audiovisual record of the hearing shall be maintained and made available upon request only to the parties, FTFR members, to the President of the University or his/her designee. The record shall be kept for at least one year after the conclusion of the appeal process.

7.3.7 Outcomes

At the conclusion of the hearing, as promptly as is consistent with due deliberation and, in any event, not later than fifteen (15) working days thereafter, the Committee shall make its recommendation. The findings of fact and recommendation of the Committee shall be based solely on the record of the hearing. The recommendations shall be in writing, shall state the basis for the decision, and shall recommend any proposed action. The written recommendation shall be provided to the appellant, the Senior Vice President for Academic Affairs, the President or the President's representative, and/or any other relevant parties.

The Provost will review these findings and recommendations and will make his/her own recommendations within fifteen (15) working days to the President and Board of Administrators. The President and Board of Administrators shall take final action within fifteen (15) working days of receipt of the Provost's recommendations.

7.4 Adequate Cause for Dismissal

The term adequate cause shall refer to gross violations of responsibilities as teacher, researcher, artist, or clinical practitioner, including gross negligence of professional duty, gross incompetence, violations of academic freedom, gross personal misconduct, violations of the University's conflict of interest policy, or violations of the University's Equal Opportunity and Anti-Discrimination policies. Dismissal shall not be used to restrain faculty members in their exercise of academic freedom or other rights as faculty.

7.5 Dismissal Procedures

Procedures against faculty may originate in an Equal Opportunity/Anti-Discrimination grievance, a research misconduct violation or other grounds. Initial procedures pertaining to allegations of unlawful discrimination, harassment or retaliation against faculty, are specified in Chapter 5, "Integrity of the Academic Environment." Initial procedures pertaining to allegations of research misconduct are outlined in Chapter 9. Initial procedures for other grievances are outlined below in 7.5.1

Every action to dismiss a faculty member then follows the hearing procedures described in 7.5.2. The full set of faculty rights enumerated herein must be observed.

7.5.1 Preliminary Inquiry

(skip to Step 2 for EO/Anti-Discrimination Violations and Research Misconduct cases)

Step 1:

- A. When reason arises to consider whether cause exists to dismiss a faculty member who has tenure or whose term of appointment or contract has not expired, the relevant dean or academic director shall invite the faculty member to meet with him or her in a

personal conference to discuss the problem, its possible resolution, and the possibility of dismissal proceedings if it is not resolved. The dean's consideration of recommending dismissal for cause shall be based on a thorough inquiry into the circumstances.

- B. At the level of the school, the elected faculty grievance committee shall conduct its own inquiry into the case which may, failing to reach an acceptable settlement, determine whether in its opinion dismissal procedures should be undertaken. The committee's recommendations are not binding on the dean; should the dean disagree with the recommendation, they shall justify the reasons for the decision to the committee. The committee's written report of its assessment is to be included in the dossier if the action is to proceed.
- C. During Step 1, the dean may write a preliminary statement of charges with reasonable particularity of the grounds pertinent to the dismissal action under consideration. If the dean does so, a copy of the preliminary statement shall be given to the faculty member for the faculty member's written comments. The dean may also elect to provide evidence in writing to the faculty member and invite comment on that as well, and if the dean does so, the faculty member shall be allowed fifteen (15) working days from the date on which the charges were sent to them to provide in writing their comments on the evidence to the dean. If the dean receives such comments on the preliminary statement, the evidence or both, and has not yet consulted with a faculty committee as provided above, the dean will share the comments with the committee as part of the consultation.
- D. If the dean continues to believe that there is probable cause for dismissal, the dean shall forward their recommendation to the Senior Vice President for Academic Affairs and Provost, together with any preliminary statement or evidence (which has been shared with the faculty member), comments submitted by the faculty member, and the faculty committee's report. The Provost will inform the President of the University of the process.

Step 2:

The Senior Vice President for Academic Affairs and Provost receives recommendations for dismissal from the dean and/or the Senate Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty. If the Senior Vice President for Academic Affairs and Provost does not believe there is cause for dismissal, he or she shall dismiss the case within fourteen (15) working days after receipt of the dean's or the Senate Committee's recommendation. The Senior Vice President for Academic Affairs and Provost may elect an alternative disciplinary action in lieu of dismissal. If they believe there is adequate cause for a dismissal, they shall formulate a preliminary statement of charges with reasonable particularity of the grounds pertinent to the dismissal action under consideration within fifteen (15) working days after receipt of the recommendations of the dean or the Senate

Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty. A copy of the charges and grounds shall be given to the faculty member for the faculty member's comment to the Provost. The faculty member shall have fifteen (15 working days to respond to the Provost.

Step 3:

The faculty member concerned, upon written request made within twenty (20 working days following delivery of such statement of charges, shall have the right to be heard by a Committee composed of the members of the Senate Committee on Faculty, Tenure, Freedom and Responsibility (FTFR. If the faculty member waives their right to a hearing in writing or does not deny the charges in writing within said twenty (20 day period, the case moves to Section 8.7 below.

7.5.2 Hearing Proceedings

- A. Members of FTFR shall be recused from the case, either at the request of the respondent, the complainant, or the designated representative of the President, or on their own initiative, if they deem themselves disqualified for reasons of bias or personal interest. The place of a member of the Committee shall remain vacant unless a substitute has been elected by the faculty of the division prior to the date fixed for the hearing. The final authority for resolving conflicts of interest rests with the chair of FTFR.
- B. As soon as practicable after receipt of a written request for a hearing and in any event within twenty (20) working days, FTFR shall provide the faculty member and the President or the President's designated representative a copy of the statement of charges and written notice of the place and date of the hearing/appeal. In cases for dismissal due to alleged research misconduct and/or EO policy violations, the chair of the EO Grievance Committee or the Research Misconduct Grievance Committee shall also be notified and will be parties to the hearing. The hearing shall be fixed for a date not sooner than twenty (20) working days nor later than forty (40) working days after the delivery of the notice.
- C. The hearing shall be private.
- D. In a hearing involving charges of incompetence, the testimony shall include that of qualified faculty members from Tulane or other institutions of higher education.
- E. The designated representative of the President (and, if applicable, the chair of the Senate Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty and/or the Research Misconduct Grievance Committee) shall speak directly to FTFR and present necessary witnesses and documentary or other evidence. The faculty

member shall have the opportunity to do the same. The designated representative of the President shall, insofar as it is possible, secure the cooperation of such witnesses and make available necessary documents and other evidence within their control.

- F. During the proceedings both the faculty member and the designated representative of the President shall be permitted to have legal counsel and should notify the Chair of their intention to be so accompanied. Faculty members may also bring a full-time faculty member of the University as an advisor to the appeal hearing. The advisor shall not receive any compensation from Tulane University for this service. The role of the advisor is to serve in a consulting capacity.

All sides shall have the opportunity to address FTFR and question witnesses (cross examination). In some circumstances, when questions become harassing, redundant or burdensome for example, FTFR may require during the hearing, in lieu of direct questioning, that questions be directed, in writing, to the FTFR chair, who will have the discretion to determine whether and how to pose such questions. A record of all questions submitted to the chair must be retained. When the witnesses cannot or will not appear, FTFR shall seek written statements from them.

The chair will establish the guidelines for the hearing, establish its pace, determine when people are heard, and ensure that all participants remain within the bounds of what the panel believes is appropriate in a hearing conducted by faculty colleagues in the efficient pursuit of truth.

- G. The chair of FTFR shall not have a vote in the outcome of the hearings.
- H. At the request of any party or FTFR, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer. Other representatives may be admitted or excluded at the discretion of the chair of FTFR.
- I. A verbatim written and/or audiovisual record of the hearing or hearings shall be taken, and a copy shall be made available to the parties without cost.
- J. The burden of proof that adequate cause exists rests with the University and shall be satisfied only by clear and convincing evidence in the record considered as a whole. A different standard of proof shall be applied if required by law.
- K. FTFR shall grant adjournments of reasonable periods of time, not to exceed ten (10) working days, to enable any of the parties to investigate evidence about which a valid claim of surprise is made.
- L. FTFR shall not be bound by strict rules of legal evidence and may admit any evidence which is of relevant value in determining the issues involved. Every possible effort shall

be made to obtain the most reliable evidence available.

7.6 Outcomes

- A. As soon as practicable and in any event not later than ten (10) working days following receipt of a transcript of the hearing, FTFR will make explicit findings of fact and arrive at conclusions based solely on the hearing record with respect to each of the charges contained in the statement of charges and shall give a concise statement of its reasons for so finding and concluding. The findings, conclusions and statement of its reasons shall be promptly delivered to all parties.
- B. As soon as practicable and in any event within ten (10) working days following receipt of FTFR's findings, conclusions, and statement of reasons, the President shall either accept or reject FTFR's report. If the President rejects all or any portion of the report, the President shall promptly notify the committee and all parties stating the reasons for such rejection in writing and allow ten (10) working days for response FTFR before transmitting the case to the Board of Administrators.
- C. Should questions involving procedure relating to the hearing arise before or during the hearing which are not covered by this statement, FTFR shall decide such questions.
- D. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by any of the parties (and their legal counsel and/or advisers) members of FTFR, administrative officers of the University, or members of the Board of Administrators, shall be avoided as far as possible until the proceedings, including consideration by the Board of Administrators of Tulane University, and appeal action, as provided in Section 8.7 below, if any, shall have been completed and communicated to the parties.
- E. Statements of charges, notices of hearings and all other notices or communications required or permitted by this policy shall have been correctly served if delivered by hand or sent certified mail to all the parties and the President or the University's counsel.

7.7 Actions by the Board of Administrators of Tulane University

7.7.1

The faculty member who is dismissed shall have the right to a review of the finding for dismissal by the Board of Administrators or a committee appointed by it for this purpose. In

the event that the faculty member desires the Board to review the matter, they shall within ten (10 working days of receipt of the final action by the President request such review in writing and send or deliver a copy of such request to the President. The President shall thereupon transmit the complete record of the proceedings, including the findings, conclusions and statement of reasons by FTFR and the resulting action of the President with relation thereto, to the Board of Administrators. On or before thirty (30 working days following the date on which the faculty member filed a request for a review by the Board of Administrators, the faculty member may submit a brief or memorandum in support of the faculty member's position setting forth reasons why the dismissal or other recommended penalty should not be imposed.

7.7.1(1)

The Board of Administrators will set a time and place for argument by the faculty member and by the President's designated representative. The Board's review will be based solely on the record of the proceeding before FTFR.

7.7.2

In the event that, after the hearing, the Board disagrees with the findings and conclusions of FTFR, it will return the proceedings to the committee with its findings and conclusions. FTFR shall within twenty (20 working days thereafter reconsider its findings and conclusions and may receive new evidence if the receipt of evidence is necessary and thereafter return the proceedings to the Board together with its report on the results of its reconsideration and such additional findings and conclusions as may be required by any new evidence received. The Board of Administrators shall make a final decision contrary to FTFR's report on reconsideration only after a conference between the President or the President's designated representative, three members of the Board, and three members of FTFR convened for the purpose of attempting to reconcile the conflicting opinions.

7.8 Protections During the Appeals Process

7.8.1 Administrative Leave

The Senior Vice President for Academic Affairs and Provost may temporarily separate a faculty member from their duties before a hearing process is finalized or an unlawful discrimination, harassment, or retaliation investigation is initiated under Chapter 6.3 without loss of pay and usual faculty privileges, if it is the Provost's judgment that immediate harm to the faculty member or others is threatened by their continuance and that extraordinary circumstances warrant the action.

The faculty member retains the right to file a grievance seeking an end to the temporary

separation. During the separation period, the faculty member may consult with members of the University community, except those persons or categories of persons with whom the Provost expressly prohibits or restricts contact. The University shall make reasonable efforts to protect the continuity of the academic work of students, faculty and staff who are adversely affected. The Provost shall consult with the dean of the relevant school during the temporary separation and indicate the reasons underlying any prohibited or restricted contact between the faculty member and other members of the University community.

7.8.2 Other Protections in Connection with Dismissal Proceedings

A faculty member may not be dismissed nor, except as specified above, may their compensation be cut off or withheld before the dismissal procedure has been completed and the President and the Board of Administrators have made a final decision.

7.8.3 Implementation of Dismissals

Dismissal decisions will be implemented after the hearing and, if applicable, after all the appellate processes have been exhausted.

CHAPTER 8: POLICIES ON CONFLICTS OF COMMITMENT AND INTEREST

Tulane University is committed to compliance with legal and ethical standards addressing conflicts of interest in the academic, administrative and research activities of the University. The University has therefore implemented a policy addressing conflicts of commitment and interest in the following four parts:

- **Part A – Policy of Tulane University on Conflicts of Commitment and Interest.** This part of the policy applies to all employees of the University, certain researchers who are not University employees, and certain University subcontractors involved in research. This part establishes standards for identifying and responding to conflicts of commitment and interest.
 - **Part A-1** establishes basic standards applicable to all employees, with the exception of researchers involved in Public Health Service (“PHS”)-funded research.
 - **Part A-2** establishes standards applicable to those employees, researchers and research subcontractors who are involved in PHS-funded research. These standards include additional requirements to comply with the Public Health Service conflict of interest regulations.
- **Part B – Policy of Tulane University on Conflicts of Commitment and Interest for Members of the Tulane University Medical Group and Health Care Providers.** This part of the policy applies only to members of the Tulane University Medical Group and certain other health care providers. This part incorporates federal and state laws addressing fraud and abuse.
- **Part C – Conflicts of Interest for Investigators in Human Subjects Research.** This part of the policy applies only to certain researchers that are involved in human subjects research. This part establishes enhanced disclosure requirements for such researchers. The standards, as applied to certain researchers and research subcontractors involved in federally-funded research, include additional requirements to comply with the Public Health Service conflict of interest regulations.
- **Part D – Policy for Conflicts of Interest of Research Oversight Officials.** This part of the policy applies only to **Research Oversight Officials**, for instance, all **IRB**, **IACUC**, and **IBC** members and certain other University **Faculty** and **Staff** who oversee research. This part, as applied to Institutional Review Board members, assists the University in complying with federal laws precluding such members from participating in the review of research in which the member has a conflicting interest.

These parts of the policy are collectively intended to promote conducting academic, administrative and research activities of the University in a fair and objective manner in accordance with the law and the best interests of the University.

A copy of this policy will be posted on the University website on a page accessible to the general public, all employees of the University, certain researchers (whether or not University employees), and certain University subcontractors involved in research. A revised copy will be posted within 30 days if and when the policy is amended.

PART A
POLICY OF TULANE UNIVERSITY ON CONFLICTS OF COMMITMENT AND INTEREST

[All terms in **Bold** are defined in this Part A of the policy.]

I. Principles

Tulane University's mission is to create, communicate and conserve knowledge in order to enrich the capacity of individuals, organizations and communities to think, to learn, to act and to lead with integrity and wisdom. Accordingly, the University recognizes that its **Faculty** and **Staff** participate in **Leadership Roles**, such as consulting, serving on boards of companies, whether for-profit or non-profit, and other **Secondary Commitments** that benefit the participant and the University, its students and patients, and the public at large. The University, **Faculty**, and **Staff** have a shared interest in assuring the institutional integrity of the University as well as the personal and professional integrity of the **Faculty** and **Staff**. The University is committed to maintaining the highest standards of excellence in teaching, research, patient care, and welfare.

This policy provides guidelines and mechanisms for identifying and addressing **Conflicts of Interest** and Conflicts of Commitment that pertain to conducting research, academic, and administrative activities in a fair and unbiased manner. An integral part of this policy is therefore disclosure by **Faculty**, **Staff**, and **Investigators** of their commitments, financial interests, and outside activities. The guidelines and mechanisms, as applied to **Faculty**, **Staff**, and **Investigators** participating in **PHS-Funded Research**, are intended to comply with the **PHS-Funded Research** conflict of interest regulations outlined at 42 C.F.R. Part 50 Subpart F and 45 C.F.R. Part 94 and should be interpreted consistent with those regulatory requirements and any implementing guidance.

While this policy governs **Conflicts of Interest** and Conflicts of Commitment, the policy does not regulate disputes between two or more **Faculty** or **Staff**, or disputes between one or more **Faculty** or **Staff** and the University. Such disputes are to be resolved according to the University's established dispute resolution procedures.

II. Conflict of Commitment

Faculty and **Staff** owe their **Primary Commitment** to University activities and responsibilities, must act in the University's best interests in fulfilling their obligations to the University, and must not permit any **Leadership Roles** or **Secondary Commitments** to an outside organization, entity or project to jeopardize this **Primary Commitment**. A Conflict of Commitment occurs when these efforts for the University are compromised by one or more **Leadership Roles** or **Secondary Commitments**. For example, a Conflict of Commitment would occur if a **Faculty** member exceeded permitted time limits on outside consulting, or if, as a result of a **Leadership Role** in an outside organization, entity or project, an individual's primary professional loyalty was not to the University.

III. Conflict of Interest

A **Conflict of Interest** arises whenever **Faculty**, **Staff**, or an affiliated **Investigator's Professional Interests**, such as professional obligations or judgment owed to the University and its constituencies, are compromised by, or could reasonably be perceived as being compromised by, his or her **Leadership Roles** or **Financial Interests**. In the case of **PHS-Funded Research**, a **PHS**

Financial Conflict of Interest arises when the **Financial Interests** of an **Investigator** could directly and significantly affect the design, conduct, or reporting of **PHS-Funded Research**.

A **Conflict of Interest** is based on the situation and not on the character of the individual.

A **Conflict of Interest** can also occur when the academic work or research activities of a **Faculty** member could affect a **Financial Interest** of the University or of a **Faculty** or **Staff** member. Academic integrity is compromised when a **Faculty** member modifies his or her work to augment or shield that **Financial Interest**, such that the work product does not accurately reflect the **Faculty** member's research, beliefs, and opinions. For example, depending on the circumstances, academic integrity may be compromised when a **Faculty** member prepares the content of a book, article, audit or other report or conducts research with knowledge that such content or research results could reasonably be expected to affect a **Financial Interest** of that **Faculty** member, or of one or more other **Faculty** members, the University, or one or more University officials.

IV. Special Concerns about Vendor Relationships

Relationships with **Vendors/Contractors** to the University can also give rise to **Conflicts of Interest**. As a rule, **Faculty** and **Staff** should not be involved in decisions about purchasing or contracting for goods or services received by the University if their interests in or relationships with the involved **Vendor/Contractor** conflict with, or reasonably appear to conflict with, their duty to act in the University's best interests. This applies not only where **Faculty** or **Staff** themselves have a **Financial Interest** in a **Vendor/Contractor** but also where they know of a **Financial Interest** held by their **Immediate Family** (for purposes of **Vendor/Contractor** relationships, the definition of **Immediate Family** also includes parents, parents-in-law, siblings and siblings-in-law)¹. Where **Immediate Family** holds the interest, note that the potential **Conflict of Interest** for the **Faculty** or **Staff** member might be of a financial or non-financial nature, or both.

In some instances, a **Conflict of Interest** arising from a **Vendor/Contractor** relationship can be sufficiently averted by voluntary self-recusal or by an externally imposed requirement (for example, through a COI management plan) that the individual abstain from participating in the nomination, screening, or selection of **Vendors/Contractors**. In other instances, however, the nature of the relationship and resulting risk may be so pervasive that recusal or exclusion from discrete transactional decisions may not be adequate.

V. General Definitions and Descriptions

- A. **Conflict of Interest:** A set of circumstances in which the **Professional Interests** or duties of an individual, such as professional obligations or judgment owed to the University and its constituencies by a **Faculty** member, **Staff** member, or affiliated **Investigator**, are compromised by, or could reasonably be perceived as being compromised by, his or her **Leadership Role(s)**, **Financial Interest(s)**, **Research Leadership Role(s)**, or **Research Financial Interest(s)**.²
- B. **Conflict of Interest Committee ("COI Committee"):** The **COI Committee** will be composed of at least nine members with five members constituting a quorum. The **COI Committee** members collectively should have knowledge in financial investments, legal issues, ethics and human subjects research. These members may be drawn from within and

¹ For the complete definition of **Immediate Family**, see p. 84.

² See Part C of the Policy for the definition of **Research Financial Interest**. See Part D of the Policy for the definition of **Research Leadership Role**.
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outside of the University. All members of the **COI Committee** must undergo training in the assessment and management of **Conflicts of Interest** and Conflicts of Commitment. **COI Committee** members will be nominated by the Committee on Research and appointed by the President. The President shall appoint the Chair of the **COI Committee**.

The **COI Committee** shall meet monthly, unless the Chair of the **COI Committee** determines there is no issue to be considered. The **COI Committee** members may participate in a meeting of the **COI Committee** by any technological means approved by the University's information security officer. Such participation shall constitute presence in person or purposes of constituting a quorum and taking any action.

Appointment to the **COI Committee** is for a period of three years and may be renewed indefinitely at the discretion of the President. A **COI Committee** member may be removed by a Senior Vice President of the University only for good cause, which must be fully documented for audit and grievance purposes. If a **COI Committee** member has or may have a **Conflict of Interest** with respect to any of his or her duties on the **COI Committee**, the **COI Committee** member will disclose such conflict and recuse himself or herself from such duty.

- C. **Designated Officials:** The designated officials of the University for purposes of reviewing, administering, and implementing Conflicts of Commitment and **Conflicts of Interest** determinations shall be the President, the Senior Vice President for Academic Affairs and Provost, the Senior Vice President and Dean of the School of Medicine, the Deans and the Vice Deans of the Schools of Medicine, Public Health and Tropical Medicine, Architecture, Business, Science and Engineering, Newcomb-Tulane College, Law, Liberal Arts, Social Work, and Professional Advancement; the Director of the Tulane National Primate Research Center, the Vice President for Research, the Senior Vice President and Chief Operating Officer, the Senior Vice President for Advancement, the Vice President, Secretary of the University and Chief of Staff, the CEO of TUMG, the Internal Auditor and the Office of the General Counsel. Chairs of the IACUC, **IRB** and other University administrators or staff may be called upon, as needed, by the Senior Vice Presidents or by the **COI Committee** for specific purposes.
- D. **Faculty:** Persons holding academic appointments of employment with the University.
- E. **Financial Interest:** Anything of monetary value, whether or not the value is readily ascertainable, consisting of one or more of the following interests of a **Faculty** or **Staff** member or an **Investigator** (and those of the **Faculty** or **Staff** member's or the **Investigator**'s spouse and dependent children) that reasonably appears to be related to the **Faculty** or **Staff** member's or **Investigator**'s institutional responsibilities, including any of the following received by an individual *in any capacity or for any reason* (note that for this purpose the term "individual" includes the individual and any member of the individual's **Immediate Family**), and "payments" includes cash, monetary instruments such as checks and bearer instruments, compensation, valuable goods and services, travel reimbursements, travel vouchers, and pre-paid travel expenses):
 - (1) Any payment(s) received from or equity interest(s) held in a publicly traded entity during the 12-month period prior to the disclosure with a value that, in the aggregate, exceeds \$5,000;

- (2) Any payment(s) received from a non-publicly traded entity during the 12-month period prior to the disclosure with a value that, in the aggregate, exceeds \$5,000;
- (3) Any equity interest in a non-publicly traded entity;
- (4) Income of more than \$5,000 (from any one entity) generated from intellectual property rights and interests, unless paid by the University to an individual employed or appointed by the University;
- (5) Reimbursed or sponsored travel with a value that exceeds \$5,000, unless reimbursed or sponsored by the University or a U.S. federal, state or local government agency, a U.S. institution of higher education as defined in 20 U.S.C. § 1001(a), a U.S. academic teaching hospital, a U.S. medical center, or a U.S. research institute affiliated with an institution of higher education.
- (6) Any payments, compensation, valuable goods or services received from a foreign government office, unit or agency (local, provincial or national), a foreign institution of higher education, a foreign academic teaching hospital, a foreign medical center, or a foreign research institute must be disclosed. For avoidance of doubt, this includes, for example, compensation and honoraria from teaching engagements, seminars, lectures, and presentations, travel expenses and reimbursements, and gift items that exceed \$5,000 in value or that are of indeterminate value (such as works of art).

A **Financial Interest** must be disclosed by **Faculty**, **Staff** and **Investigators** if it is related to that individual's professional responsibilities on behalf of the University. These responsibilities may include, for example, activities such as research and research consultation, teaching, professional practice, institutional committee memberships, and service on **IRBs** or safety monitoring boards.

Notwithstanding the foregoing, a **Financial Interest** does *not* include the following:

- (1) Salary, royalties, or other remuneration paid by the University to an individual if the individual is currently employed or otherwise appointed by the University, including intellectual property rights assigned to the University and agreements to share in royalties related to such rights.
- (2) Salary, royalties, or other remuneration paid by a **Subrecipient** to an individual if the individual is currently employed or otherwise appointed by the **Subrecipient**, including intellectual property rights assigned to the **Subrecipient** and agreements to share in royalties related to such rights. This exception may not apply to **Faculty**, **Staff** or **Investigator** companies, which will be evaluated on a case-by-case basis.
- (3) Any ownership interest in a **Subrecipient** held by the **Investigator**, if (a) the entity is a commercial or for-profit organization, and (b) the **Investigator** is participating in the research as an **Investigator** only at the **Subrecipient** level.
- (4) Income from investments in which the day-to-day control of investments is held by a person not subject to this policy or any other University conflict of interest policy.
- (5) Income from teaching engagements, seminars or lectures paid by a U.S. federal, state or local government agency, a U.S. institution of higher education as defined in 20

U.S.C. § 1001(a), a U.S. academic teaching hospital, a U.S. medical center or a U.S. research institute affiliated with an institution of higher education.

- (6) Income from service on advisory committees or review panels for a U.S. federal, state or local government agency, a U.S. institution of higher education as defined in 20 U.S.C. § 1001(a), a U.S. academic teaching hospital, a U.S. medical center, or a U.S. research institute affiliated with an institution of higher education.
- F. **Immediate Family:** Spouse or domestic partner, children (including adoptees) and other dependents. Because of strict conflict of interest rules required by federal and state law, the definition of Immediate Family for a member of the Tulane University Medical Group and for other health care providers is broader than the definition for other **Faculty** and **Staff** members. *Members of the Tulane University Medical Group or other health care providers must refer to Part B of this policy for the definition of Immediate Family.* Note that for purposes of evaluating **Vendor/Contractor** relationships under Part IV above, **Immediate Family** also includes parents, siblings, parents-in-law, and siblings-in-law.
- G. **Institutional Review Board (“IRB”):** Any board, committee or other group formally designated by the University to review human subjects research, and which was established and which functions and operates in conformity with Part 46 of Title 45 and Part 56 of Title 21 of the Code of Federal Regulations. **IRB Members** are those persons who constitute the **IRB**.
- H. **Investigator:** Any **Faculty**, **Staff** or affiliated person who serves as a project director or principal investigator or who, regardless of title or position, is responsible for the design, conduct or reporting of research. **Investigator** may include, for example, a collaborator, consultant, or contractor.
- I. **Leadership Role:** (a) Employment in any executive or administrator capacity, (b) consulting in any executive or administrator capacity, or (c) serving as (i) a member of a board of trustees, directors or administrators, (ii) an officer or (iii) a member of an advisory committee, advisory board or subcommittee of a board of trustees, directors or administrators. (Note that any such employment, consultancy, or service by an **Immediate Family** member of an individual subject to this policy constitutes a **Leadership Role** on the part of such individual.) A **Leadership Role** may be compensated or non-compensated.
- J. **PHS-Funded Research:** Research funded by the Public Health Service or by an entity with Public Health Service-delegated authority, including the National Institutes of Health.
- K. **PHS Subrecipient:** An individual or legal entity that is a subrecipient, subcontractor, or consortium member under a **PHS-Funded Research** project.
- L. **Primary Commitment:** The time, energy, fiduciary obligations, and loyalty that any **Faculty** or **Staff** member is required to dedicate to the University.
- M. **Professional Interests:** Academic, research, personal, professional and/or institutional integrity, patient safety and welfare, or any other interest that may be added to this policy from time to time.
- N. **Secondary Commitment:** Activities that are not part of the **Primary Commitment** and which impose demands from outside entities, organizations, or projects for the time, energy, fiduciary obligations, or loyalty of **Faculty** or **Staff**. These may include, but are not limited to, the following:

to employment, consulting, or participation in outside businesses or organizations, as well as **Leadership Roles** and other compensated or non-compensated extramural activities. Secondary Commitments do not include activities conducted entirely on personal time, which have no conflicting effect on one's Primary Commitment and which do not reasonably create the appearance of such a conflict.

- O. **Staff:** Persons holding non-academic employment with the University. For purposes of this policy, **Staff** shall include administrators who do not have academic appointments with the University.
- P. **Subrecipient:** All **PHS Subrecipients** in addition to any individual or legal entity that is a subrecipient, subcontractor, or consortium member under a non-**PHS Funded Research** project.
- Q. **Vendor/Contractor:** Any individual, business, partnership, corporation or other entity that sells or conveys goods or services to the University, or that arranges for the purchase or sale of goods or services to, for or by the University.

PART A-1

STANDARDS APPLICABLE TO FACULTY AND STAFF OTHER THAN INVESTIGATORS INVOLVED IN PHS-FUNDED RESEARCH

[All terms in **Bold** are defined either in Part A or this Part A-1.]

I. **Scope**

These standards apply to **Faculty**, **Staff**, and **Investigators** not involved in **PHS-Funded Research**.

II. **Process**

A. ***Timing***

A Conflicts of Commitment and Interest Disclosure Form A ("Form A") must be submitted on an annual basis and in response to certain events.

- (1) All **Faculty** and **Staff** must complete Form A by January 31st of each year.
- (2) Newly hired **Faculty** and **Staff** must submit Form A within 60 days of employment or association, and must thereafter comply with the annual filing deadline of January 31st.
- (3) Any **Faculty** or **Staff** must promptly, but no later than 30 days, after the acquisition or discovery of any new **Leadership Role**, **Secondary Commitment** or **Financial Interest** or the material modification of any **Leadership Role**, **Secondary Commitment** or **Financial Interest** provide an updated Form A.

B. ***Information Required***

Form A requires the individual to report any and all **Leadership Roles**, **Secondary Commitments** and **Financial Interests** that reasonably appear to be related to the individual's professional responsibilities on behalf of the University, such as research and research consultation, teaching, professional practice, institutional committee memberships, and service on **IRBs** or safety monitoring boards. In addition, this form requires the individual to report any and all **Leadership Roles**, **Secondary Commitments** and **Financial Interests** that the individual's **Immediate Family** may have that reasonably appear to be related to the individual's professional responsibilities on behalf of the University, such as research and research consultation, teaching, professional practice, institutional committee memberships, and service on **IRBs** or safety monitoring boards. Further information may be requested by the **COI Committee** as appropriate.

Form A requires the individual to report the following information concerning reimbursed or sponsored travel: sponsor/organizer, purpose, duration and destination. The **COI Committee** may also request further information such as the value of the reimbursed or sponsored travel. Individuals should retain documentation of such travel for reporting purposes and requests for further information by the **COI Committee**. Individuals should seek to obtain documentation of reimbursed or sponsored travel from the sponsor/organizer if documentation is not readily provided.

C. *Submission of Forms*

Faculty and **Staff** must submit completed disclosure forms through an electronic online process. The online submissions for **Faculty** and **Staff** in academic units are forwarded to their department supervisor, chair or the dean if the unit does not have a departmental chair structure. The online submissions for **Staff** in non-academic units are forwarded to their direct supervisor. Supervisors, chairs, or deans, as applicable, are responsible for reviewing the completed Form A prior to its submission to the University's **COI Committee**. A list of names of individuals who have not provided the required Form A will be forwarded to the Senior Vice President responsible for their unit.

D. *Review by the COI Committee*

(1) Timing

- (a) Review of Annual Disclosure Forms. As promptly as practicable after the January 31st filing deadline, the **COI Committee** will review disclosures, determine whether a conflict exists, and implement a management plan if necessary. The **COI Committee** may ask that an **Investigator** or **Faculty** or **Staff** member who has a potential conflict provide additional information or discuss the matter with the **COI Committee** in person. The **COI Committee** will examine disclosed conflicts to assess the degree of risk they carry to **Primary Commitments** and **Professional Interests**.
- (b) Review of New and Updated Disclosure Forms. Within 60 days of receiving an updated disclosure form or a disclosure form from a newly hired **Faculty** or **Staff** member, the **COI Committee** will complete its review and determination as to whether a Conflict of Commitment or **Conflict of Interest** exists and implement a management plan, if necessary.

(2) Nature of Review

- (a) Generally. The **COI Committee** will review all disclosures to determine whether a Conflict of Commitment or a **Conflict of Interest** exists.
- (b) Guidelines. The University will maintain guidelines for the **COI Committee** to assist the committee in assessing whether any Conflict of Commitment or **Conflict of Interest** exists. The guidelines will be developed and updated by the **COI Committee**.

(3) Response

If the **COI Committee** determines that a Conflict of Commitment or **Conflict of Interest** exists, then the **COI Committee** will endeavor to work with the **Faculty** or **Staff** member to manage, reduce, or eliminate the Conflict of Commitment or **Conflict of Interest**.

E. *Management or Elimination of Conflicts*

- (1) Generally. The **COI Committee** will develop and implement a management plan to manage, reduce or eliminate any identified Conflicts of Commitment or **Conflicts of Interest**. While the **COI Committee** will endeavor to work with the **Faculty** or **Staff**

member in developing the management plan, the **COI Committee** may require, if necessary, that the **Faculty** or **Staff** member comply with a particular management plan for managing a conflict.

- (2) Management Plan. The management plan developed by the **COI Committee** will be based upon an assessment of the nature, scope and severity of the Conflict of Commitment or **Conflict of Interest**. Methods of controlling or managing conflicts include, but are not limited to, the following:
 - (a) Modifying the University employment or research responsibilities of the conflicted **Faculty** or **Staff** member;
 - (b) Disclosing the conflicting **Leadership Role**, **Secondary Commitment** or **Financial Interest** to the public, for example, during conference presentations and/or in journals and other publications;
 - (c) Reducing the conflict by reducing or altering the **Leadership Role**, **Secondary Commitment** or **Financial Interest** (e.g., partial divestiture or sequestration of one or more **Financial Interests**, reduction of time spent in furtherance of one or more **Leadership Roles** or **Secondary Commitments**);
 - (d) Eliminating the conflict by eliminating the **Leadership Role**, **Secondary Commitment** or **Financial Interest** (e.g., total divestiture or sequestration of one or more **Financial Interests**, resignation from one or more **Leadership Roles** or **Secondary Commitments**).

Other methods may be used consistent with any applicable law and guidance. The **COI Committee** will monitor compliance with the management plan until the completion of the plan or the end of any Conflict of Commitment or **Conflict of Interest**.

F. *Certification*

In the case of applications for National Science Foundation funding awards, the Office of Sponsored Projects Administration is responsible for certifying to the National Science Foundation that all identified conflicts have been reviewed by the **COI Committee** and have been satisfactorily managed, reduced or eliminated prior to the University's expenditure of any funds under the National Science Foundation award.

G. *Appeal of the COI Committee Decision*

Any **Faculty** or **Staff** member who disagrees with the **COI Committee**'s findings or required management strategies may appeal in writing to the Senior Vice President responsible for that **Faculty** or **Staff** member's unit. A copy of the appeal must be sent to the **COI Committee**. The applicable Senior Vice President may agree with the **COI Committee**'s findings and/or management strategy, or may amend such findings and/or strategy. The applicable Senior Vice President shall promptly notify the **Faculty** or **Staff** member and the **COI Committee** in writing of the conclusions of his or her review, including the actions that must be taken by the **Faculty** or **Staff** member to comply with this policy. Upon receipt of the applicable Senior Vice President's written report, the **Faculty** or **Staff** member must promptly comply with the actions specified in that report.

III. Audit and Sanctions for Non-Compliance

At the request of a **Designated Official** of the University, a **Faculty** or **Staff** member may be audited for the purpose of verifying whether the individual truthfully and accurately disclosed his or her **Leadership Roles, Secondary Commitments** and **Financial Interests** in Form A (and in any updates thereto), and for the purpose of verifying whether the individual is complying with the actions, if any, that were specified in the written report of the **COI Committee** (or the applicable Senior Vice President where there has been an appeal). Any **Faculty** or **Staff** member who fails to file a completed Form A by the annual deadline, or who fails to comply with any other action specified by this policy, the **COI Committee** or applicable Senior Vice President (as relates to this policy), will be subject to potential sanctions in accordance with applicable University policy and procedures. These sanctions may include: formal admonition or censure; suspension; non-renewal of appointment; and/or dismissal.

IV. Confidentiality

All financial and other confidential information disclosed by a **Faculty** or **Staff** member pursuant to this policy will be maintained in strict confidence. The **COI Committee** may disclose such information only to other University administrators defined as **Designated Officials** or personnel within the Office of Sponsored Projects Administration to carry out the purpose of this policy. No other uses or disclosures of the financial and other confidential information of any **Faculty** or **Staff** member will be permitted, unless required by law.

PART A-2
STANDARDS APPLICABLE TO INVESTIGATORS INVOLVED IN PHS-FUNDED RESEARCH

[All terms in **Bold** are defined either in Part A or this Part A-2.]

I. Scope

These standards apply to **Faculty** and **Staff** who are **Investigators** for **PHS-Funded Research**, **Affiliated PHS Investigators** (as defined below), and **Subrecipient PHS Investigators** (as defined below). Any references to **Faculty** and **Staff** in this Part A-2 shall include *only* **Faculty** and **Staff** who are **Investigators** for **PHS-Funded Research**.

II. Communication and Training

Faculty, **Staff** and **Affiliated PHS Investigators** who may or will participate in **PHS-Funded Research** as **Investigators** will receive a copy of this policy; specific information about their obligations to disclose **Financial Interests**; and the **PHS-Funded Research** conflict of interest regulations.

These **Investigators** will also receive training on these topics: (i) immediately upon employment or association with the University; (ii) every four years afterwards; (iii) when this policy is revised; and (iv) if and when the University finds that a **Faculty**, **Staff** or **Affiliated PHS Investigator** is non-compliant with this policy or with a management plan implemented to address a **PHS Financial Conflict of Interest** (as defined below).

III. Process

A. Timing

A Conflicts of Commitment and Interest Disclosure Form A (“Form A”) must be submitted on an annual basis and in response to certain events.

- (1) All **Faculty**, **Staff** and **Affiliated PHS Investigators** must complete Form A by January 31st of each year.
- (2) Newly hired **Faculty**, **Staff** and **Affiliated PHS Investigators** must submit Form A within 60 days of employment or association, and must thereafter comply with the annual filing deadline of January 31st.
- (3) Any **Faculty**, **Staff** or **Affiliated PHS Investigators** must promptly, but no later than 30 days, after the acquisition or discovery of any new **Leadership Role**, **Secondary Commitment** or **Financial Interest** or the material modification of any **Leadership Role**, **Secondary Commitment** or **Financial Interest** provide an updated Form A.
- (4) **Faculty**, **Staff** or an **Affiliated PHS Investigator** planning to participate in **PHS-Funded Research** must have submitted an up-to-date Form A prior to the submission of an application for **PHS-Funded Research**.

B. *Information Required*

Form A requires the individual to report any and all **Leadership Roles, Secondary Commitments and Financial Interests** that reasonably appear to be related to the individual's professional responsibilities on behalf of the University, such as research and research consultation, teaching, professional practice, institutional committee memberships, and service on **IRBs** or safety monitoring boards. In addition, this form requires the individual to report any and all **Leadership Roles, Secondary Commitments and Financial Interests** that the individual's **Immediate Family** may have that reasonably appear to be related to the individual's professional responsibilities on behalf of the University, such as research and research consultation, teaching, professional practice, institutional committee memberships, and service on **IRBs** or safety monitoring boards. Further information may be requested by the **COI Committee** as appropriate.

Form A requires the individual to report the following information concerning reimbursed or sponsored travel: sponsor/organization, purpose, duration and destination. The **COI Committee** may also request further information such as the value of the reimbursed or sponsored travel. Individuals should retain documentation of such travel for reporting purposes and requests for further information by the **COI Committee**. Individuals should seek to obtain documentation of reimbursed or sponsored travel from the sponsor/organizer if documentation is not readily provided.

C. *Submission of Forms*

Faculty and **Staff** must submit completed disclosure forms through an electronic online process. The online submissions for **Faculty** and **Staff** in academic units are forwarded to their department supervisor, chair or the dean if the unit does not have a departmental chair structure. The online submissions for **Staff** in non-academic units are forwarded to their direct supervisor. **Affiliated PHS Investigators** must submit their completed disclosure forms through the University's electronic online process. Supervisors, chairs, or deans, as applicable, are responsible for reviewing the completed Form A prior to its submission to the University's **COI Committee**. A list of names of individuals who have not provided the required Form A will be forwarded to the Senior Vice President responsible for their unit.

D. *Review by the COI Committee*

(1) Timing

- (a) Review of Annual Disclosure Forms. As promptly as practicable after the January 31st filing deadline, the **COI Committee** will review disclosures, determine whether a conflict exists and implement a management plan, if necessary. The **COI Committee** may ask that the **Faculty** or **Staff** member or **Affiliated PHS Investigator** who has a potential conflict provide additional information or discuss the matter with the **COI Committee** in person. The **COI Committee** will examine disclosed conflicts to assess the degree of risk they carry to **Primary Commitments** and **Professional Interests**.
- (b) Review of New and Updated Disclosure Forms. Within 60 days of receiving an updated disclosure form or a disclosure form from a newly hired **Faculty** or **Staff** member or **Affiliated PHS Investigator**, the **COI Committee** will complete its review and determination as to whether a Conflict of

Commitment, **Conflict of Interest**, or **PHS Financial Conflict of Interest**³ exists and implement a management plan, if necessary.

- (c) PHS-Funded Research. The **COI Committee** must review current disclosures and reports prior to the expenditure of any funds for **PHS-Funded Research**.

(2) Nature of Review

- (a) Generally. The **COI Committee** will review all disclosures to determine whether a Conflict of Commitment or a **Conflict of Interest** exists.
- (b) PHS-Funded Research. The **COI Committee** will additionally review the disclosures of **Faculty**, **Staff** and **Affiliated PHS Investigators** to determine whether any **Financial Interest** is: (i) related to **PHS-Funded Research**; and (ii) a **PHS Financial Conflict of Interest**. If the **Financial Interest** could be affected by the **PHS-Funded Research** project or is held in an entity whose financial interest could be affected by the **PHS-Funded Research** project, the **Financial Interest** will be considered related to the **PHS-Funded Research** project.
- (c) Guidelines. The University will maintain guidelines for the **COI Committee** to assist the committee in assessing whether any **Financial Interest** is related to **PHS-Funded Research** and whether any **PHS Financial Conflict of Interest** exists. The guidelines will be developed and updated by **COI Committee**.

(3) Response

- (a) If the **COI Committee** determines that a Conflict of Commitment, **Conflict of Interest** or **PHS Financial Conflict of Interest** exists, then the **COI Committee** will endeavor to work with **Faculty** or **Staff** members or **Affiliated PHS Investigators** to manage, reduce or eliminate the Conflict of Commitment or **Conflict of Interest** or **PHS Financial Conflict of Interest**.

E. *Management or Elimination of Conflicts*

- (1) Generally. The **COI Committee** will develop and implement a management plan to manage, reduce or eliminate any identified Conflict of Commitment, **Conflict of Interest** or **PHS Financial Conflict of Interest**. While the **COI Committee** will endeavor to work with the **Faculty**, **Staff** or **Affiliated PHS Investigator** in developing the management plan, the **COI Committee** may require, if necessary, that **Faculty**, **Staff** or **Affiliated PHS Investigator(s)** comply with a particular management plan for managing a conflict. The management plan must be implemented before the expenditure of any funds under a **PHS-Funded Research** project.

³ The differentiation, made here and in subsequent paragraphs, between **Conflict of Interest** and **PHS Financial Conflict of Interest** mirrors the definition of conflict of interest in this policy and the conflict of interest definitions in the PHS rules. This policy defines a conflict of interest essentially as an interest or leadership role that could compromise the integrity of one's professional activities. The PHS rules point to whether a financial interest is related to PHS-funded research and could directly and significantly affect the design, conduct, reporting, or review of the research.

- (2) Management Plan. The management plan developed by the **COI Committee** will be based upon an assessment of the nature, scope and severity of the Conflict of Commitment, **Conflict of Interest** or **PHS Financial Conflict of Interest**. The primary methods of controlling or managing conflicts shall include:
 - (a) Modifying the University employment or research responsibilities of the conflicted **Faculty, Staff** or **Affiliated PHS Investigator**;
 - (b) Disclosing the conflicting **Leadership Role, Secondary Commitment** or **Financial Interest** to the public, for example, during conference presentations and/or in journals and other publications;
 - (c) Reducing the conflict by reducing or altering the **Leadership Role, Secondary Commitment** or **Financial Interest** (e.g., partial divestiture or sequestration of one or more **Financial Interests**, reduction of time spent in furtherance of one or more **Leadership Roles** or **Secondary Commitments**);
 - (d) Eliminating the conflict by eliminating the **Leadership Role, Secondary Commitment** or **Financial Interest** (e.g., total divestiture or sequestration of one or more **Financial Interests**, resignation from one or more **Leadership Roles** or **Secondary Commitments**).

Other methods may be used consistent with any applicable law and guidance. The **COI Committee** will monitor compliance with the management plan until the completion of the plan or the end of any Conflict of Commitment or **Conflict of Interest** or **PHS Financial Conflict of Interest** (e.g., the completion of the **PHS-Funded Research** project).

F. *Expedited Action*

If the University identifies a **Financial Interest** of **Faculty, Staff** or an **Affiliated PHS Investigator** that was not timely disclosed or reviewed in accordance with this policy, the following actions must occur within 60 days: (i) the **Faculty, Staff** or **Affiliated PHS Investigator** must fully disclose the **Financial Interest** to the **COI Committee** through the submission of an updated Form A; (ii) the **COI Committee** must review the **Financial Interest** and determine whether the disclosed **Financial Interest** is: (1) related to **PHS-Funded Research** and (2) a **PHS Financial Conflict of Interest**; and (iii) the **COI Committee** must implement a management plan if necessary.

If a **Conflict of Interest** of a financial nature or a **PHS Financial Conflict of Interest** is identified, the **COI Committee** will complete and document a **Retrospective Review** (as defined below) of the **PHS-Funded Research** within 120 days to determine if the research was biased. Depending on the findings of the review, the **COI Committee** will update any reports previously submitted under Section III.G (Reporting of Conflicts). If the **COI Committee** determines that the research was biased, the **COI Committee** will notify the Office of Sponsored Projects Administration. The Office of Sponsored Projects Administration will then promptly notify the Public Health Service entity funding the research and submit a **Mitigation Report** (as defined below) developed by the **COI Committee** in consultation with the Office of Sponsored Projects Administration.

G. *Reporting of Conflicts*

- (1) PHS-Funded Research. The Office of Sponsored Projects Administration will provide to the Public Health Service entity funding any **PHS-Funded Research**

project an initial report on any **Conflict of Interest** of a financial nature and on any **PHS Financial Conflict of Interest** as follows: (i) prior to the expenditure of funds for a **PHS-Funded Research** project (unless the conflict of interest is eliminated before such expenditure); (ii) within 60 days of any such conflict of interest arising in an ongoing **PHS-Funded Research** project; and (iii) as required under Section III.F (Expedited Action). The Office of Sponsored Projects Administration will provide an annual update on previously reported conflicts of interest for the duration of the **PHS-Funded Research** project.

The initial report will identify: (i) the **PHS-Funded Research** project and the **Faculty, Staff or Affiliated PHS Investigator**; (ii) the entity with which the **Financial Interest** is held; (iii) the nature and value of the **Financial Interest**; (iv) in the case of a **Conflict of Interest** under Part A of the policy, how the **Financial Interest** could compromise, or appear to compromise, the **Professional Interests** of the **Investigator**; (v) in the case of a **PHS Financial Conflict of Interest**, how the **Financial Interest** relates to the **PHS-Funded Research** project and the basis for the determination that a **PHS Financial Conflict of Interest** exists; and (vi) a description of the management plan in place to address the **Conflict of Interest** or **PHS Financial Conflict of Interest**.

Information to be reported concerning the management plan will include: (i) the role and duties of the **Faculty, Staff or Affiliated PHS Investigator** with the conflict of interest; (ii) the conditions of the management plan; (iii) how the management plan will protect the research from bias; (iv) the **Faculty, Staff or Affiliated PHS Investigator**'s agreement to the management plan; and (v) how the management plan will be monitored.

Annual updates to the report will include information on the current status of the **Conflict of Interest** or **PHS Financial Conflict of Interest**, as applicable, and any changes to the management plan.

- (2) **Public Disclosure.** If a **Faculty** or **Staff** member or **Affiliated PHS Investigator** of a **PHS-Funded Research** project who is the project director, principal investigator or otherwise identified by the University as senior/key personnel on the grant application has been determined by the **COI Committee** to have a **Conflict of Interest** of a financial nature or a **PHS Financial Conflict of Interest**, (where the conflict of interest was disclosed and is still held by the project director, principal investigator or senior/key personnel), then, the University will, prior to the University's expenditure of any funds under a PHS-funded research project, ensure public accessibility as provided herein to certain information about such conflicts of interest, by providing in writing, within five days of a valid request (<http://tulane.edu/counsel/upload/Request-for-Report-of-Financial-Conflict-of-Interest-2.pdf>): (i) the name, title and role of the individual with the **Financial Interest**; (ii) the entity with which the **Financial Interest** is held; and (iii) the nature and approximate value of the **Financial Interest**. When the University responds to such a request, the University will indicate in its written response that, "The information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of the University's identification of a new financial conflict of interest; updates are not provided automatically, but may be requested". Such information regarding **Conflicts of Interest** of a financial nature and **PHS Financial Conflicts of Interest** is to be

retained and available for three years from the date that the information was most recently updated and will be updated annually and within 60 days of the receipt of any new information.

H. *Other Reporting and Corrective Action*

- (1) Non-Compliance. If the **COI Committee** determines that the failure of the **Faculty, Staff or Affiliated PHS Investigator** to comply with this policy or a management plan appears to have biased the design, conduct or reporting of **PHS-Funded Research**, the Office of Sponsored Projects Administration will promptly notify the Public Health Service entity funding the research of the corrective action taken or to be taken. The **COI Committee** will exercise oversight regarding compliance with any additional corrective actions imposed by the Public Health Service entity funding the research.
- (2) Disclosure. If the U.S. Department of Health and Human Services determines there has been non-compliant management or reporting of a **Conflict of Interest** of a financial nature or of a **PHS Financial Conflict of Interest** related to **PHS-Funded Research** to evaluate the safety and effectiveness of a drug, medical device or treatment, the **COI Committee** will require the **Faculty, Staff or Affiliated PHS Investigator** to disclose the Conflict of Interest in each public presentation of the **PHS-Funded Research** and to request addenda adding the disclosure of the Conflict of Interest to previously published presentations of the **PHS-Funded Research**.

I. *PHS Subrecipients*

The University shall require any **PHS Subrecipient** by contract to either comply with this policy or to comply with its own financial conflicts of interest policy if such policy is compliant with the **PHS-Funded Research** conflict of interest regulations. If the **PHS Subrecipient** will comply with this policy, **Subrecipient PHS Investigators** will be treated as **Affiliated PHS Investigators** for purposes of Section III (Process). **Subrecipient PHS Investigators**, however, will not have to provide information regarding **Leadership Roles** or **Secondary Commitments** on Form A. If the **PHS Subrecipient** will comply with its own conflicts of interest policy, the University will report any financial conflicts of interest of **Subrecipient PHS Investigators** that have been reported by the **PHS Subrecipient** to the Public Health Service entity funding the research in accordance with Section III.G (Reporting of Conflicts). Additional information on implementation of these provisions is set forth in the University Subrecipient Monitoring Policy.

J. *Certification*

The Office of Sponsored Projects Administration is responsible for certifying to the Public Health Service that the University: (i) has a written, up-to-date and enforced administrative process to manage **Conflicts of Interest**; (ii) promotes and enforces **Faculty, Staff or Affiliated PHS Investigator** compliance and manages **Conflicts of Interest**; (iii) provides ongoing reports to the Public Health Service; (iv) agrees to make information concerning **Faculty, Staff or Affiliated PHS Investigator** disclosures and review of the disclosures available to the U.S. Department of Health and Human Services upon request; and (v) fully complies with federal regulations at 42 C.F.R. Part 50 Subpart F.

K. *Appeal of the COI Committee Decision*

Any **Faculty, Staff or Affiliated PHS Investigator** who disagrees with the **COI Committee's** findings or required management strategies may appeal in writing to the Senior Vice President responsible for that **Faculty, Staff or Affiliated PHS Investigator's** unit. A copy of the appeal must be sent to the **COI Committee**. The applicable Senior Vice President may agree with the **COI Committee's** findings and/or management strategy, or may amend such findings and/or strategy. The applicable Senior Vice President shall promptly notify the **Faculty, Staff or Affiliated PHS Investigator** and the **COI Committee** in writing of the conclusions of his or her review, including the actions that must be taken by the **Faculty, Staff or Affiliated PHS Investigator** to comply with this policy. Upon receipt of the applicable Senior Vice President's written report, the **Faculty, Staff or Affiliated PHS Investigator** must promptly comply with the actions specified in that report.

IV. **Audit and Sanctions for Non-Compliance**

At the request of a **Designated Official** of the University, a **Faculty, Staff or Affiliated PHS Investigator** may be audited for the purpose of verifying whether the individual truthfully and accurately disclosed his or her **Leadership Roles, Secondary Commitments and Financial Interests** in Form A (and in any updates thereto), and for the purpose of verifying whether the individual is complying with the actions, if any, that were specified in the written report of the **COI Committee** (or the applicable Senior Vice President where there has been an appeal). Any **Faculty, Staff or Affiliated PHS Investigator** who fails to file a completed Form A by the annual deadline, or who fails to comply with any other action specified by this policy, the **COI Committee** or applicable Senior Vice President (as relates to this policy), will be subject to potential sanctions in accordance with applicable University policy and procedures. These sanctions may include: formal admonition or censure; suspension; non-renewal of appointment; prohibition on expending PHS funds; and/or dismissal.

V. **Confidentiality**

All financial and other confidential information disclosed by **Faculty, Staff, and Affiliated PHS Investigators** pursuant to this policy will be maintained in strict confidence, unless the information must be disclosed under Section III.G (Reporting of Conflicts). The **COI Committee** may disclose such information only to other University administrators defined as **Designated Officials** or personnel within the Office of Sponsored Projects Administration to carry out the purpose of this policy. No other uses or disclosures of the financial and other confidential information of any **Faculty, Staff and Affiliated PHS Investigators** will be permitted, unless required by law.

VI. **Record Retention**

In the case of disclosures made by **Faculty, Staff or Affiliated PHS Investigators** participating or planning to participate in **PHS-Funded Research**, the Office of Sponsored Projects Administration will retain all records related to the disclosure and review of such **Financial Interests**, including any **Retrospective Review** or other actions taken, for at least three years from the date of submission of the final expenditure report to the Public Health Service or as otherwise required by 45 C.F.R. § 74.53(b) and § 92.42(b).

VII. **Additional Definitions**

A. **Affiliated PHS Investigator:** Any person other than a **Faculty or Staff** member, who serves as project director or principal **Investigator** or who, regardless of title or position, is responsible for the design, conduct or reporting of research funded by the Public Health

Service and conducted by the University. **Affiliated PHS Investigator** may include, for example, a collaborator or consultant.

- B. ***Mitigation Report:*** Report submitted to the entity funding the **PHS-Funded Research** after a **Retrospective Review**. The **Mitigation Report** will include: the key elements noted in the **Retrospective Review**, a description of the impact of the bias on the research and a description of the actions taken or planned to mitigate the effect of the bias.
- C. ***PHS Financial Conflict of Interest:*** A set of circumstances in which a **Financial Interest** of a **PHS Investigator** could directly and significantly affect the design, conduct or reporting of **PHS-Funded Research**.
- D. ***Retrospective Review:*** Review of **PHS-Funded Research** when non-compliance has been found. Documentation of a **Retrospective Review** will include: the number and title of the research project; the names of the project director or lead **PHS Investigator** and the **PHS Investigator** with the Conflict of Interest; the name of the entity with which the **PHS Investigator** has the Conflict of Interest; the reason for the **Retrospective Review**; detailed methodology of how the **Retrospective Review** was conducted; and the findings and conclusions of the **Retrospective Review**.
- E. ***Subrecipient PHS Investigator:*** Any person responsible for the design, conduct or reporting of research funded by the Public Health Service and conducted by the University through a **PHS Subrecipient**.

PART B
POLICY OF TULANE UNIVERSITY ON CONFLICTS OF COMMITMENT AND INTEREST
MEMBERS OF THE TULANE UNIVERSITY MEDICAL GROUP AND HEALTH CARE PROVIDERS

[All terms in **Bold** are defined either in Part A or this Part B.]

This Addendum shall apply ONLY to members of the Tulane University Medical Group and other health care providers. For the purposes of this Addendum, a health care provider is a physician or other health care professional or **Staff** member who orders medical items, supplies (including for example pharmaceuticals) or services for patients or who refers patients to other health care providers or suppliers of medical items, supplies or services. A physician or other **Staff** member who performs no patient care services, directly or indirectly, and whose duties encompass no direct or indirect patient care is NOT covered by this Addendum.

By this Addendum, the Tulane University Policies on Conflicts of Commitment and Interest incorporate federal and state laws requiring that persons making purchasing and/or patient referral decisions not receive any remuneration or payment for making such decisions (often referred to as “anti-kickback” laws) and other laws that prohibit physicians from referring patients to services and facilities in which those physicians and their families hold **Financial Interests** (often referred to as “physician self-referral laws”). Considering such laws, the definition of **Immediate Family** in this Addendum shall apply to members of the Tulane University Medical Group and other health care providers in lieu of the definition included in the policy to which this Part B is attached:

F Immediate Family. Spouse or domestic partner, children and other dependents, natural or adoptive parents, siblings, stepparent, stepchild, stepbrother or sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, and spouse of grandparent or grandchild.

PART C

CONFLICTS OF INTEREST FOR INVESTIGATORS IN HUMAN SUBJECTS RESEARCH

[All terms in **Bold** are defined either in Part A or this Part C.]

I. Applicability

This Part C of the policy applies to **Investigators** involved in research involving human subjects.

II. Principles

Federal law and policy require that for federally-funded research studies, the university hosting the research gather information related to each **Investigator's Research Financial Interests** (as defined below) that may be affected by the research itself. Although these requirements originated in a concern for assuring the integrity of federally-funded research data, the University is also concerned, as are various professional organizations, with the possible influence of such **Research Financial Interests** on research integrity and on the safety and welfare of human subjects involved in research protocols, regardless of the source of research funding. The University's policy in this regard is consistent with prevailing standards for professional conduct, which require that physicians and other licensed professionals not exercise undue influence over patients and clients and act at all times in the best interests of their patients and clients. The University is also concerned about **Leadership Roles** of **Investigators** in entities that sponsor research. The University's policies therefore incorporate those concerns as well.

Consistent with federal laws and the ethical principles of human subjects research, the University seeks to ensure that its **Investigators** can carry out their responsibilities to protect the rights and welfare of human subjects participating in research projects at the University. Since the University recognizes that Conflicts of Interest may occur during research, this policy is intended to assist **Investigators** in determining when they have Conflicts of Interest in research, and to guide them in disclosing all potential conflicts and in cooperating with the management or elimination of the conflicts, where necessary. The guidelines and mechanisms, as applied to **Investigators** and **Subrecipient PHS Investigators** (as defined below) participating in **PHS-Funded Research**, are intended to comply with the **PHS-Funded Research** conflict of interest regulations outlined at 42 C.F.R. Part 50 Subpart F and at 45 C.F.R. Part 94 and should be interpreted consistently with those regulatory requirements and any implementing guidance.

While this policy governs Conflicts of Interest of **Investigators**, the policy does not regulate disputes between two or more **Investigators** or between one or more **Investigators** and the University. Such disputes are to be resolved according to the University's established dispute resolution procedures.

III. Communication and Training

Investigators who may or will participate in human subjects research will receive a copy of this policy, specific information about their obligations to disclose **Research Financial Interests**, and **PHS-Funded Research** conflict of interest regulations.

These **Investigators** will also receive training on these topics (i) immediately upon employment or association with the University; (ii) every four years afterwards; (iii) when this policy is revised; and

(iv) if and when the University finds that an **Investigator** is non-compliant with this policy or with a management plan implemented to address a **Conflict of Interest**.

IV. Process

A. *Timing*

- (1) Human Subjects Research-Related Financial and Leadership Disclosure Form C. A Human Subjects Research-Related Financial and Leadership Disclosure Form C (Form C) must be submitted on an annual basis and in response to certain events.
 - (a) All **Investigators** who may or will participate in human subjects research must complete Form C by January 31st of each year.
 - (b) Newly hired or affiliated **Investigators** who may or will participate in human subjects research must submit Form C within 60 days of employment or association and at least three weeks prior to the scheduled meeting date of the University's **IRB** at which the **IRB** will review the **Investigator's** research protocol. Newly hired or affiliated **Investigators** may not submit any research protocol for review by the **IRB** before they have submitted Form C to the **COI Committee**. **Investigators** must thereafter comply with the annual filing deadline of January 31st.
 - (c) Any **Investigator** who may or will participate in human subjects research must promptly, but no later than 30 days, after the acquisition or discovery of any new **Leadership Role** or **Research Financial Interest** or the material modification of any **Leadership Role** or **Research Financial Interest** provide an updated Form C.
 - (d) An **Investigator** planning to participate in **PHS-Funded Research** must submit Form C prior to the submission of an application for **PHS-Funded Human Subjects Research** (as defined below).
- (2) Other Disclosures.
 - (a) **Investigators** must also forward to the **COI Committee** without delay any amendments or changes that they make to any reports of **Research Financial Interests** that are submitted to any **Sponsor** (as defined below) of the research.
 - (b) In the application for **IRB** approval of a human subjects research protocol, and at the time of continuing review of the protocol, each **Investigator** must attest using the Tulane University Investigator Conflict of Interest Attestation Form that he or she has supplied the **COI Committee** with a complete Conflicts of Commitment and Interest Disclosure Form, including Form C (and any required updates thereto), and must indicate whether the research he or she is conducting could be affected by any of his or her **Research Financial Interests** and/or **Leadership Roles**. The **IRB** will forward a copy to the **COI Committee**. The **IRB** may not approve a human subjects research protocol until each **Investigator** has provided this required information and the **COI Committee** has determined that there is no **Conflict of Interest** or provided assurance regarding management or elimination of the conflict. If,

at the time for continuing review of a study, all necessary information has not been provided, no new subjects shall be enrolled in the study. Unless the **IRB** determines that it is in the best interests of the previously enrolled subjects to continue the study and their participation, the study shall not be authorized to continue, and shall not be allowed to continue until such time as all required information has been provided.

B. Information Required

Form C requires **Investigators** to report any and all **Leadership Roles** and **Research Financial Interests**. In addition, this form requires **Investigators** to report any and all **Leadership Roles** and **Research Financial Interests** that the **Investigator's Immediate Family**⁴ may have in any research or health care-related organization, including any not-for-profit or tax-exempt health-care related companies or foundations.⁵ Further information may be requested by the **COI Committee**. **Investigators** must append to Form C a copy of every report of their **Research Financial Interests** that they are required to submit to any **Sponsor** of research.⁶

C. Submission of Forms

Investigators must submit completed disclosure forms through an electronic online process. The online submissions are forwarded to their department chair or the dean if the unit does not have a departmental chair structure. Supervisors, chairs or deans, as applicable, are responsible for reviewing the completed Form C prior to its submission to the University's **COI Committee**. A list of names of individuals who have not provided the required Form C will be forwarded to the Senior Vice President responsible for their unit.

D. Review by the COI Committee

(1) Timing

- (a) Review of Annual Disclosure Forms. As promptly as practicable after the January 31st filing deadline, the **COI Committee** will review disclosures and reports, determine whether a conflict exists and implement a management plan if necessary. The **COI Committee** may ask that an **Investigator** who has a potential conflict provide additional information or discuss the matter with the **COI Committee** in person.

⁴ The applicable definition of **Immediate Family** can be found in the Definitions section of Part A of the Policy. Pursuant to relevant federal law, the Policy defines the term Immediate Family differently for members of the Tulane University Medical Group and other health care providers. Such members and health care providers must refer to the definition of **Immediate Family** that can be found in Part B of this policy regarding such definition. Note that for purposes of evaluating **Vendor/Contractor** relationships, **Immediate Family** also includes parents, siblings, parents-in-law, and siblings-in-law.

⁵ All **Investigators** currently conducting research must complete and file an initial Conflicts of Commitment and Interest Disclosure Form, including, in the case of **Investigators** involved in human subjects research, Form C. In the case of an **Investigator's** receipt of **Research Financial Interests** from any research or health care-related organization, the University may request disclosure from such organization(s) to determine the source of the **Research Financial Interests**.

⁶ This includes, but is not limited to, financial disclosure reports that must be made to **Sponsors** pursuant to regulations of the United States Food and Drug Administration.

- (b) Review of New and Updated Disclosure Forms. Within 60 days of receiving an updated disclosure form or a disclosure form from a newly hired or affiliated **Investigator**, the **COI Committee** will complete its review, determine whether a **Conflict of Interest** exists and implement a management plan if necessary.
 - (c) Review of Disclosure Forms from IRB. As promptly as practicable after receiving a disclosure form from the **IRB**, the **COI Committee** will complete its review, determine whether a **Conflict of Interest** exists and implement a management plan if necessary.
 - (d) PHS-Funded Research. The **COI Committee** must review current disclosures and reports prior to the expenditure of any funds for **PHS-Funded Research**.
- (2) Nature of Review
- (a) Generally. The **COI Committee** will review all disclosures to determine whether any disclosed **Research Financial Interests** or **Leadership Roles** constitute a **Conflict of Interest** with regard to an **Investigator's** research, that is, whether any disclosed **Research Financial Interest** or **Leadership Role** could compromise or could reasonably be perceived to compromise the **Professional Interests** of the **Investigator**. If one or more **Conflicts of Interest** are identified in this process, then the **COI Committee** shall examine those conflicts to assess the degree of risk they carry with regard to research integrity and the safety and welfare of human subjects. The more significant the **Research Financial Interest** or **Leadership Role** of the **Investigator** in the research being conducted by that **Investigator**, the greater the potential risk that the conflicts may inappropriately influence research outcomes and/or subject safety and welfare.
 - (b) PHS-Funded Research. The **COI Committee** will additionally review the disclosures of **Investigators** involved in **PHS-Funded Research** to determine whether any **Research Financial Interest** is: (i) related to **PHS-Funded Human Subjects Research**; and (ii) a **PHS Financial Conflict of Interest** (as defined below). If the **Research Financial Interest** could be affected by the **PHS-Funded Human Subjects Research** project or is held in an entity whose financial interest could be affected by the **PHS-Funded Human Subjects Research** project, the **Research Financial Interest** will be considered related to the **PHS-Funded Human Subjects Research** project.
 - (c) Guidelines. The University will maintain guidelines for the **COI Committee** to assist the committee in assessing whether any **Financial Interest** is related to **PHS-Funded Human Subjects Research** and whether any **PHS Financial Conflict of Interest** exists. The guidelines will be developed and updated by the **COI Committee**.
- (3) Response
- (a) Generally. If the **COI Committee** determines that a **Conflict of Interest** exists, and the **Conflict of Interest** consists of a financial interest that is

\$10,000 or less, then the **COI Committee** will endeavor to work with the **Investigator** to manage, reduce or eliminate the **Conflict of Interest**.

- (b) Per se Conflicts of Interest. The **COI Committee** shall deem any **Research Financial Interest** that exceeds \$10,000 and is related to human subjects research to be a *per se* **Conflict of Interest**. An **Investigator** with a *per se* **Conflict of Interest** may not participate in the related human subjects research unless the conflicting interest is eliminated or reduced to \$10,000 or below. (Note that the reduced **Research Financial Interest** might still be deemed a **Conflict of Interest**, necessitating action under subparagraph (a) above.) If, for any reason, the **Conflict of Interest** cannot be reduced to \$10,000 or less or eliminated altogether, the **Investigator** will be disqualified from participating in the research, subject only to (1) a showing of compelling and necessary reasons for being permitted to participate, and (2) a COI Committee established management plan consistent with maintaining the integrity of the research and the safety of human subjects participating in the research.
- (c) Compelling and Necessary Reasons. The showing of compelling and necessary reasons required to justify participation in human subjects research by an **Investigator** with a *per se* **Conflict of Interest** is within the discretion of the **COI Committee** but should be substantial. The **COI Committee** may, for example, require a showing of such factors as: that the **Investigator** has special expertise regarding the particular drug, device, or method under investigation that uniquely qualifies that **Investigator** to conduct the investigation; that the University has facilities or equipment that are needed for the research and unavailable at most other institutions in the United States; or that the **Investigator** or the University is particularly well situated to enroll study subjects because of the patient population of University-affiliated health care providers or of the **Investigator**.
- (d) Notification. The **COI Committee** shall promptly notify the **Investigator** and the **IRB** of its finding(s) regarding whether the **Research Financial Interest** and/or **Leadership Role** of the **Investigator** constitutes a **Conflict of Interest**, and if so, the method(s) the committee recommends for addressing any such **Conflict of Interest**.
- (4) Continuing Review. At each continuing review, the **IRB** shall consult with the **COI Committee** regarding any changes in the **Research Financial Interests** and/or **Leadership Roles** of the **Investigator**, and regarding any changes in management strategies recommended by the **COI Committee**.

E. *Management or Elimination of Conflicts*

- (1) Generally. Subject to the provisions concerning *per se* **Conflicts of Interest**, the **COI Committee** will develop and implement a management plan to manage, reduce or eliminate any identified **Conflict of Interest**. While the **COI Committee** will endeavor to work with the **Investigator** in developing the management plan, the **COI Committee** may require, if necessary, that the **Investigator** comply with a particular management plan for managing a conflict.

- (2) Management Plan. The **COI Committee**'s findings and/or management strategy will be based upon an assessment of the seriousness of the **Conflict of Interest**, and the likelihood that the **Conflict of Interest** could in fact influence persons to make inappropriate, unfair or unwise decisions in their conduct or oversight of human subjects research. Methods of controlling or managing Conflicts of Interest include but are not limited to:
- (a) Public disclosure of the conflicting **Research Financial Interest** or **Leadership Role** to **Sponsors** and research subjects (*i.e.*, during the informed consent process) and during presentations or publication of the research;
 - (b) Appointment of an independent monitor capable of taking measures to protect the research from bias resulting from the conflict;
 - (c) Providing independent monitoring of the subject recruitment and/or informed consent processes;
 - (d) Requiring independent monitoring and oversight of subject-researcher interactions, data gathering, data analysis, and/or data reporting;
 - (e) Modifying the research plan;
 - (f) Eliminating the conflict by: changing the responsibilities of conflicted **Investigators**; referring the study to non-conflicted **Investigators** at the University; or referring the study to another site at which **Investigators** are not conflicted;
 - (g) Eliminating the conflict by divesting or sequestering the conflicting **Research Financial Interest** or relinquishing the **Leadership Role**;
 - (h) Requiring that investments posing a **Conflict of Interest** in a research study be "frozen" for a designated period of time lasting beyond the termination of the study, with the **Investigator** allowed neither to sell nor transfer those interests until the end of that time period, thus providing for a forced segregation of the research study and its results from the **Investigator**'s conflicting **Research Financial Interest**;
 - (i) Arranging for review of all adverse events, including review of subject records on a comprehensive, periodic or sampled basis to assure that reports of adverse events have been timely and properly made; and/or
 - (j) Adopting procedures for a routine periodic updating of information relating to the **Conflict of Interest**, if it appears that the **Conflict of Interest** might change in any appreciable way over the course of a research study.

Other methods may be used consistent with any applicable law and guidance. The **COI Committee** will monitor compliance with the management plan until the completion of the plan or the end of any **Conflict of Interest** (*e.g.*, the completion of the **PHS-Funded Research** project).

- (3) IRB Review. The **IRB** shall review the findings and management strategies of the **COI Committee**. The **IRB** may accept the management strategies or may

strengthen them. If the **IRB** elects to strengthen the management strategies, it must document its reasons for doing so and submit a copy of its written report to the **COI Committee**. The **IRB** must promptly notify the **Investigator** in writing of its determination regarding the **Investigator's** real or perceived **Conflict of Interest**; the **Investigator** must then comply with the management strategies as modified by the **IRB**.

F. ***Expedited Action – Research Financial Interests in PHS-Funded Human Subjects Research***

If the University identifies a **Research Financial Interest** of an **Investigator** involved in **PHS-Funded Human Subjects Research** that was not timely disclosed or reviewed in accordance with this policy, the following actions must occur within 60 days: (i) the **Investigator** must fully disclose the **Research Financial Interest** to the **COI Committee** through the submission of an updated Form C; (ii) the **COI Committee** must review the **Research Financial Interest** and determine whether it is a **Conflict of Interest** as defined in Part A of the policy; (iii) the **COI Committee** must review the **Research Financial Interest** and determine whether it is: (1) related to the human subjects research and (2) a **PHS Financial Conflict of Interest**; and (iv) the **COI Committee** must implement a management plan, if necessary.

If a **Conflict of Interest** of a financial nature or a **PHS Financial Conflict of Interest** is identified, the **COI Committee** will complete and document a **Retrospective Review** (as defined below) of the **PHS-Funded Human Subjects Research** within 120 days to determine if the research was biased. Depending on the findings of the review, the **COI Committee** will update any reports previously submitted under Section IV.G (Reporting of Conflicts). If the **COI Committee** determines that the research was biased, the **COI Committee** will notify the Office of Sponsored Projects Administration. The Office of Sponsored Projects Administration will then promptly notify the Public Health Service entity funding the research and submit a **Mitigation Report** (as defined below) developed by the **COI Committee** in consultation with the Office of Sponsored Projects Administration.

G. ***Reporting of Conflicts***

- (1) **PHS-Funded Human Subjects Research.** The Office of Sponsored Projects Administration will provide to the Public Health Service entity funding any **PHS-Funded Human Subjects Research** project an initial report on any financial **Conflict of Interest** or **PHS Financial Conflict of Interest** as follows: (i) prior to the expenditure of funds for a **PHS-Funded Human Subjects Research** project (unless the conflict is eliminated before such expenditure); (ii) within 60 days of any such conflict arising in an ongoing **PHS-Funded Human Subjects Research** project; and (iii) as required under Section IV.F (Expedited Action). The Office of Sponsored Projects Administration will provide an annual update on previously reported conflicts of interest for the duration of the **PHS-Funded Human Subjects Research** project.

The initial report will identify: (i) the **PHS-Funded Human Subjects Research** project and **Investigator**; (ii) the entity with which the **Research Financial Interest** is held; (iii) the nature and value of the **Research Financial Interest**; (iv) in the case of a **Conflict of Interest** as defined in Part A of the policy, how the **Research Financial Interest** could compromise or reasonably appear to compromise the **Professional Interests** of the **Investigator**; (v) in the case of a **PHS Financial**

Conflict of Interest, how the **Research Financial Interest** relates to the **PHS-Funded Human Subjects Research** project and the basis for the determination that a **PHS Financial Conflict of Interest** exists; and (vi) a description of the management plan in place to address the conflict of interest.

Information to be reported concerning the management plan will include: (i) the role and duties of the **Investigator** with the conflict of interest; (ii) the conditions of the management plan; (iii) how the management plan will protect the research from bias; (iv) the **Investigator's** agreement to the management plan; and (v) how the management plan will be monitored.

Annual updates to the report will include information on the current status of the conflict of interest and any changes to the management plan.

- (2) Public Disclosure. If the **Investigator** of a **PHS-Funded Human Subjects Research** project who is the project director, principal investigator or otherwise identified by the University as senior/key personnel on the grant application has been determined by the **COI Committee** to have a **Conflict of Interest** of a financial nature or a **PHS Financial Conflict of Interest**, (where the conflict of interest was disclosed and is still held by the project director, principal investigator or senior/key personnel), then, the University will, prior to the University's expenditure of any funds under a PHS-funded research project, ensure public accessibility as provided herein to certain information about such conflicts of interest, by providing in writing, within five days of a valid request (<http://tulane.edu/counsel/upload/Request-for-Report-of-Financial-Conflict-of-Interest-2.pdf>): (i) the name, title and role of the individual with the **Research Financial Interest**; (ii) the entity with which the **Research Financial Interest** is held; and (iii) the nature and approximate value of the **Research Financial Interest**. When the University responds to such a request, the University will indicate in its written response that, "The information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of the University's identification of a new financial conflict of interest; updates are not provided automatically, but may be requested". Such information regarding **Conflicts of Interest** of a financial nature and **PHS Financial Conflicts of Interest** is to be retained and available for three years from the date that the information was most recently updated and will be updated annually and within 60 days of the receipt of any new information.

H. *Other Reporting and Corrective Action*

- (1) Non-Compliance. If the **COI Committee** determines that the failure of an **Investigator** to comply with this policy or a management plan appears to have biased the design, conduct or reporting of **PHS-Funded Human Subjects Research**, the Office of Sponsored Projects Administration will promptly notify the Public Health Service entity funding the research of the corrective action taken or to be taken. The **COI Committee** will ensure compliance with any additional corrective actions imposed by the Public Health Service entity funding the research.
- (2) Disclosure. If the U.S. Department of Health and Human Services determines there has been non-compliant management or reporting of a **Conflict of Interest** of a financial nature or of a **PHS Financial Conflict of Interest** related to **PHS-Funded Human Subjects Research** to evaluate the safety and effectiveness of a drug,

medical device or treatment, the **COI Committee** will require the **Investigator** to disclose the conflict of interest in each public presentation of the **PHS-Funded Human Subjects Research** and to request addenda adding the disclosure of the conflict of interest to previously published presentations of the **PHS-Funded Human Subjects Research**.

I. *PHS Subrecipients*

The University shall require any **PHS Subrecipient** by contract to either comply with this policy or to comply with its own financial conflicts of interest policy if such policy is compliant with the **PHS-Funded Research** conflict of interest regulations. If the **PHS Subrecipient** will comply with this policy, **Subrecipient PHS Investigators** will be treated as **Investigators** for purposes of Section IV (Process) of Part C of this policy. **Subrecipient PHS Investigators**, however, will not have to provide information regarding **Leadership Roles** or **Secondary Commitments** on Form C. If the **PHS Subrecipient** will comply with its own conflicts of interest policy, the University will report any financial conflicts of interest related to **PHS-Funded Human Subjects Research** of **Subrecipient PHS Investigators** that have been reported by the **PHS Subrecipient** to the Public Health Service entity funding the research in accordance with Section IV.G (Reporting of Conflicts). Additional information on implementation of these provisions will be set forth in the University Subrecipient Monitoring Policy.

J. *Certification*

- (1) PHS-Funded Human Subjects Research. The Office of Sponsored Projects Administration is responsible for certifying to the Public Health Service that the University: (i) has a written, up-to-date and enforced administrative process to manage conflicts of interest; (ii) promotes and enforces compliance for **Investigators** involved in **PHS-Funded Human Subjects Research** and manages conflicts of interest; (iii) provides ongoing reports to the Public Health Service; (iv) agrees to make information concerning disclosures of **Investigators** involved in **PHS-Funded Human Subjects Research** and review of the disclosures available to the U.S. Department of Health and Human Services upon request; and (v) fully complies with federal regulations at 42 C.F.R. Part 50 Subpart F and 45 C.F.R. Part 94.
- (2) National Science Foundation Research. In the case of National Science Foundation funding applicants, the Office of Sponsored Projects Administration is responsible for certifying to the National Science Foundation that all identified conflicts have been reviewed by the **COI Committee** and have been satisfactorily managed, reduced or eliminated prior to the University's expenditure of any funds under the National Science Foundation award.

K. *Appeal of the COI Committee Decision*

- (1) Generally. **Investigators** who disagree with the **COI Committee's** findings and/or management strategy may appeal in writing to the Senior Vice President responsible for that **Investigator's** unit. A copy of the appeal must be sent to the **COI Committee**. The **COI Committee** will promptly notify the **IRB** of the appeal. The applicable Senior Vice President may agree with the **COI Committee's** findings and/or management strategy, or may amend such findings and/or strategy by, for example, strengthening or weakening the management strategies. The applicable Senior Vice President shall promptly notify the **Investigator** and the **COI**

Committee of the conclusions of his or her review. The **COI Committee** will forward to the **IRB** a revised copy of its findings and management strategy should these require amendment as a result of the appeal. The **IRB** shall suspend its ultimate determination regarding the study pending the resolution of the appeal.

- (2) **IRB Review.** The **IRB** shall review the findings and management strategies of the applicable Senior Vice President when there has been an appeal. The **IRB** may accept the management strategies, or may strengthen them. If the **IRB** elects to strengthen the management strategies, it must document its reasons for doing so and submit a copy of its written report to the **COI Committee** and to the applicable Senior Vice President. The **IRB** must promptly notify the **Investigator** in writing of its determination regarding the **Investigator's Conflict of Interest**; the **Investigator** must then comply with the management strategies as modified by the **IRB**.

V. Audit and Sanctions for Non-Compliance

At the request of a Senior Vice President of the University, an **Investigator** may be audited for the purpose of verifying whether the **Investigator** truthfully and accurately disclosed his or her **Leadership Roles, Secondary Commitments** and **Research Financial Interests** in Form C (and in any updates thereto), and for the purpose of verifying whether the **Investigator** is complying with the actions, if any, that were specified in the written report of the **COI Committee** (or applicable Senior Vice President where there has been an appeal, or **IRB** where management strategies were strengthened). An **Investigator** who fails to file a completed Form C with the **COI Committee** by the annual deadline, or who fails to comply with any other action specified by the **COI Committee** or applicable Senior Vice President (as modified by the **IRB**) will be subject to potential sanctions in accordance with applicable University policy and procedures. These sanctions may include formal admonition or censure; suspension or termination of the **Investigator's** eligibility for grant applications and/or **IRB** approval; non-renewal of appointment; prohibition on expending PHS funds; and/or dismissal.

VI. Confidentiality

All financial and other confidential information disclosed by **Investigators** pursuant to this policy will be maintained in strict confidence, unless the information must be disclosed under Section IV.G (Reporting of Conflicts). The **COI Committee** may disclose such information only to other University administrators defined as **Designated Officials** or personnel within the Office of Sponsored Projects Administration to carry out the purpose of this policy. No other uses or disclosures of the financial and other confidential information of an **Investigator** will be permitted, unless required by law.

VII. Record Retention

In the case of disclosures made by **Investigators** participating or planning to participate in **PHS-Funded Human Subjects Research**, the Office of Sponsored Projects Administration will retain all records related to the disclosure and review of an **Investigator's Research Financial Interests**, including any **Retrospective Review** or other actions taken, for at least three years from the date of submission of the final expenditure report to the Public Health Service or as otherwise required by 45 C.F.R. § 74.53(b) and § 92.42(b).

VIII. Additional Definitions and Descriptions

- A. **Mitigation Report:** Report submitted to the entity funding the **PHS-Funded Research** after a **Retrospective Review**. The **Mitigation Report** will include: the key elements noted in the **Retrospective Review**, a description of the impact of the bias on the research and a description of the actions taken or planned to mitigate the effect of the bias.
- B. **PHS Financial Conflict of Interest:** A set of circumstances in which a **Financial Interest** of a **PHS Investigator** could directly and significantly affect the design, conduct or reporting of related **PHS-Funded Research**.
- C. **PHS-Funded Human Subjects Research:** Research involving human subjects that is funded by the Public Health Service or by an entity with Public Health Service-delegated authority, including the National Institutes of Health.
- D. **Research Financial Interest:**
 - (1) Any investments (whether in the form of debt, stock or other equity ownership, options or warrants to purchase stock or other securities or similar instruments) or interest in a **Sponsor**, research or health care-related organization;
 - (2) Royalties on any patent or other intellectual property interests, unless paid by the University;
 - (3) Income, salary or remuneration in cash or in kind, emoluments, benefits, gifts, honoraria, travel expenses, goods or services received from a **Sponsor** or research or health care-related organization.

A **Research Financial Interest** does not include holdings in mutual funds or other equity funds in which day-to-day control of investments is held by a person not subject to this policy or any other University conflict of interest policy.

Please note that a **Research Financial Interest** has no dollar or ownership thresholds; therefore, any interest related to a **Sponsor** or to the research must be disclosed, however small.

- E. **Retrospective Review:** Review of **PHS-Funded Research** when non-compliance has been found. Documentation of a **Retrospective Review** will include: the number and title of the research project; the names of the project director or lead **Investigator** and the **Investigator** with the **Conflict of Interest** of a financial nature or **PHS Financial Conflict of Interest**; the name of the entity with which the **Investigator** has the **Conflict of Interest** or **PHS Financial Conflict of Interest**; the reason for the **Retrospective Review**; detailed methodology of how the **Retrospective Review** was conducted; and the findings and conclusions of the **Retrospective Review**.
- F. **Sponsor:** The entity that is sponsoring or funding the research and the entity's affiliates and subsidiaries, and any entity that monitors research, collects or arranges data for research or otherwise performs any services related to or supporting research, including without limitation assisting in applications or responses to the United States Department of Health and Human Services and/or the United States Food and Drug Administration.

- G. ***Subrecipient PHS Investigator:*** Any person responsible for the design, conduct or reporting of research funded by the Public Health Service and conducted by the University through a **PHS Subrecipient**.

PART D
POLICY FOR CONFLICTS OF INTEREST OF RESEARCH OVERSIGHT OFFICIALS

[All terms in **Bold** are defined either in Part A or this Part D.]

I. Applicability

This policy applies to **Research Oversight Officials** (as defined below) responsible for research oversight at Tulane University. This policy defines Research Oversight Officials to include all **Faculty** and **Staff** of any institutional office or body (for instance, all **IRB**, IACUC, and IBC members) at the University who perform research oversight functions in which they exercise professional or administrative-level discretion.

II. Principles

Federal law and accrediting agencies require that **IRB** and IACUC members not have any conflicting interests in the research that they review. The University is concerned, as are various professional organizations, with the possible influence of such **Research Financial Interests** (as defined below) on research integrity and on the safety and welfare of subjects involved in research protocols regardless of the source of research funding. The University is also concerned with any **Research Leadership Roles** (as defined below) that may be held by **Research Oversight Officials** in any entities that sponsor research, or that perform support, marketing, recruitment, data analysis, or FDA liaison activities for research. The University's policies therefore incorporate those concerns as well.

Consistent with federal laws and the ethical principles of research, Tulane University seeks to ensure that its **Research Oversight Officials** can carry out their responsibilities to protect the rights and welfare of subjects participating in research projects at the University. Since the University recognizes that **Conflicts of Interest** may occur during research, this policy is intended to assist **Research Oversight Officials** in determining when they have **Conflicts of Interest** in research and to guide them in disclosing all potential conflicts and then, as appropriate, cooperating in the management or elimination of the conflicts. While this policy governs the **Conflicts of Interest** of **Research Oversight Officials** at the University, it does not regulate disputes between two or more individuals, nor does it regulate disputes between one or more individuals and the University. Such disputes are to be resolved according to the University's established dispute resolution procedures.

Because **IRB Members** and other **Research Oversight Officials** have primary responsibility for protecting the safety and welfare of subjects participating in research at the University, it is the policy of the University that **IRB Members** and **Research Oversight Officials**, may not review any research protocol in which a decision to approve or disapprove the protocol could affect or reasonably be perceived to affect the **IRB Member's** or **Research Oversight Official's** or their **Immediate Family's**⁷ **Research Financial Interests**. **Research Oversight Officials** whose

⁷ The applicable definition of **Immediate Family** can be found in the Definitions section of Part A of the Policy. Pursuant to relevant federal law, the Policy defines the term Immediate Family differently for members of the Tulane University Faculty Handbook | Page 121

Research Financial Interests or **Research Leadership Roles** could affect or reasonably be perceived to affect their review of a research protocol must reduce such interests, eliminate such roles, and/or recuse themselves from reviewing the protocol in accordance with Sections III.E and F below.

III. Process

A. *Disclosure*

All **Research Oversight Officials** must complete Form D of the Conflicts of Commitment and Interest Disclosure Form.⁸ This form must be submitted to the member or official's department chair or dean in accordance with the process described in the Tulane University Policy on Conflicts of Commitment and Interest and must be updated on an annual basis (by January 31st of each year) for as long as the **Research Oversight Official** continues to supervise research at the University. **Research Oversight Officials** who are newly hired by or affiliated with the University must submit Form D of the Disclosure Form prior to beginning their research oversight duties, and must thereafter comply with the January 31st filing deadline. **Research Oversight Officials** must disclose any and all **Research Financial Interests** and/or **Research Leadership Roles** they or their **Immediate Family** may have. **Research Oversight Officials** must also indicate whether any of their **Research Leadership Roles** could affect, or appear to affect, their review of any particular research projects.

B. *Updating*

If at any time over the course of the year one or more **Research Financial Interests** or **Research Leadership Roles** of a **Research Oversight Official** or their **Immediate Family** changes in any material way, the **Research Oversight Official** must promptly notify the **COI Committee** of that change by submitting a written statement detailing such change(s).

C. *Confidentiality*

All financial and other confidential information disclosed by **Faculty** and **Staff** to the individuals described in Section III.A above will be maintained in strict confidence. The **COI Committee** may need to disclose information to other University administrators defined as **Designated Officials** in this policy to carry out the purpose of this policy. No other uses or disclosures of the financial and other confidential information of a **Faculty** or **Staff** member will be permitted, unless required by law.

D. *Review by the COI Committee*

As promptly as practicable after the January 31st filing deadline, the **COI Committee** will review Form D of the Disclosure Form of the **Research Oversight Official** to determine whether the **Research Oversight Official**, or a member of his or her **Immediate Family**, possesses any **Research Financial Interests** or any **Research Leadership Roles** that could reasonably affect the

University Medical Group and other health care providers. Such members and health care providers must refer to the definition of **Immediate Family** that can be found in Part B of this policy regarding such definition. Note that for purposes of evaluating **Vendor/Contractor** relationships, **Immediate Family** also includes parents, siblings, parents-in-law, and siblings-in-law.

⁸ **Research Oversight Officials** who are also **Investigators** must complete Form C of the Annual Conflicts of Commitment and Interest Disclosure Form in their capacity as **Investigator**, and Form D in their capacity as a University research official. Please see Part C of the Policy.

Official's review of research. If the **COI Committee** concludes that the **Research Oversight Official** has no such **Research Financial Interests** and that the Official does not possess any **Research Leadership Roles** that could reasonably affect the Official's review of research, then the matter will go no further. If, however, the **COI Committee** concludes that the **Research Oversight Official** possesses one or more **Research Financial Interests**, and/or that the Official holds one or more **Research Leadership Roles** that could affect the Official's review of research, then the **COI Committee** will promptly inform the Official in writing of its determination and of the remedies that must be taken by the Official. A **Conflict of Interest** will be deemed to exist *per se* if the **Research Oversight Official** is an inventor or co-inventor of a product or method in a study undergoing review or continuing review by that Official, and/or where the **Research Oversight Official** is, or expects to be, included as an author on any publication relating to the study under review.

E. *Management or Elimination of Conflicts of Interests*

Where a **Research Oversight Official** has one or more **Research Financial Interests**, the **COI Committee** will require that the Official reduce every such **Research Financial Interest** to a *de minimis* level. The **Research Oversight Official** has the discretion of selecting how to accomplish this obligation (e.g., partial divestiture of the official's **Research Financial Interests**, and/or partial divestiture of the **Research Financial Interests** of the official's spouse or dependent children), but the time-frame in which divestiture must occur will be stipulated by the **COI Committee** and ordinarily shall not be more than four weeks. Where a **Research Oversight Official** has one or more **Research Leadership Roles** that could affect his or her review of research, the **COI Committee** will require that the Official either terminate the **Research Leadership Role(s)** or recuse himself or herself from the review of any research protocol that could be affected by that role. While a **Research Oversight Official** may not review a study that is being funded by a **Sponsor** (as defined below) in which he or she holds a **Research Leadership Role**, **Research Leadership Roles** in other research-related organizations will be assessed on a case-by-case basis by the **COI Committee**. If a **Conflict of Interest** is deemed to exist based on the **Research Oversight Official's** status as an inventor or co-inventor of a product or method in a study undergoing review or continuing review by that Official, or is deemed to exist based on the **Research Oversight Official's** existing or expected status as an author on any publication relating to the study under review, the remedy will be recusal.

F. *Recusal*

Research Oversight Officials must recuse themselves from reviewing a research protocol whenever they identify themselves as possessing a **Conflict of Interest** in relation to that protocol, and whenever they have been directed to do so by the **COI Committee** (or the Senior Vice President in the case of an appeal). In all cases, recusal must occur before the discussion of, and vote on, the research protocol in relation to which the **Research Oversight Official** has a **Conflict of Interest**. Nevertheless, the **Research Oversight Official** may remain in the room prior to the discussion or vote in order to provide information relating to the protocol, and may, if he or she is an inventor and/or serves as an **Investigator** on that protocol, present or assist in presenting the protocol to the **IRB Members**.

G. *Appeal of COI Decision*

A **Research Oversight Official** who disagrees with the **COI Committee's** findings and/or management strategy may appeal in writing to the Senior Vice President responsible for the research. A copy of the appeal must be sent to the **COI Committee**. An appeal may exist with regard to whether the **Research Oversight Official's Research Leadership Role** is likely to affect

his or her review of research, but **Research Oversight Officials** may not contest the terms and conditions of this policy. The applicable Senior Vice President may agree with the **COI Committee's** findings and/or management strategy, or may amend such findings and/or management strategy by, for example, strengthening or weakening the management strategy. The applicable Senior Vice President shall promptly notify the **Research Oversight Official** and the **COI Committee** in writing of the conclusions of his or her review, including the actions that must be taken by the **Research Oversight Official** to comply with this policy. Upon receipt of the applicable Senior Vice President's written report, the **Research Oversight Official** must promptly comply with the actions specified in that report.

IV. Audits and Sanctions for Non-Compliance

If required by a Senior Vice President of the University, a **Research Oversight Official** may be audited for the purpose of verifying whether the **Research Oversight Official** truthfully and accurately disclosed his or her **Research Leadership Roles**, **Secondary Commitments** and **Financial Interests**, including **Research Financial Interests** in the Annual Research-Related Financial and Leadership Disclosure form (and in any updates thereto), and for the purpose of verifying whether the **Research Oversight Official** is complying with the actions, if any, that were specified in the written report of the **COI Committee** (or the Senior Vice President where there has been an appeal). A **Research Oversight Official** who does not comply with the actions specified by the **COI Committee** or the Senior Vice President will be subject to potential sanctions in accordance with University policy and procedures. These sanctions may include: formal admonition or censure; suspension or removal from the institutional research oversight body, and/or any other research oversight roles and responsibilities; non-renewal of appointment; and/or dismissal.

V. Additional Definitions

A. **Research Leadership Role:** (a) Employment in any executive or administrator capacity, (b) consulting in any executive or administrator capacity, or (c) serving as (i) a member of a board of trustees, directors or administrators, (ii) an officer, or (iii) a member of an advisory committee, advisory board or subcommittee of a board of trustees, directors or administrators, whether remunerated or non-remunerated, in a research **Sponsor** or research-related organization. A **Research Leadership Role** may be compensated or non-compensated.

B. **Research Financial Interest:**

- (1) Any investments (whether in the form of debt, stock or other equity ownership, options or warrants to purchase stock or other securities or similar instruments) or interest in a **Sponsor**, research or health care-related organization;
- (2) Royalties on any patent or other intellectual property interests, unless paid by the University;
- (3) Income, salary or remuneration in cash or in kind, emoluments, benefits, gifts, honoraria, travel expenses, goods or services received from a **Sponsor** or research or health care-related organization.

A **Research Financial Interest** does not include holdings in mutual funds or other equity funds in which day-to-day control of investments is held by a person not subject to this policy or any other any University conflict of interest policy.

Please note that a **Research Financial Interest** has no dollar or ownership thresholds; therefore, any interest related to a **Sponsor** or to the research must be disclosed, however small.

- C. **Research Oversight Official:** **Faculty** and **Staff** of any institutional office or body (for instance, all **IRB**, IACUC, and IBC members) at the University who perform research oversight functions in which they exercise professional or administrative-level discretion. All **Designated Officials** in the Tulane University Policies on Conflicts of Commitment and Interest are also **Research Oversight Officials**. An **Investigator** is not a **Research Oversight Official** simply because he or she is an investigator.
- D. **Sponsor:** The entity that is sponsoring or funding the research and the entity's affiliates and subsidiaries, and any entity that monitors research, collects or arranges data for research or otherwise performs any services related to or supporting research, including without limitation assisting in applications or responses to the United States Department of Health and Human Services and/or the United States Food and Drug Administration.

***CHAPTER 9. OTHER POLICIES PERTAINING TO RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY**

9.1 Introduction

All tenured and tenure-track faculty members are required to engage in research, scholarship or creative efforts in the field of their specialty and to present the results of their endeavors in publications or other appropriate forms. The spirit of research permeates all genuine University teaching. (Note also pertinent provisions in Statement on Academic Freedom, Tenure and Responsibilities in Chapter 3.)

9.2 Research Oversight

- (a) Vice President for Research. The Vice President for Research (VPR) serves as the senior research officer for Tulane University. The mission of the VPR is to enhance the level of scholarly accomplishment, intellectual environment and national reputation of Tulane University by fostering excellence in research, scholarship and creative endeavor. The objectives of the VPR are to provide leadership for advancing the research goals of the university, to expand the base of nationally competitive research activity in a manner compliant with government regulation, and to elevate the national visibility and reputation of Tulane University faculty for excellence in scholarly and creative accomplishment.
- (b) University Research Compliance Officer. On behalf of the VPR, the University Research Compliance Officer acts to oversee and ensure research compliance with regulations applicable to the use of human and animal subjects, biological safety, pre-award grants administration, and export controls for research projects. In this capacity, the University Research Compliance Officer ensures that all research conducted at the University adheres to the applicable federal and state regulations, as well as accreditation standards.
- (c) Office of Research Administration. The Office of Research Administration assists faculty in identifying **Sponsors** from which research support can be obtained; provides advice on the development of proposals; assists in preparing budgets; serves as the Authorized Organizational Representative for both paper and electronic proposal submissions; and develops and implements policies involving the financial and administrative aspects of sponsored projects.

Routing Proposals for Extramural Funding. Projects should be undertaken according to the concern and competence of the project director (Principal **Investigator**) and the judgment of peers. To assure that all extramurally funded projects are consistent with the University's mission and that all resource commitments required of the University are appropriate, proposals for extramural funding must be routed in accordance with the current policy using the Proposal Routing Form. The Proposal Routing Form contains assurances, as required by federal regulations, including debarment and project-specific conflicts of interest and must be signed by the Principal **Investigator**.

Investigator's Manual. The Office of Research Administration has prepared the

Investigator's Manual to guide **Investigators** in managing their awards and identifying special issues related to **Sponsored** research. When Tulane University accepts a **Sponsored** project it assumes certain obligations imposed by the **Sponsor**, or by government regulation, such as the fiscal management and accountability of research awards, and the ethical treatment of research subjects. The **Investigator's** Manual provides information for administering awarded **Sponsored** projects in accordance with both the practices and policies of Tulane and the regulations of the **Sponsoring** organizations.

- (d) Human Research Protection Office. The Tulane University Human Research Protection Office is charged with protecting the rights and welfare of human research participants through its Human Research Protection Program. The Human Research Protection Office administers and facilitates the Institutional Review Boards (**IRB**) to ensure that Tulane University is compliant in its efforts to protect the safety and well being of human research participants according to federal guidelines and regulations. The Office assists **Investigators** with **IRB** processes designed to guarantee that all research activities are compliant with regulation and responsive to good research practices.

Institutional Review Boards (**IRB**). The Tulane University Biomedical **IRB** and Social/Behavioral **IRB** are charged with a two-fold mission:

To ascertain and certify that all research studies reviewed by the **IRB** conform to the regulations and policies set forth by the U.S. Department of Health and Human Services (DHHS) and/or U.S. Food and Drug Administration (FDA) regarding the health, welfare, safety, rights, and privileges of human research subjects.

To assist **Investigators** in conducting research that complies with ethical standards and principles set forth by the DHHS and/or FDA in a way that permits successful completion of research involving human subjects.

- (a) Institutional Animal Care and Use Committee (IACUC). The charge of the IACUC, mandated by Office of Laboratory Animal Welfare of the National Institutes of Health and by the U.S. Department of Agriculture, is to ensure the humane care and use of animals in research in a manner compliant with government guidelines and regulations. In compliance with federal law, an IACUC has been established for each Tulane University campus. Guided by the goal of assuring humane care and use of animals used in research, Committees review new and continuing animal use protocols, inspect facilities and laboratories, and monitor veterinary care, training and occupational health and safety programs at Tulane University. The IACUC provides assistance to **Investigators** with the planning and conducting of animal experiments in accordance with the highest scientific, humane and ethical principles.
- (b) Office of Biosafety. The Office of Biosafety is charged with ensuring the safety of personnel and facilities engaged in research involving biological materials at Tulane University. The objective of the Office of Biosafety is to minimize the health risk to those involved in research utilizing recombinant DNA, infectious agents, and biological

toxins, and in turn to protect the greater Tulane University community, the general public, and the environment. The Office of Biosafety, in cooperation with the Institutional Biosafety Committee, is charged with oversight of regulatory compliance at Tulane University regarding the use and storage of hazardous biological materials. The office assists Principal **Investigators** in registering their research with the Institutional Biosafety Committee, in developing safe research protocols, and by facilitating the acquisition of all required regulatory approvals and permits.

9.3 The Committee on Research

- (a) Function The Committee on Research is composed of six faculty members chosen by the Senate Committee on Committees and is chaired by the Vice President for Research. Its function is to promote an active research environment and to provide guidance in the conduct of research through enlightened research administration policies. The Committee on Research performs some functions through two subcommittees as follows.
- (b) Subcommittees of the Committee on Research
 - 1) Patents: A policy on intellectual property precedes this section on research and scholarship. Members are appointed by the Committee on Research.
 - 2) Research Fellowships: The Subcommittee on Research Fellowships conducts an annual, merit-based competition to award research fellowships to faculty. It also conducts regular competitions to award funds in support of international travel in conjunction with faculty professional development activities. Members are appointed by the Committee on Committees.

9.4 Restrictions on Publications

The primary mission of the University is the growth and transmission of knowledge. Toward this end, the right of faculty members to pursue their chosen path of inquiry and to disseminate the results freely is aggressively protected. In turn, faculty members are strongly encouraged to make the results of their research freely available to students, colleagues, and the public.

It is realized that undertaking certain types of research may require entering into nondisclosure agreements. However, faculty are urged to avoid involvement in projects, especially classified projects, that restrict academic communication. Generally, the University will not approve grants or contracts that restrict publication of research results, except for a brief period of time to obtain a copyright or patent, or where a decisive case is made that the proposed contractual restrictions will promote the discovery and transmission of knowledge to a significantly greater extent than the absence of such restrictions. Exceptional cases will be referred to the Committee on Research for a review. The Committee on Research has executive authority on the question of restrictions on publication.

9.5 Intellectual Property Policy and Procedures

9.5.1 Introduction

The creativity of human beings is manifested in fields as diverse as science and technology, literature and the humanities, and the fine and applied arts. Intellectual property comprises the legal vehicles that make possible the ownership and control of some of the fruits of this creativity, providing an incentive both to be creative and to make such fruits public. As a result of recent changes in the laws governing intellectual property and in the conditions governing federal grants and contracts, and of increased cooperation in research and development between universities and business, the volume of intellectual property being created in universities has increased significantly. This increase has made apparent the complexity of the issues related to the ownership, control and use of such property. This policy is designed to achieve the following objectives:

- Encourage the creative endeavors of all members of the University community;
- Safeguard the rights and interests of all relevant parties (including the University itself) in the creative products of those associated with the University;
- Facilitate the dissemination and use of the findings of academic research so as to benefit the public at the earliest possible time;
- Provide machinery by which the significance of the findings of academic research may be determined and, when appropriate, their public use facilitated;
- Assist in the negotiation and preparation of contracts with outside sponsors, collaborators and licensees, and support the fulfillment of the terms of those contracts;
- Provide for the equitable distribution of benefits resulting from intellectual property among the various parties with interests in it.

9.5.2 Definitions

Throughout this policy, words and phrases shall be deemed to have their customary meanings. Notwithstanding this, and by way of illustration only, the following list of definitions is provided. This list is not intended to be exhaustive.

2.1 COPYRIGHT: is the set of exclusive legal rights, as defined by law, that subsist in relation to an original work of authorship.

2.2 EMPLOYEES: means all full-time and part-time employees of the University, whether faculty members, staff or students.

2.3 FACULTY: means all employees who meet the definition of "faculty members" contained in the most recent version of the University's Faculty Handbook.

2.4 INTELLECTUAL PROPERTY: means property in intangibles that are developed or chiefly guided by the intellect of their creators. It includes, but is not limited to, patents, trade secrets, copyrights, mask work rights, trademarks, and rights in tangible research materials.

2.5 MASK WORK RIGHTS: are the exclusive legal rights, as defined by law, that subsist in relation to a mask work fixed in a semiconductor chip product.

2.6 MEDICAL CENTER: includes the schools, clinics, institutes, divisions, or other organization components of the University that are under the administrative authority of the Senior Vice President for Health Sciences of the University. This includes, as examples, the School of Medicine, School of Public Health and Tropical Medicine, Student Health Services on either campus, and the Tulane National Primate Research Center.

2.7 PATENT: means a patent issued by the United States Government or by any foreign government securing to an inventor for a limited time a set of exclusive legal rights in relation to his invention; it includes applications for patents, divisionals, reissued patents, continuations, and continuations-in-part of patents and applications therefor.

2.8 STAFF: means all employees of the University who are not faculty members or students.

2.9 STUDENTS: means all persons enrolled in a course of study, full-time or part-time, in any division of the University, its schools or colleges. A "COVERED STUDENT" means a student to whom this policy applies, as defined by Section 3b.

2.10 TANGIBLE RESEARCH MATERIALS: means tangible items produced in the course of research projects (such as a cell line or a radioimmunoassay), but not any information embodied in such items. It does not include tangible items that embody information as to which the University has no ownership rights, or as to which it waives and releases its ownership rights under Section 6.02.

2.11 TRADE SECRETS: means information, whether patentable or not, and including a formula, pattern, compilation, program, device, method, technique, process or know-how, that is protected by law.

2.12 UNIVERSITY: The Administrators of the Tulane Educational Fund is the corporate entity of the University. "University" shall refer to Tulane University, its component divisions, centers and institutes, or its officers.

2.13 UNIVERSITY FACILITIES: means any facility including funding, equipment, and material, available to a person as a direct result of that person's affiliation with the University, which would not be available to a non-University person on the same basis.

2.14 UNIVERSITY OFFICIAL: means any officer of the University who is designated by the President to perform any task in relation to this policy on behalf of the University.

2.15 UPTOWN CAMPUS: includes all components of the University other than the Medical Center.

9.5.3 *Applicability*

This policy applies to:

- all University employees, whether faculty members, staff or students;
- all graduate students (i.e., post-baccalaureate) enrolled at the University, in respect only of their activities as such;
- all Residents and Fellows of the University;
- any person, other than an employee, a student, a Resident, or a Fellow of the University, who is aided by University facilities or staff, or by funds administered by the University, subject always to Section 11, below; and
- any person, other than an employee, a student, a Resident, or a Fellow of the University, who is working at the University by virtue of a grant from, or a contract with an outside body, whether governmental or private, subject always to Section 11, below.

Upon prior written agreement with the University, this policy may also be applied to persons who do not fall into any of the above categories.

3.1 Condition of Employment, Enrollment and Support

This policy, as amended from time to time, shall become a part of the conditions of employment of every employee, and of the conditions of enrollment and attendance of every covered student, whether such employee or student was employed or enrolled, as the case may be, before or after its adoption.

3.2 Existing Intellectual Property

This policy shall be applied only to intellectual property coming into existence on or after the date of its adoption. Intellectual property coming into existence prior to the adoption of the revision on April 2, 2001 shall however continue (a) to be subject to any definition of "net income" previously applicable to it, and (b) to be governed by any applicable agreements in force among the University, its personnel, the external sponsors of its research programs, or any two or more of them. In any such case, however, the persons concerned may avail themselves of the benefits of this policy by notification to the Senior Vice President for Health Sciences, the Senior Vice President for Academic Affairs, or their respective designee(s), as appropriate.

9.5.4. *Intellectual Property in General*

In general, and without prejudice to any of the specific provisions contained herein, the University, and every person to whom this policy applies, agree that all intellectual property that is created by an employee within the scope of his or her employment, or by a covered student or a Resident or a Fellow within the scope of his or her activities as such, or by any other person who is aided by University facilities or staff, or by funds administered by the University, or is working at the University by virtue of a grant from, or a contract with, an outside body, whether government or private (subject always to Section 11, below), shall be the property of the University. A condition of employment, enrollment, and attendance or support shall be that the ownership rights in every such item of intellectual property shall, where necessary, be assigned by the individual creator to the University in consideration of the University agreeing to share

the net income actually received from such property in accordance with Section 9, below, and to deal with such property in accordance with Section 10, below. This assignment shall be made in a manner determined by the University in accordance with this policy. The University shall have no ownership rights in respect of intellectual property that does not fall within the definition given above; however, the creator may, if he or she so desires, offer such intellectual property to the University. If accepted, it shall be treated in the same way, and be subject to the same procedures, as intellectual property owned by the University, unless otherwise agreed upon.

Every person to whom this policy applies shall disclose to the University, in accordance with the procedures set out in Section 10.01, below, any intellectual property created by him or her.

9.5.5. *Patents*

The area of scientific and technological inventions and discoveries presents, in an especially acute form, many of the difficulties that arise in connection with creative works of all kinds produced by members of the University community. The disproportionate expenditure of common University resources on the research leading to inventions and discoveries, the potential for their significant commercial exploitation, and the frequent involvement of outside governmental and private sponsors who wish to impose conditions to safeguard their own interests, are such that the University has an important interest, academic as well as economic, in coordinating the activities of faculty members and other employees in this area. In recognition of this interest, and of the interests of those conducting scientific research as well as of those who are their departmental colleagues, the University, and every person to whom this policy applies, agrees that the ownership rights to inventions and discoveries shall be dealt with in the manner described below.

5.01 Ownership Rights

Every invention or discovery or part thereof that is made by an employee within the scope of his or her employment, or by a covered student or a Resident or a Fellow with the scope of his or her activities as such, or by any other person who is aided by University facilities or staff, or by funds administered by the University, or is working at the University by virtue of a grant from, or a contract with, an outside body, whether governmental or private (subject always to Section 11, below) shall be the property of the University. A condition of employment, enrollment, and attendance or support shall be that the ownership rights in every such invention or discovery shall be assigned by the individual inventor or discoverer to the University in consideration of the University agreeing to share the net income actually received from such invention or discovery in accordance with Section 9, below, and to deal with such invention or discovery in accordance with Section 10, below. This assignment shall be made in a manner determined by the University in accordance with this policy. The University shall have no ownership rights in respect of an invention or discover that does not fall within the definition given above; however, the inventor or discoverer may, if he or she so desires, offer such an invention or discovery to the University. If accepted, it shall be treated in the same way, and be subject to the same procedures, as an invention or discovery owned by the University, unless otherwise agreed upon.

5.02 Waiver and Release of Ownership Rights

The University, where it is free to do so and after consultation with the individual inventor or discoverer, may in its discretion and upon such terms as it deems fit, cause its ownership rights in an invention or discovery to be waived and released to the inventor or discoverer, subject always to its retention of income rights as set out in Section 9.02 below. The University shall, in such a case, execute all documents necessary to enable the individual concerned to undertake protective measures and to make arrangements for the development and commercial exploitation of the invention or discovery.

5.03 Disclosure

Every person to whom this policy applies shall disclose to the University, in accordance with the procedures set out in Section 10.01, below, every invention or discovery made by him or her.

9.5.6. *Copyrights*

Creative works that are protectable by copyright belong, under the general law, to an employer if they are created by an employee within the scope of his or her employment. In common with universities generally, however, the University does not regard itself as holding ownership rights in respect of books and articles written by faculty members. This tradition rests predominantly upon the view that scholars should have unfettered freedom to communicate with others and to convey information to them, whether in the form of research findings, ideas, opinions, advice, or instruction, for any purpose of their choosing. Therefore, for works created after April 7, 2003 the University, where it is free to do so, shall treat a faculty member as the owner of the copyright in a book or article written by that faculty member, subject to Section 6.02, below.

In recent years, the kinds of work that are copyrightable, as well as the number of media in which any copyrightable work can be created, have increased greatly, so as to include, for example, all kinds of video and audio tapes, microfilms, and computer programs. In many cases, a work created in a new medium is the same, in all essentials, as a book or article of the traditional kind, in that its primary concern is communication with others, and appropriately, such a work should be treated in the same way as books and articles have always been treated.

But in many other cases, a copyrightable work in a new medium is not primarily concerned with the communication of the information in that work, but is instead primarily utilitarian or functional, such as a computer program that controls the operation of an industrial or commercial process. With respect to this latter kind of work, the considerations that have historically justified the University's refusal to assert its ownership rights do not exist. Such a work is much more closely akin to a scientific or technological invention or discovery, and shall be dealt with by this policy in an analogous manner.

6.1 Ownership Rights

Every copyrightable work or part thereof that is created by an employee within the scope of his or her employment, other than works covered under Section 6.02(a), or by a covered student or a Resident or a Fellow within the scope of his or her activities as such, or by any other person who is aided by University facilities or staff, or by funds administered by the University, or is working at the University by virtue of a grant from, or a contract with, an outside body, whether governmental or private (subject always to Section 11, below), shall be the property of the University. A condition of employment, enrollment, attendance or support shall be that the ownership rights in every such work shall, where necessary, be assigned by the individual creator to the University in consideration of the University agreeing to share the net income actually received from such work in accordance with Section 9, below, and to deal with such work in accordance with Section 10, below. This assignment shall be made in a manner determined by the University in accordance with this policy. The University shall have no ownership rights in respect of a copyrightable work that does not fall within the definition given above; however, the individual creator may, if he or she so desires, offer such a work to the University. If accepted, it shall be treated in the same way, and be subject to the same procedures, as a work owned by the University, unless otherwise agreed upon.

6.2 Acknowledgment, Waiver and Release of Ownership Rights

- a) The University, in all cases where it is free to do so, acknowledges a faculty member's ownership rights and unconditionally waives and releases any claim that it might have to ownership in respect of any copyrightable work that is concerned primarily with the communication of the scholarly or artistic information in that work, or that is a musical composition or a work of fine art; provided, however, that if the creation of such copyrightable work involves the extraordinary use of University resources or facilities, the University shall have (1) a non-exclusive, royalty-free license to use, reproduce, exploit, and distribute the work by any means, including electronic media, in connection with its research and teaching activities, (2) the same right to income as that in section 9.02, below, and (3) any other rights as may be agreed with the author.
- b) The University may, where it is free to do so and after consultation with the individual creator, entirely in its discretion and upon such terms as it deems fit, cause its ownership rights in respect of any other kind of copyrightable work to be waived and released to the individual creator, subject always to its retention of income rights, as set out in Section 9.02, below. In particular, the University may, as a condition of the release of its ownership rights, require the grant to it of a non-exclusive, royalty-free license to use the work in connection with its research and teaching activities.
- c) The University shall, in every case in which it waives and releases its ownership rights in a copyrightable work, execute all documents necessary to enable the individual creator to undertake protective measures and to make arrangements for the development and exploitation of the work.

6.3 Disclosure

Every person to whom this policy applies shall disclose to the University, in accordance with the procedures set out in Section 10.01 below, every work created by him or her (except works that are books, articles, musical compositions, or works of fine art and do not involve the extraordinary use of University resources or facilities), whatever its subject matter and whatever the medium in which it has been created.

9.5.7. *Tangible Research Materials*

All tangible research materials that are produced in the course of research carried on at, by, or with the support of the University, shall be (subject always to Section 11, below) the property of the University. All such tangible research materials shall be disclosed to the University in a manner analogous to the procedure set out in Section 10.01, below.

9.5.8. *Trademarks*

Trademarks, service marks, trade names or other identifiers relating to the University, its activities and its products, and whether registered or unregistered, shall be the exclusive property of the University. No steps may be taken to secure any of them to any other person, whether by use or registration, without the approval of a University officer.

9.5.9. *Distribution of Income from Intellectual Property*

The income derived from all intellectual property created by persons to whom this policy applies shall be distributed in the manner set out below. This distribution gives due recognition to the creative contributions of the individuals concerned, to the claims of their closest academic colleagues, and to the interests of the wider University community by which they have been nurtured and supported.

9.01 Intellectual Property Retained by the University

- In every case in which the University does not waive and release its ownership rights to intellectual property, it shall share the net income actually received by it from such property equally with the individual creator of that property. The creator, or the estate of the creator, shall continue to be entitled to this one-half share, notwithstanding his or her death or the termination of his or her employment at Tulane.
- Net income from a particular intellectual property is defined as gross income proceeds from that intellectual property less allowable deductions. Gross proceeds from intellectual property means gross royalties, licensing fees or similar payments actually received from the sale, assignment, licensing or other exploitation of the intellectual property concerned, including equity participation in a company, but excluding research funding specifically earmarked for the furtherance of research activities or research programs at the University.

Allowable deductions comprise: 1) all direct expenditures made for the purpose of protecting or exploiting that property, and 2) 15% of remaining gross proceeds from intellectual property, after deduction of 1), above, for the support of the Office of Technology Development.

- The allowable deduction for the support of the Office of Technology Development shall be used for the following purposes, in order of priority:
 - to pay for any current and accumulated liabilities incurred on behalf of the Office of Technology Development;
 - to pay the annual operating expenses of the Office of Technology Development; and
 - to support a seed research fund under the direction of the Committee on Research.
- The University's one-half share shall be distributed to the uptown campus or to the Medical Center, depending on where the individual creator of the intellectual property has his or her appointment and/or employment, and the distribution shall be dedicated in the manner set out below. If the individual creator has an appointment and/or is employed at both campuses, the University's share shall be distributed between the two campuses in proportion to their respective contributions to the individual creator's salary, and the distributions shall be dedicated in the manner set out below. If the intellectual property concerned has been jointly created by individuals appointed and/or employed at different campuses, the University's share shall be distributed between the two campuses in the same proportion as the one-half share of the joint creators, as set forth in a revenue sharing agreement to which the University and each of the joint creators shall be party, and the distribution shall be dedicated in the manner set out below.
 - Seventy percent of each distribution to a campus shall be retained by that campus or by such appropriate sub-unit of that campus as is established under any decentralized management center adopted at that campus, unrestricted as to use.
 - The balance (thirty percent) of each distribution to a campus shall be made available to the department, section, or research activities of the individual creator or creators appointed and/or employed on that campus or on that subunit, as the case may be, according to their particular needs and circumstances as determined by the Senior Vice President for Academic Affairs and/or the Senior Vice President for Health Sciences in consultation with the individual creator(s) and the appropriate dean(s) or director(s).

9.02 Intellectual Property Not Retained by the University

In every case in which the University is free to, and does, waive and release its ownership rights to intellectual property, the individual creator shall be its owner and may take appropriate measures for its protection or exploitation. The University shall execute all documents necessary to enable the creator to proceed. Where the creation of the work has not involved the extraordinary use of the University's resources or facilities and, therefore, the University acknowledges a faculty member's ownership and waives and releases its rights unconditionally, in accordance with Section 6.02(a) above, it shall not be entitled to any share of the income derived from the released intellectual property of the faculty member. But where the University waives and releases its rights as a matter of discretion, in accordance with Sections 5.02 or 6.02(b) above, or where the creation of the work has involved the extraordinary use of the University's resources or facilities, in accordance with section 6.02(a) above, it shall be entitled to a share of the income derived from the released property as follows, unless some other distribution is agreed with the individual creator:

- a) The University shall not be entitled to any share of the first \$10,000 of net income (as defined in Section 9.01 above) derived from the creator's share of the released property.
- b) The University shall be entitled to fifteen percent of all net income in excess of \$10,000 derived from the creator's share of the released property.

The University's share of the net income from released intellectual property shall be distributed to the two campuses in the same way as its share of the net income from intellectual property that has not been released, as set out in Section 9.01(d) above. Each such distribution to a campus shall be retained by that campus, unrestricted as to use.

9.5.10. Procedures and Administration of Policy

The Senior Vice President for Health Sciences, the Senior Vice President for Academic Affairs, or their respective designee(s), as appropriate, shall be responsible for the implementation and administration of this policy. In cooperation with the University Counsel and the Senate Subcommittee on Patents, these offices shall develop, disseminate and implement policies and procedures relating to intellectual property. In addition, they shall, in relation to intellectual property owned and retained by the University, and may, in relation to other intellectual property:

- a) Assist in the identification of protectable intellectual property.
- b) Coordinate the process of seeking appropriate protection of intellectual property, and assist faculty and staff in this regard.
- c) Respect the interests of the individual creator of intellectual property, and ensure that he or she shall be a working partner in the process of obtaining protection, and carrying out the exploitation or development of the intellectual property.

10.01 Disclosure Procedures

- a) Every person to whom this policy applies shall (as required by Sections 5.03 and 6.03 above) report promptly to the Office of Technology Development any invention, discovery or other creative work made by him or her that is subject to the obligation of disclosure. This disclosure shall be made on confidential disclosure forms, which are available upon request. If additional information is required, the Office of Technology Development shall so notify the individual creator, and shall specify the type of information it requires. Upon the receipt of sufficient information, or upon the expiration of ninety (90) days from the date of an inquiry as to sufficiency by the creator to which there has been no response by the Office of Technology Development, whichever is earlier, the disclosure shall be deemed complete.
- b) The Office of Technology Development shall notify the individual creator whether it wishes to retain the intellectual property in the disclosure or whether the University is obliged (under Section 6.02(a), above) or voluntarily wishes (under Sections 5.02 and 6.02(b), above), to waive and release its ownership rights. Such notification may be demanded by the individual creator at any time after the receipt of a complete disclosure, and if so demanded, shall be given no later than ninety (90) days after the making of the demand.

10.02 Procedures for the Protection, Development and Exploitation of Intellectual Property

The University shall, in respect of intellectual property owned and retained by it, take all appropriate and reasonable measures to protect the property and exploit or otherwise develop it, and shall, upon request provide the individual creator with a written report describing the measures it has taken. In the event that the University decides subsequently not to take such measures, and to abandon the property, it shall notify the individual creator promptly of its decision. In respect of intellectual property not owned by the University, or owned by it but not retained by it, or owned and retained but subsequently abandoned by it, the University may assist the individual creator in taking, at his or her own expense, the measures necessary for the protection, exploitation and development of the property.

10.03 Resolution of Disputes

Any disputes arising under this policy, between the University and any person to whom this policy applies, shall in the first instance be referred to, and considered by, the Senior Vice President for Academic Affairs or the Senior Vice President for Health Sciences, or their respective designee(s), as appropriate. If the dispute is not resolved thereby, it shall be referred to, and considered by, the Senate Subcommittee on Patents, which shall report its findings and recommendations to the President or the President's designee.

9.5.11. *Agreements with Outside Bodies*

Nothing in this policy shall affect the validity or operation of any grant or sponsored research and/or publication agreement between an outside body (whether governmental or private) on the one hand, and the University, or any person to whom this policy applies, on the other. In particular, this policy shall not in any way affect any provisions in such a grant or agreement relating to the ownership, control, and administration of intellectual property resulting from the performance of the grant or agreement.

9.6. Research Misconduct

Tulane's Research Misconduct Policy was approved by the University Senate in March 2022. The full policy is appended at the end of this Handbook and is also available at this link:

<https://research.tulane.edu/sites/default/files/Tulane%20RM%20Policy-%20reviewed%202024-02-04.pdf>

9.7 Photocopying Policy of Copyrighted Materials

The guidelines set forth in the Appendix* are to be used to determine whether or not the prior permission of the copyright owner is to be sought for photocopying for research and classroom use. If the proposed photocopying is not permitted under the guidelines, permission to copy is to be sought. An explanation of how permissions may be sought follows the guidelines. After permission has been sought, copying should be undertaken only if permission has been granted, and in accordance with the terms of the permission except as provided in the next paragraph. The Doctrine of Fair Use may now or hereafter permit specific photocopying in certain situations, within limitations, beyond those specified in the guidelines in the Appendix or those that might be agreed to by the copyright owner. In order to preserve the ability of individual faculty members to utilize the doctrine of fair use in appropriate circumstances without incurring the risk of having personally to defend an action by a copyright owner who may disagree as to the limits of fair use, a faculty member who has sought permission to photocopy and has not received such permission (or has received permission contingent upon conditions that the faculty member considers inappropriate) may request a review of the matter by General Counsel. If upon review the General Counsel determines that some or all of the proposed photocopying is permitted by the copyright law, the General Counsel will so advise the faculty member. In that event, should any such photocopying by the faculty member thereafter give rise to a claim of copyright infringement, the University will defend and indemnify the faculty member against any such claim.

In the absence of the determination and advice of the General Counsel referred to above, or in the event that permission has not been first requested by the faculty member, no defense or indemnification by the University shall be provided to a faculty member whose photocopying gives rise to a claim of copyright infringement.

** The Guidelines in the Appendix were negotiated by education, author, and publishing representatives in 1976 and were incorporated in the House of Representatives report accompanying the Copyright Act of 1976. The introductory explanation of the guidelines in the House report describes their relationship to the doctrine of fair use as reprinted in the Appendix.*

***CHAPTER 10: NON-ACADEMIC LEAVES OF ABSENCE**

The University seeks to assist faculty in balancing their academic commitments and family life. In particular, it is in the interest of both the University and society as a whole that the demands of childbearing and childrearing and/or the responsibility of caring for family members in need do not discourage talented women and men from pursuing academic careers.

10.1 General Provisions

When this chapter mentions a “child” or “children” that means a biological or adopted or foster child of the faculty member (or of the faculty member’s spouse or partner) who lives with the faculty member.

When this chapter mentions “faculty,” that includes all full-time faculty, tenured, tenure-track, and non-tenure-track (except visiting appointments), except where a provision specifically refers to tenured or probationary faculty.

When this chapter mentions that the individual is “entitled,” the leave is provided automatically upon proper notification by the individual to the dean and Vice President for Academic Affairs and Provost, as long as the notification is accompanied by documentation satisfactory to the provost.

Requests under this chapter are submitted by the faculty member, in writing, to the department chair/program director, the dean, and then to the Senior Vice President for Academic Affairs and Provost for final adjudication.

10.2 Medical Leaves

This subsection summarizes the types of medical leave available. For information on benefits available to individuals on unpaid medical leave see the Human Resources website, <https://hr.tulane.edu/benefits>.

10.2.1 Absences due to Illness

The duties of all faculty, regardless of the duration of their appointment/reappointment letter, are reckoned in either nine or twelve months per year. Any faculty member who is absent because of illness should make arrangements through their department or area chair to see that their teaching and other responsibilities are met.

Nine-month faculty do not have a specific number of days a year during which they are allowed sick leave and therefore do not accrue days of sick leave.

Faculty with twelve-month appointments will be allowed to use up to twenty days of

sick leave each fiscal year paid at base salary. Unused sick leave does not carry-over to the next fiscal year.

Both nine-month and twelve-month faculty may be eligible for leave under the Family and Medical Leave Act of 1993 (FMLA) for absences of 3 or more days. Requests for FMLA leave must be made to the leave administrator and must follow the absence notification procedures for your departments, and should indicate the reason, start date, and length of leave requested. If the need for leave is foreseeable, faculty should request leave at least 30 days in advance of the start date of leave. (see Section 10.2.4)

Faculty who are members of the Tulane University Medical Group (TUMG) will follow the policies outlined in the Faculty Practice Plan.

The University will maintain an employee's group health plan welfare benefits coverage while on sick leave on the same terms as if the employee had continued to work, if these benefits were provided before the leave was taken. Employees are required to pay their regular portion of premiums during leave.

10.2.2 Short-Term Disability Leave (PAID)

Short-term disability leave ensures financial support for faculty during unexpected health challenges. Short-term disability leave provides temporary income replacement for faculty members who experience non-work-related illnesses or injuries that prevent them from performing their job duties.

A full-time faculty member is eligible for short-term disability leave after six months of employment.

Requests for short-term disability leave must be made to the leave administrator, follow the absence notification procedures for your school, and should indicate the reason, start date, and the length of leave requested. If the need for leave is foreseeable, faculty should request leave at least 30 days in advance of the start of leave.

Teaching assignments must be negotiated with the department chair and dean, and the faculty member.

See the Human Resources Website for full details of short-term disability leave.

10.2.3 Long-Term Disability Leave (PAID)

Long-term disability leave helps to alleviate the financial burden of faculty members who experience long-term illnesses or injuries that prevent them from working.

Requests for long-term disability leave must be made to the leave administrator, follow the absence notification procedures for your school, and should indicate the reason, start date, and the length of leave requested.

Teaching assignments must be negotiated with the department chair and dean, and the faculty member.

See the Human Resources Website for full details of long-term disability leave.

10.2.4 Family Care and Medical Leave (UNPAID)

The University provides unpaid, job-protected leave under the federal Family and Medical Leave Act of 1993 (FMLA) to eligible employees. To take FMLA leave, an employee must be eligible and take leave for an FMLA-qualified reason. Upon returning from FMLA leave, an employee will have the right to be restored to the same job or an equivalent position, subject to the terms, limitations, and exceptions provided by law. Please see the FMLA policy for more information about employee eligibility, FMLA-qualified reasons, and how to file a claim. FMLA leave runs concurrently with any other leaves for which a faculty member qualifies.

A tenure track faculty member who has been granted extended leave of absence contemplated by this policy can request an extension of the tenure decision date. Such extensions shall be requested in writing and shall be directed to the dean of the school of review and recommendation in writing to the Senior Vice President for Academic Affairs and Provost, either prior to the leave or within six months after returning to regular activities.

10.2.5 Unpaid Medical Leave

Faculty members who are not eligible for FMLA leave and are unable to work due to an illness, injury, or disability (including pregnancy-related disability) may be eligible for unpaid medical leave. The Senior Vice President for Academic Affairs and Provost may approve eligible faculty members on medical leave for the period that they are unable to work. Unpaid medical leave runs concurrently with any other leaves for which a faculty member qualifies. While unpaid medical leaves exceeding one year are not typically granted, the Senior Vice President for Academic Affairs and Provost may extend such leaves as permitted by law.

Faculty anticipating a leave without pay should consult the Human Resources website for information about the effect of the leave on their benefits.

Faculty members with disabilities who require reasonable accommodations to perform their essential job duties are encouraged to contact ADAaccess@tulane.edu.

10.3 Paid Parental Leave Policy for Faculty

10.3.1 The Purpose of this Paid Parental Leave Policy

Tulane University provides 6 weeks of continuous time off to faculty to care for and bond with a child following the birth or placement or legal adoption of a child, or the foster placement of a child to commence within 6 months of the birth, adoption, or foster placement. All Paid Parental Leave provided under this policy shall be administered by the [leave administrator](#). Paid Parental Leave is paid at 100% of compensation.

10.3.2 Eligibility; Duration of Paid Parental Leave; Teaching Assignments

A full-time faculty member is eligible for Paid Parental Leave and may take up to 6 weeks in a rolling backward 12-month period. Any extension of leave should be requested under the FMLA policy in accordance with the Faculty Handbook.

Teaching assignments must be negotiated with the department chair and dean, and the faculty member will receive a six-week leave irrespective of the timing of the academic year. For example, faculty who are lead faculty of semester-long courses will have no teaching assignments in the semester of their choice within 6 months prior to or following the birth adoption/placement, or foster placement.

With respect to adoption or foster placement, the child must be under the age of 18. Multiple births, adoptions, or foster placements (e.g., the birth of twins or adoption or foster placement of siblings) does not increase the six-week total amount of Paid Parental Leave granted for the event.

10.3.3 Coordination with Other Leaves

Where federal, state or local unpaid or paid parental leave laws, accommodation laws, family and medical leave laws or paid sick leave laws offer more protection or benefits to faculty, the protections or benefits more favorable to the faculty member, as provided by such laws, will apply and leaves under this policy will run concurrently with such laws to the extent permitted by applicable law.

Generally, short-term disability allows 6 weeks for a normal, uncomplicated delivery and an 8-week recovery period for a cesarean delivery. A 30-day calendar waiting period applies before becoming eligible to receive short-term disability benefit payments. Paid Parental Leave can help cover the unpaid waiting period and must be exhausted before becoming eligible for short-term disability benefit payments.

Paid parental leave is to be fully coordinated with other leave and benefit provisions, to avoid duplication. Accordingly, paid parental leave will run concurrently with any leave provided by law in connection with birth, adoption, or placement into foster care of a child. Similarly, when a faculty member is eligible to receive maternity-related disability benefits or paid family leave benefits while on leave connected with the birth or adoption of a child, the paid parental leave will run concurrently to and supplement the benefits that the individual would be entitled to receive, to equal full pay for up to six weeks.

10.3.4 Faculty Request; University Approval Process

Requests for Paid Parental Leave must be made to the leave administrator, follow the absence notification procedures for your department, and should indicate the reason, start date, and the length of leave requested. If the need for leave is foreseeable, faculty should request leave at least 30 days in advance of the start of leave. University approvals for faculty Paid Parental Leave will be made by the dean and Senior Vice President for academic affairs and provost.

10.3.5 Documentation of the Need for a Paid Parental Leave

The University and its delegate, the leave administrator, reserve the right to request documentation

sufficient for it to determine whether to grant a Paid Parental Leave, to the extent permitted by applicable law. A faculty member's own certification on a form provided by the University may be acceptable for this purpose.

10.3.6 Reporting While on Leave

The University may require Faculty on Paid Parental Leave to report periodically on their status and intent to return to work.

10.3.7 Other Leaves; Treatment of University Holidays & Winter Recess

A Paid Parental Leave shall not extend any leaves running concurrently with a Paid Parental Leave. Holidays, Winter Recess, or an Emergency Closure will not extend Paid Parental Leave.

10.3.8 Treatment of Faculty Health and Welfare Benefits

The University will maintain a faculty member's group health plan coverage and HSA or health flexible spending account during a Paid Parental Leave on the same terms as if the employees had continued to work, if these benefits were provided before the leave was taken. Faculty are required to pay their regular portion of premiums during leave. Group life insurance, AD&D, short- and long-term disability coverage will also be maintained during a Paid Parental Leave, subject to the same cost-sharing applicable to active faculty.

10.3.9 When Faculty Return from Paid Parental Leave

When a faculty member returns to work from Paid Parental Leave, they will be reinstated to the position they left without a break in service or benefits accumulated prior to the start of leave. Faculty must notify the leave administrator and the University (TUBenefits@tulane.edu) 2 business days prior to the anticipated return to work date.

10.3.10 Failure to Return from Leave

Although Paid Parental Leave cannot be extended, faculty members may qualify for extensions of leave under a separate leave of absence policy as outlined in the Faculty Handbook. Without such an extension, failure to return to work promptly following the expiration of a faculty member's Paid Parental Leave may result in institution of dismissal proceedings, or reinstatement to a different or non-equivalent position.

10.4 Adjustments of Workloads for Extraordinary Family Responsibilities

Extraordinary circumstances are normally external, unanticipated and beyond the control of the individual. They do not include events, the impact of which could have been controlled or avoided through the exercise of due diligence.

To accommodate extraordinary family responsibilities of full-time faculty (for example, the need to provide unexpected physical or psychological care for a child, spouse or relative, or coping unexpected death in the family), the Senior Vice President for Academic Affairs and Provost (with the recommendation of the dean) may approve:

- i) modified responsibilities, up to two years, where the faculty member is given special consideration as to teaching and service assignments.
- ii) reduced duties (at proportionate compensation), for up to two years.
- iii) unpaid leave of absence, up to one year, to run concurrently with any leave provided by law.

The University provides unpaid, job-protected leave under the Family and Medical Leave Act of 1993 (FMLA). To take FMLA, an employee must be eligible and take leave for an FMLA-qualified reason. Please see FMLA policy to learn more.

10.5 Considerations for Tenure Track Faculty

10.5.1 Length of Probationary Period

If a probationary faculty member is a parent or primary caregiver of a newly born or newly adopted child, he/she shall be entitled - at his/her own discretion - to an extension of up to one year in the probationary period. The faculty member must notify, before the academic year of review, the appropriate dean in writing of her/his intention to extend the probationary period.

Up to one year may be added to the probationary period of any faculty member to accommodate family responsibilities, including caring for a child or children or relatives, subject to the approval of the dean and the Senior Vice President for Academic Affairs and Provost.

A faculty member who qualifies under more than one of the preceding subsections is entitled to have two years added to the probationary period. Absent special approval by the dean and the Senior Vice President for Academic Affairs and Provost, however, there shall not be more than a total of two years added to the probationary period for any reason or combination of reasons under this chapter or other policies. A faculty member whose probationary period has been extended will nevertheless be entitled, if he or she wishes, to be considered for tenure as if there had not been an extension.

10.5.2 Expectations Concerning Scholarly Productivity

A faculty member's taking paid parental leave, or an extension of the probationary period as provided in this chapter will not increase the expectations for scholarly productivity on account of the leave or extension.

10.6 OTHER LEAVES OF ABSENCE

10.6.1 Bereavement Leave

Faculty are allowed a paid period of leave in the event of a death in their immediate family. The maximum bereavement leave is three (3) working days for a funeral held within one hundred (100) miles of New Orleans or five (5) working days for a funeral held more than one hundred (100) miles from New Orleans.

10.6.2 Military Leave

The University grants military leave in accordance with law. Detailed policies are available on the Human Resources website.

10.6.3 Jury Duty

Leave for jury service is available to faculty as for other University employees as specified on the Human Resources website.

10.6.4 Vacation

The duties of all faculty, regardless of the duration of their appointment/reappointment letter, are reckoned in either nine or twelve months per year.

Faculty members on nine-month appointments do not earn vacation time. Full-time faculty on twelve-month appointments can use up to twenty days of vacation time annually, but unused vacation days will not be carried forward and there is no payment for unused vacation days at the end of employment at the University. Faculty who are members of the Tulane University Medical Group (TUMG) will follow the policies outlined in the Faculty Practice Plan.

10.6.5 Personal Leave of Absence (UNPAID)

Unpaid personal leaves of absence may be granted at the discretion of the Senior Vice President for Academic Affairs and Provost for faculty members who are not eligible for another type of leave (Research, Illness, Family and Medical, Medical, or Parental Leave.) Personal leaves may be granted for one or two semesters and generally may not exceed one year.

*** CHAPTER 11: TRANSITION FROM FULL-TIME WORK**

11.1 Emeritus/Emerita Status

A full-time faculty member who has served with distinction until retirement for at least 20 years, five of which have been at Tulane, may, upon recommendation of the department and the

appropriate administrative officers (dean and Senior Vice President for Academic Affairs and Provost) and by action of the Board of Administrators, be awarded the title of Emeritus/Emerita. In preparing recommendations, the department or other appropriate academic unit will review the eligibility of all prospective retirees. The award of the designation is not automatic. It indicates honorable retirement from assigned duties, recognizes faithful service worthy of high commendation, and expresses an anticipation of continued membership in the academic community.

A faculty member who, at the time he or she retires, has accepted a full-time academic position at another university shall not be entitled to the emeritus appointment. In exceptional circumstances, a retired faculty member supported by the department may receive such title from the Board of Administrators upon recommendation of the president. Should a department not recommend a faculty member, that person shall have the right of appeal to the Board of Administrators.

The Board of Administrators may also approve the designation for a title of honor or administrative title (e.g., named chairs emeritus/emera, Distinguished Professors Emeritus/Emerita, deans emeritus/emera).

11.1.1 Privileges of Emeritus/Emerita Status

Because Emeritus/Emerita faculty can make important contributions to the University in research, teaching, and service, the University should make it possible for them to remain as participating members of the academic community. Accordingly, the University should provide Emeritus faculty with such amenities as a mail address, e-mail, listing in divisional and university-wide directories, library privileges, receipt of university publications, faculty dining room and parking privileges, and participation in convocations, and academic ceremonies and processions. Where possible, research facilities, office space, administration of grants, secretarial help, and other services should be made available to Emeritus/Emerita faculty. Emeritus/Emerita faculty may continue to direct or serve on masters and doctoral committees. Emeritus/Emerita faculty, while holding this title, may also receive compensation from the University as an adjunct or part-time research faculty (with the approval of the dean and the Senior Vice President for Academic Affairs and Provost) for teaching, for working on existing external grants, or applying for new external grants, provided the percentage of effort is less than 50% (and not eligible for benefits).

11.2 Phased Retirement

Full-time tenured faculty who have submitted their request for retirement shall be eligible to receive a transitional part-time leave, with halftime (or greater) duties at proportionate compensation, for up to three years, with the approval of the dean and the Senior Vice President for Academic Affairs and Provost. Such a leave is not available beyond the effective date of termination or non-reappointment under other policies; use of such a leave requires Provost's approval if formal discipline is pending or under investigation under Chapters 5: Integrity of the Academic Environment or Chapter 7: Faculty Conduct, Corrective Actions, and Dismissals.

At the individual's option, the relinquishment of tenure may take effect either at the beginning or the end of the transition period; in either case, the individual will use his or her normal academic title during the transition period. After the transition period, the faculty member may also be invited to serve part-time after retirement, as individually agreed, as provided below in Section 11.3.

11.3 Continued Post-Retirement Activity

A retired faculty member is eligible to be invited to serve on a year-to-year or other fixed term basis (without tenure) for whatever services, compensation, and percentage of effort are agreed between the individual and the dean with the approval of the Senior Vice President for Academic Affairs and Provost. Unless the Provost gives special permission, the percentage of effort must be less than 50% and thus, under current policies, the individual would not be eligible for benefits. As agreed between the individual and the dean with the approval of the Provost, the retired faculty member (whether with or without compensation) may be authorized to continue to be principal Investigator of grants and contracts, have research space as allocated, direct graduate students and continue active participation in departmental and university activities as agreed. On the request of the department and dean, the Provost may reinstate the tenured status of the previously-tenured individual only for the period invited back to service, not to continue when that period ends. The Provost may also appoint a previously tenured individual to roles dealing with tenure matters.

11.4 Retirement Benefits

Retirement benefits are outlined in the Human Resources website:

<https://hr.tulane.edu/benefits/retirement>

CHAPTER 12: MISCELLANEOUS

12.1 Other Benefits and Services

Admission to Intercollegiate Events

Faculty members may receive tickets for athletic events at either a reduced rate or gratis. Admission to some sporting events is free to faculty members with the presentation of ID cards.

Bookstore Discount

Faculty members and their dependents are entitled to a 10% discount on most articles purchased from the University Bookstores.

Health Services

Tulane University medical faculty offer the full range of adult and pediatric, primary and specialty medical services. Charges for professional, laboratory, and diagnostic services are similar to those of other private practitioners in the New Orleans area. These services are available to all members of the University faculty, staff, and their families. Information about the health insurance benefits may be obtained from the TU Benefits Office in the Office of Human Resources.

Identification Cards

The Card Services Office, located in Bruff Commons issues photo identification cards to current and emeriti faculty members.

Purchasing Discount

University policy permits the Materials Management Department to assist full-time faculty members by purchasing computers and high-cost items where substantial savings can be realized. Such purchases are made by requisition giving all necessary information including model number, size, color, etc. The full amount of the purchase, including sales tax, must be paid by check or money order at the Materials Management Department before the purchase order will be released.

Reimbursement for Travel and Other Business Expenses

DOMESTIC TRAVEL:

Reimbursement from University funds for domestic travel will be made on the basis of reasonable actual expenses. Original receipts are required for all reimbursable expenses (i.e., lodging, meals, taxis, registration) claimed. The employee may, however, choose to be reimbursed on a per diem basis using the CONUS (Continental United States) Per Diem Rates and may elect one of the following:

- a) Reimbursement for actual lodging expense and CONUS Per Diem for meals/incidentals. In this instance proof of travel and lodging is required, but receipts for meals/incidentals are not. Incidentals are defined as taxes, service charges and customary tips. All other approved trip related expenses (ground transportation, registration, etc.) are reimbursable with receipts.
- b) Reimbursement utilizing CONUS Per Diem for both lodging and meals/incidentals. Proof of travel and lodging is required even though per diem is requested. Receipts, however, are not required for meals/incidentals. In no instance shall reimbursement for lodging exceed the actual lodging cost. All other approved trip related expenses are reimbursable with receipts.

In certain instances, grants and contracts have specific limitations, which may be more restrictive than university policy. In these cases, the terms and conditions of the grant or contract must be followed.

FOREIGN TRAVEL:

Reimbursement for foreign travel funded from government grants and contracts, will be made on the basis of U.S. Department of State Foreign Travel Per Diem. These rates are kept current for every foreign country, and are available from the University accounting office and the Medical Center Office of Grants and Contracts. For foreign travel on University funds, all approved costs will be reimbursed. Original receipts are required for all reimbursable expenses (i.e., lodging, meals, taxis, registration) claimed. The employee may however, choose to be reimbursed on a per diem basis using the U.S. Department of State Foreign Travel Per Diem Rates, and may elect on of the following:

- (a) Reimbursement for actual lodging expenses and per diem for meals/incidentals. In this instance proof of travel and lodging is required, but receipts for meals/incidentals are not. Incidentals are defined as taxes, service charges and customary tips. All other approved trip related expenses (ground transportation, registration, etc.) are reimbursable with receipts.
- (b) Reimbursement utilizing U.S. Department of State Foreign Travel Per Diem for both lodging and meals/incidentals. Proof of travel and lodging is required even though per diem is requested, however, receipts are not required for meals/incidentals. In no instance shall reimbursement for lodging exceed the actual lodging cost. All other approved trip related expenses are reimbursable with receipts.

In certain instances, grants and contracts (especially governmental) have specific limitations, such as per diem allowances, which may be more restrictive than University policy. In these cases, the terms and conditions of the grant or contract must be followed.

Several divisions and administrative areas have additional rules concerning reimbursement of expenses incurred when attending professional meetings. In such circumstances, it is required that the faculty member contact the dean's office and that administrative personnel contact the person to whom they report for prior approval. University personnel are required to make every effort to use the lowest available air fare. The cost of transportation tickets may be charged to the employee's Tulane business card, personal credit card, or charged directly to the department. The original airplane ticket stub should be submitted with the travel voucher, irrespective of whether the travel voucher includes a reimbursement request for airfare. In instances where the traveler utilizes an airline that does not issue a passenger ticket, it is the responsibility of the traveler to obtain from the airline an original receipt or itinerary which documents the dates of travel, destinations, and fare. Reimbursed personal phone calls should be limited one per day. As a general rule, where a private vehicle is used as transportation, reimbursement will be made based upon mileage at a specified rate per mile multiplied by the number of business miles substantiated, or tourist air fare, whichever is less. The current mileage reimbursement rate is available from the University Accounting Office and the Medical Center Business Office. Reimbursement ordinarily will not be made for overnight lodging or meals enroute on the assumption that the traveler can reach his or her destination by air in one day. Exceptions will be made when it can be documented that group travel by automobile results in a lower total cost to the University.

Some examples of expenses which are NOT reimbursable are:

- (a) Laundry and valet service
- (b) Personal entertainment
- (c) Fees for traveler's checks for domestic travel
- (d) Flight insurance
- (e) Credit card fees

ADVANCES.

Travel advances are only issued for foreign travel. If an advance of funds is needed, a request for the advance must be submitted and approved by the faculty member's department chair, center director, or dean. Cash advances are discouraged and should be requested only in unusual circumstances. To comply with Internal Revenue Service regulations, faculty and staff members receiving advances on their personal Accounts Receivable accounts must substantiate expenses incurred for each advance by submitting an accounting of each separate expenditure and supporting receipts within a reasonable period of time. The faculty or staff member shall submit the accounting and receipts no later than 30 days from the date of his or her return to the University. Individuals who fail to comply with this requirement may have the unsubstantiated advance balance deducted from their payroll checks. If an advance was obtained for travel or other business function in excess of the actual expenses (other than an advance charged to a personal Tulane business card), the employee's personal check (or copy of bursar receipt showing deposit of unused advances to the employee's personal account) must accompany the reimbursement voucher.

The University will calculate a reasonable amount for foreign travel advances needed to conduct a University related project based upon the individual's anticipated expenditures. Foreign travel advances for a brief conference or research project will be based on per diem rates for the estimated time outside the continental United States. Advances for foreign travel may be made for a maximum period of 3 months. In cases of foreign travel for more than 3 months, the

individual must comply with the accounting and substantiation requirements, and then request an additional advance from his or her foreign post for the remaining days or months of travel. To comply with the Internal Revenue Service regulations, employees receiving advances for foreign travel for 3 months or less shall submit the travel voucher and receipts no later than 30 days from the date of his or her return to the United States. In cases of foreign travel for more than 3 months, the faculty or staff member shall submit the travel voucher and receipts no later than 4 months from the date of the advance, regardless of whether such individual has returned to the United States. Individuals who fail to comply with this requirement may have the unsubstantiated advance balance deducted from their payroll checks.

APPROVAL.

There should be written approval for all reimbursements by the person to whom the traveler/payee reports. All academic departments' business expense reimbursement vouchers, including travel reimbursement, should be signed by the traveler/payee and approved (i.e., signed) by the department chair, or by the dean if the traveler/payee is the chair of the department. Similarly, all requests for business expense reimbursement by deans and directors should be signed by the individual, and approved (i.e., signed) by the applicable Senior Officer to whom such individual reports relative to the purpose of the business expense. All administrative departments' business expense reimbursement vouchers, including travel reimbursement, should be signed by the traveler/payee and approved (i.e., signed) by the budget head, or by the person to whom they report if the traveler/payee is the budget head. Similarly, all requests for business expense reimbursement by Vice Presidents should be approved (i.e., signed) by the appropriate Senior Officer.

12.2 Physical Facilities

A. Athletic Facilities

<https://tulanegreenwave.com/>

Avron Fogelman Arena is located at the corner of Freret Street and McAlister Drive and has a seating capacity of 3,600. The men's and women's basketball and women's volleyball home games are played here.

Football Practice Field, southwest of the James W. Wilson, Jr. Center, is a grass practice area used exclusively for intercollegiate athletics, primarily football and track. Home football games are played in the Louisiana Superdome.

Kent McWilliams Track Complex, surrounding the football practice field, is a quarter-mile track for use by Tulane's intercollegiate track and cross-country teams as well as for intramural and recreational use by faculty, staff and students.

Greer Field at Turchin Stadium is home to the Green Wave baseball team. Located just off Claiborne Avenue on Ben Weiner Drive, the state-of-the-art facility opened in 2008 and is a pro-style stadium with a capacity of 5,000.

Goldring Tennis Center for varsity tennis is located on Ben Weiner Drive. Recreational tennis courts for intramurals and faculty, staff and student use are located south of the Reily Student Recreation Center.

James W. Wilson, Jr. Center, situated one block south of South Claiborne Avenue on Ben Weiner Drive, houses the administrative offices of the Division of Athletics as well as offices of all sports, training facilities, athletic equipment room, varsity locker rooms, weight room, and the Hall of Fame.

B. Libraries

<http://tulane.edu/libraries/>

Libraries are a key component of academic life at Tulane University. Tulane libraries house more than 3.2 million volumes and provide access to articles from tens of thousands of current serials. Collections include a large array of digital resources such as full text databases and online journals. The libraries also collect government documents, microforms and a variety of non-print media such as audio or video recordings.

Howard-Tilton Memorial Library <http://library.tulane.edu/U>

As Tulane University's main library, the Howard-Tilton Memorial Library supports the university's undergraduate and graduate programs in the humanities, social sciences, and science and engineering. It also is a major cultural resource for researchers and scholars from throughout the Louisiana-Gulf Coast region. Its unique collections in areas such as Latin American studies, jazz and New Orleans history often draw researchers from around the globe.

Amistad Research Center <http://www.amistadresearchcenter.org/U>

The Amistad Research Center began as the first national archive documenting the modern civil rights movement. Today, the collection includes source materials related to the history of slavery, race relations, African American community development and the civil rights movement. The center also is home to more than 800 works of African and African American art, including works by several internationally renowned 19th and 20th century African American masters.

Architecture Library <http://architecture.tulane.edu/facilities/the-architecture-libraryU>

This library houses standard reference materials in architecture, monographs on contemporary and historically eminent architects and their works as well as information on landscape architecture, building technology, energy, ecology, preservation and city planning. Southeastern Architectural Archive H <http://seaa.tulane.edu/>

The archive comprises the largest collection of architectural drawings and building records in the South. The collection focuses on the built environment of New Orleans and Louisiana.

Lillian A. and Robert L. Turchin Library

<http://www.freeman.tulane.edu/lib-tech/turchin/default.phpU>

The business library provides support for the teaching, learning and research activities of the A. B. Freeman School of Business, as well as assisting with the business and management information needs of Tulane students and faculty.

William Ransom Hogan Jazz Archive <http://jazz.tulane.edu/>

The jazz archive is a renowned resource for New Orleans jazz research. The collection includes oral histories, recorded music, photographs and film, and sheet music and orchestrations. It also houses files of manuscripts, clippings and bibliographic references.

Latin American Library <http://lal.tulane.edu/UH>

The Latin American Library is among the world's foremost collections in Latin American archaeology, anthropology, history, linguistics, art, architecture, film, women's studies,

economics and many other subject areas. The collection comprises more than 420,000 volumes and is one of the most comprehensive of its kind, including materials from the contact period to the present day.

Tulane Law Library H <http://www.law.tulane.edu/tlslibrary/index.aspx> UH

The Law Library supports the educational and research activities of the Tulane Law School. The library has a collection of approximately 400,000 volumes, including standard sources on U.S. federal and state law, foreign, international, and comparative law, civil law, and maritime materials.

Louisiana Research Collection H <http://larc.tulane.edu/>

The Louisiana Collection is a research library preserving publications (books, pamphlets and magazines pertaining to all aspects of Louisiana from colonial times to the present, from anthropology to zoology. It includes one of the best collections of pre-World War II Louisiana publications in the state.

Math Library <http://www2.tulane.edu/sse/math/library/> H

The Math Library serves the mathematics research needs of the Tulane and the New Orleans communities.

Rudolph Matas Library H <http://matas.tulane.edu/UH>

The health sciences library is the primary resource library of Tulane University School of Medicine and the School of Public Health and Tropical Medicine.

Music and Media Collection H <http://library.tulane.edu/libraries/media-services> Formerly the Leon Ryder Maxwell Music Library, the Music & Media Center located in Howard-Tilton Memorial Library is the primary service point for music reference and sound recordings as well as for media serving all departments of the uptown campus. With over 9,000 unique titles, the media collection contains documentaries, art film, and feature film which may be checked out for use by Tulane students, faculty, and staff. The collection of sound recordings contains well over 25,000 items with representative coverage of classical, popular, traditional, and uniquely New Orleanian music. The music print collection contains over 50,000 volumes of musical scores, books, and journals which support the research and performance of classical, traditional, and modern music.

Rare Books H <http://rarebooks.tulane.edu/>

Rare Books preserves approximately 50,000 titles dating from a leaf of the Gutenberg Bible (ca. 1456 to recent first editions. These holdings include a wide range of formats, from miniatures no larger than one inch high, to volumes 40 inches tall; from 500-year-old books in as fine a condition as the day they were printed to 20th-century first editions that are crumbling from the acidity of their paper.

Special Collections <http://library.tulane.edu/about/directories/department/special-collections>

The division includes University Archives, Hogan Jazz Archives, Rare Books, Manuscripts, the Louisiana Research Collection and the Southeastern Architectural Archives.

Tulane University Archives H <http://tuarchives.tulane.edu/>

University Archives preserves the official records of Tulane University and information about Tulane. The archive holds over 3,600 linear feet of materials -- primarily documents, but also in excess of 11,000 slides, 55,000 photographic negatives and more.

Nadine Vorhoff Library and Newcomb Archives

<https://newcomb.tulane.edu/content/vorhoff-library-special-collections>

The Vorhoff Library and Newcomb Archives maintain the archives of Newcomb College. They collect and preserve the records of Newcomb leaders, organizations and individuals, photographs, scrapbooks, ephemera, oral histories and audiovisual materials; house a unique culinary history collection centered on Southern cooking traditions; and operate a circulating library of more than 10,000 volumes and 100 women's studies periodicals.

C. The Downtown Campus

Tulane University has a large presence in the New Orleans downtown medical corridor. The School of Medicine, the School of Public Health and Tropical Medicine, and the Tulane Medical Center are located in a number of buildings in the area. The Tulane Medical Center is a joint partnership of Tulane University and Columbia HCA Healthcare Corporation. Tulane faculty who belong to the Tulane University Medical Group see patients from New Orleans and the Gulf South in the Tulane Medical Center.

Student housing for both the School of Medicine and the School of Public Health and Tropical Medicine is provided in the Deming Pavilion. Parking garages with permit parking for Tulane employees and public parking dot the area.

Offices for Technology Services and Government Relations are also located on the downtown campus.

D. The Uptown Campus

Tulane University's uptown campus is a tract of about 110 acres extending between St. Charles and South Claiborne Avenues in a residential section of New Orleans. Most instructional schools and departments are headquartered there. Buildings on the uptown campus include instructional and laboratory space, libraries and museums, student dormitories, dining options, recreational facilities and fields, meeting and organization space, and administrative offices. The extensive grounds with lawns, century-old oaks, colorful azaleas and other flowering shrubs are maintained by the university's grounds crew.

E. Other Sites

The Tulane National Primate Research Center (HUh<http://www.tnprc.tulane.edu/index.shtml>UH) is located on 500 acres near Covington, Louisiana, across Lake Pontchartrain. Established in 1962 by the National Institute of Health, it has a national mission to improve human and animal health through basic and applied biomedical research.

The School of Professional Advancement offers courses and a variety of degrees and certificates to part-time students. In addition to courses offered in the New Orleans area, students can attend classes at the Gulf Coast location in Biloxi, Mississippi:

(H<https://sopa.tulane.edu/content/mississippi-coast-campus-0> .

The A.B. Freeman School of Business

(H<http://www.freeman.tulane.edu/aboutfreeman/tour/houston.php> offers three advanced business degree programs in Houston, TX, near the Galleria.

The F. Edward Hebert Research Center, near Belle Chasse, La., provides research facilities in medicine and environmental, behavioral and computer science

(HU<http://www.museum.tulane.edu/museum/about.shtml>UH .

12.3 Research Centers and Institutes

Tulane University has many distinctive academic and research centers and institutes. Some are stand alone units; others are housed within the schools. The entities named below represent a sample of the diversity of interests and expertise of Tulane's academic community. A more extensive and up-to-date list of centers and institutes can be found at <http://tulane.edu/centers-and-institutes>

Amistad Research Center [Hhttp://www.amistadresearchcenter.org/UH](http://www.amistadresearchcenter.org/UH)

Tulane is host to the Amistad Research Center, a privately supported archive established to collect, preserve, and make available primary source materials pertaining to the history of America's ethnic minorities, race relations, and civil rights. Founded by the American Missionary Association in 1966, Amistad has collected more than ten million manuscript pieces and historical documents, photographs, tapes of speeches and interviews, reference books, newspapers and periodicals, newspaper clippings, and pamphlets. The archives contain the official files of some 70 national and international organizations, such as the American Mississippi Association, Civil Rights Committee of Metropolitan New York, Free Southern Theatre, and the National Committee Against Discrimination in Housing. Among the more than 200 families and individuals represented in the correspondence files of Amistad are Booker T. Washington, W. E. B. DuBois, Martin Luther King, Jr., Thurgood Marshall, Countee Cullen, and Fletcher Henderson. About 80% of the holdings deal primarily with the history and culture of African Americans, civil rights, and relations between blacks and whites. The Amistad Research Center also holds the Aaron Douglas Collection, an art collection of more than 200 paintings, sculptures, drawings, graphics, and other works by major African American artists.

Center for Aging <http://tulane.edu/som/aging/index.cfm>

The Tulane Center for Aging is a university-wide center established in 2007 to harness the multidisciplinary resources at Tulane University on behalf of a graying population. Its purpose is to enhance existing programs and to create new ones where the need and opportunity arises. The center is located physically in the Department of Medicine at Tulane University School of Medicine. The Center offers a Distinguished Lecture in Aging series followed by a seminar program. It also hosts a monthly Aging Interest Group meeting that alternates between the uptown and downtown campuses. These gatherings have fostered the development of several interdisciplinary research groups and new funding possibilities. The Center is dedicated to the strengthening of training and service in the areas of geriatric medicine and gerontology in cooperation with the Section of General Internal Medicine and Geriatrics in the Department of Medicine and the School of Social Work, respectively.

Center for Archaeology http://anthropology.tulane.edu/arch_exp.cfm

The Center for Archaeology provides a range of support for Tulane-affiliated archaeological research. The Center offers organizational and logistical support, as well as equipment and laboratory facilities, for faculty and student research projects. Continuing programs include **Sponsorship** of scholarly conferences and symposia, curation of archaeological site collections from North America and of teaching collections from other areas, and a Lecture in Archaeology series which brings outstanding scholars to Tulane to present public lectures on topics of broad

interest. The Center's associates include professional archaeologists both from within and outside the Tulane faculty.

Center for Bioenvironmental Research

<https://stonecenter.tulane.edu/pages/detail/73/Tulane-Xavier-Center-for-Bioenvironmental-Research>

The Center for Bioenvironmental Research (CBR), in association with Xavier University, was established in 1989. The Center provides a wide range of support for bioenvironmental research and education conducted by university faculty in the sciences, engineering, medicine, public health, epidemiology, environmental health sciences, business, and law. The Center offers administrative and financial support and maintains core facilities for major instrumentation as part of a broadly-based multidisciplinary program aimed at understanding and mitigating the impact of man-made agents on human and ecosystem health. Since Hurricane Katrina, CBR researchers and staff have shifted existing programs, and developed new research and outreach programs to rebuild and restore New Orleans and the Gulf Coast region. This is a natural outcome of community-based research with a focus on creating a city and region where the social, built, and natural systems are resilient, sustainable, and help reconnect the city to its natural landscape.

Center for Cardiovascular Health

<https://www.clersite.org>

The goal of the Center for Cardiovascular Health is to promote health and to prevent heart disease through education, research, clinical and community activities. Within the School of Public Health and Tropical Medicine, the Center is directed to increasing the understanding of cardiovascular disease, promoting health, behavioral approaches to reducing cardiovascular diseases, and improving human development and quality of life. The Center encourages collaboration of individuals with a variety of backgrounds to develop multi-disciplinary programs directed toward preventing cardiovascular disease.

Tulane City Center <http://www.tulanecitycenter.org/home/>

The Tulane City Center houses the School of Architecture's urban research and outreach programs. Programs of the City Center vary over time, but share a focus on improving cities through fostering global urban research, the development of flexible and innovative urban strategies, and the provision of environmentally and culturally informed principles to guide the design and revitalization of the contemporary metropolis. It enjoys a broad range of partnerships with numerous off campus community based and civic organizations. Each of these partnerships provides opportunities for faculty and students to engage real issues in real communities and participate in the life of New Orleans.

Eason-Weinmann Center for Comparative Law

<http://www.law.tulane.edu/tlscenters/eason/U>

The Eason-Weinmann Center for Comparative Law is the successor to the Institute of Comparative Law which was created in 1949 through generous grants from the Ford and Rockefeller Foundations. In 1981, John and Virginia (Eason) Weinmann gave a substantial grant to the Center for the purpose of strengthening its activities as well as endowing the Eason-Weinmann Chair of Comparative Law. Today, it is a leading think tank and an academic hub for

both American and foreign scholars with an interest in expanding the international conversation about law. Positioned between the common and civil law worlds, and with manifold connections to Europe, South America and Africa, the Center is in an ideal position to build bridges between different legal cultures. Through seminars and lectures conducted by outstanding legal scholars from various countries and legal systems, Tulane's achievements in foreign and comparative scholarship and thinking have become a natural part of the daily classroom experience.

Scott S. Cowen Institute for Public Education Initiatives

<http://www.coweninstitute.org>

Since March 2007, the “Cowen Institute” has taken a **Leadership Role** in the process of transforming K-12 public education in New Orleans. The Institute is a unique entity that takes Tulane University beyond the typical framework of higher education interaction with K-12 public education system. By using a multidisciplinary approach that encourages individuals and communities to learn about best practices for programs, partnerships, and policies, Tulane is helping to transform public school systems. The Institute is an action-oriented think-tank that actively addresses the issues impeding student achievement by designing and advancing innovative, high-impact policies and programs. It also serves as a clearinghouse for charter and traditional public schools in Orleans Parish to directly access the myriad of experts and resources available at Tulane. The Institute’s work is focused on four key areas: Applied Research, Public Policy, University-Based Initiatives, and College Readiness Programs.

Maritime Law Center [H<http://www.law.tulane.edu/tlscenters/maritime/index.aspx>](http://www.law.tulane.edu/tlscenters/maritime/index.aspx)

Since 1983, the Maritime Law Center of the Tulane University School of Law has sought to improve formal academic training in maritime law, encourage and support scholarly and practical research, provide continuing education for the maritime bar and industry, and perform various services in the public interest. The Center has brought to Tulane as visiting faculty and scholars, distinguished foreign professors and American lawyers with recognized expertise in admiralty and maritime law. The Center **Sponsors** conferences on maritime law and the Tulane Admiralty Law Institute, a nationally and internationally renowned symposium.

Middle American Research Institute [H<http://www.tulane.edu/~mari/U>](http://www.tulane.edu/~mari/U)

The Middle American Research Institute was established in 1924 to undertake and publish research in the anthropology and especially the archaeology of Mexico and Central America. Its publications have ranged across the social sciences, natural sciences, and humanities. The Institute provides instruction and research opportunities for graduate students in the department of Anthropology and related disciplines at Tulane University. Its museum gallery and anthropological collections include archaeological materials from the Americas, especially Central America, Mexico, and the southwestern United States; ethnographic specimens; negatives, photographs, and slides; and documentary research materials from archaeological expeditions.

Murphy Institute <https://murphy.tulane.edu/>

The Murphy Institute exists to help Tulane faculty and students understand the intricacies of economic, moral, and political problems. Since 1984, it has sponsored a highly acclaimed undergraduate program in political economy which brings together economists, historians, philosophers, and political scientists committed to moving beyond traditional boundaries of their

disciplines in a common search for new insights and new ways of studying the interconnections of politics and economics. Through a variety of faculty programs, the Murphy Institute also supports advanced research and scholarship by humanists and social scientists.

Newcomb College Institute [H<http://tulane.edu/newcomb/U>](http://tulane.edu/newcomb/U)

The Newcomb College Institute is a dynamic interdisciplinary academic center designed to enrich women's education at Tulane University. Established in July 2006, the Institute supports undergraduate women at Tulane by providing academic and leadership programming, hosting speakers, symposia and international summits, funding student research projects, participating in community projects and fostering mentor and networking relationships with Newcomb alumnae and other community leaders.

Newcomb College Center for Research on Women

<https://newcomb.tulane.edu/content/research>

The Newcomb College Center for Research on Women was founded at Tulane University in 1975. It is the oldest university-based women's research center in the Gulf South and the only one in the region to hold membership in the National Council for Research on Women. Its mission is to preserve, document, produce and disseminate knowledge about women. The Nadine R. Vorhoff Library and H. Sophie Newcomb Memorial College Archives stand as the repository of the records of Newcomb College and of the centralized collection of women's studies books and periodicals on the Tulane campus.

Tulane National Primate Research Center

[H<http://www.tnprc.tulane.edu/index.shtml>](http://www.tnprc.tulane.edu/index.shtml)

Originally opened in November 1964 as the Delta Regional Primate Research Center, the Tulane National Primate Research Center is one of eight centers that make up the [HUNational Primate Research Center Program](#)^{UH} funded by the National Institutes of Health (NIH). Located near Covington, Louisiana, about 40 miles from downtown New Orleans, it is designed to use nonhuman primates in biomedical investigations. The primary areas of research today are infectious diseases caused by viruses, bacteria and parasites, including biodefense-related work and gene therapy.

Roger Thayer Stone Center for Latin American Studies

[H<http://stonecenter.tulane.edu/U>](http://stonecenter.tulane.edu/U)

In addition to a private endowment, the Center for Latin American Studies is one of a select few to receive funding from the U.S. Department of Education's Title VI National Resource Center program. The Center coordinates the activities of faculty from across the university who offer over a hundred graduate and undergraduate courses annually on Latin America. Graduate students enrolled in the Center's master and doctoral programs can design concentrations within a broad interdisciplinary framework and have at their disposal the unique resources of the Latin American Library, the Middle American Research Institute and the Mesoamerican Ecology Institute, the Cuban Studies Institute and the Payson Center for International Development. In addition, the Center offers numerous opportunities for student field experience in Latin America, both through credit-granting summer sessions in Latin America and the Caribbean and through grants for independent research.

12.4 Campus Services

Bookstores <https://tulane.bncollege.com/>

Tulane has two general bookstores which offer a wide variety of books, gifts and apparel. The uptown campus bookstore is located in the Lavin-Bernick Center for University Life. The Medical Bookstore is on the first floor of the medical school. Both bookstores have textbooks, the latest offerings from Tulane authors, and other popular reading materials. Current trade books which are not on hand may be ordered. The stores also have art supplies, school supplies, cards and stationery, gifts, sundries and clothing. They are also the source for Commencement regalia, invitations, DVDs and more.

Faculty members are entitled to 10% discounts at both stores. Several major credit cards are accepted.

Career Center <http://tulane.edu/hiretulane/index.cfm>

The Tulane Career Center offers services to students with a variety of career needs, such as how to choose a major or a career path which best suits their interests, skills and personal values. The Center provides access to job and internship resources, help with résumés, cover letters, and mock interviews, advice for Graduate School preparation, and much more. The staff also helps students streamline their job search strategy to optimize future success.

The Tulane Career Center is ready to assist employers with recruiting and staffing needs in order to maximize employer opportunities to hire Tulane talent.

Dining Services <https://diningservices.tulane.edu/>

A variety of dining outlets are available on the uptown campus. Several are located in the Lavin-Bernick Center. The student board plan (a dine-in, all-you-care-to-eat format at Bruff Commons is available to faculty on a per meal basis. The same is true at neighboring Loyola University in the Dana Center which also has a dine-in, all-you-care-to-eat cafeteria and other dining options. On the downtown campus, the Medical School cafeteria and food court serves breakfast and lunch in the Hutchinson Building. Einstein Bros. Bagels is open for breakfast and lunch in the Tidewater Building.

Disability Services <https://accessibility.tulane.edu/>

The ERC offers a variety of services to Tulane students, such as personal and group counseling, workshops, educational counseling, career testing, tutoring, disability services, and crisis intervention and counseling. For the most part, these services are free to students. The ERC is staffed with psychologists, social workers, counselors, and supervised graduate students in professional training. They work in partnership with the physicians and staff of the Student Health Center. Faculty who are concerned about a student can consult with an ERC professional.

Center for Global Education <http://global.tulane.edu/UH>

The Center for Global Education was established in the fall of 2007 to harmonize the activities of inbound international students and scholars with outbound study abroad students and foster globally oriented discourse and scholarship at Tulane University. Housing the Office of Study

Abroad and the Office of International Student & Scholar Services, the Center also organizes various international programs for the campus and local communities including International Education Week, International Studies symposia, film screenings and more. In addition, the Center administers scholarship and grant programs, such as Fulbright & Fulbright-Hays, NSEP, and Gilman, and supports academic programs through external grants and faculty development programs.

Housing

Most faculty are able to find suitable housing arrangements in the New Orleans area. Tulane facilities which may be available to faculty are very limited.

The Papillon Apartments in the lower garden district have 1, 2, and 3 bedrooms apartments for families and are leased for 12 months from June 1 through May 31.

<http://tulane.edu/studentaffairs/housing/grad/papillon.cfm>

The Bertie M. and John W. Deming Pavilion

This apartment building is situated one block from the Medical Center. It offers accommodations for medical students, graduate students, interns, residents, or faculty members associated with the Medical Center. Other University faculty, staff or students may be accommodated if space is available. All units are furnished and the building is centrally heated and air-conditioned. <http://tulane.edu/deming/>

Mail Services <http://tulane.edu/mail/index.cfm>

Mail Operations is located in Bruff Commons on the uptown campus and in the Tidewater Building at 1440 Canal St. in Suite 806 on the downtown campus. Each location is the central delivery and pickup point for all United States Postal Service Mail coming to the campus. Both USPS Mail and Campus Mail are sorted daily and distributed through a network of campus locations.

Parking <https://campusservices.tulane.edu/departments/parking> [Tulane Campus Maps](#)

For the uptown campus, there are a number of parking areas and a parking garage with additional parking located at University Square with a shuttle service to the campus. Two parking garages as well as several surface lots serve the downtown campus. Parking on the streets adjacent to the both campuses is subject to the jurisdiction of the city of New Orleans and to the regulations imposed by city government.

Each Tulane affiliate (faculty, staff, or student who operates a vehicle on the campus must register for a parking permit. The permit is issued according to that person's employment or class status, and grants parking privileges according to that class. A fee is charged according to permit type. The parking permit must be displayed on the vehicle as prescribed by the permit type. Vehicle registration must be renewed every year.

Police Department and Relations with the New Orleans Police

<http://tulane.edu/police/>

The Board of Administrators has approved the following policy statement on relations with police.

Tulane University employs in its Police Department individuals with experience and special training in police affairs. Each officer of the Department is commissioned through the Louisiana Department of Public Safety.

The Police Department is under the full operational control of Tulane University. The Director of the Department is responsible for all of its operations, reporting to the University's Senior Vice President for Operations and CFO.

- (a) The Director of the Tulane Police Department is authorized and directed to maintain continuing liaison with the New Orleans Police Department and to keep the NOPD fully informed regarding the general state of security affairs on the Tulane premises and (b) specific instances of violation or suspected violation of municipal, state or federal laws on or adjacent to Tulane's premises.
- (b) Tulane University will use the resources of the Police Department in dealing with threats to the safety and security of persons and property on Tulane premises. Whenever, in the judgment of the Director of the Department, there exists a threat considered to be beyond the capability of the Department to handle with its own resources, the Director is authorized and directed to request the assistance of the New Orleans Police Department after consultation, if time and circumstances permit, with the President of the University, or his/her designee.
- (c) In stating a policy of Tulane's use of its own resources to the maximum extent possible, a corollary policy must also be stated. Under no circumstances are the properties and premises of the University a sanctuary for any illegal activity.
- (d) While, under ordinary circumstances, the Tulane Police Department will be expected to handle problems of order and safety to persons and property, the NOPD is in no way precluded from entering Tulane's premises at any reasonable time; for example, in pursuit of a suspect of an illegal act or for investigation, search, or seizure in connection with illegal activity or suspected illegal activity.
- (e) Should the New Orleans Police Department or other agencies of local, state, or federal government have reason to pursue investigation of possible illegal activity on Tulane's premises, either on its own initiative or at the request of the Director of the Tulane Police Department, it will be Tulane's policy to provide all such cooperation as may be needed. Indeed, each member of the University community will be expected to cooperate with the established agencies of the larger community of which Tulane is a part in the enforcement of law, just as each member of the University community should be

prepared to observe and assist in enforcing the rule and regulations of the University itself.

- (f) All employees and visitors are prohibited from possessing a firearm on the Tulane University campus and the property and grounds thereof. This policy is subject to the following exception:
- 1) law enforcement personnel commissioned by federal, state and/or local authorities;
 - 2) firearms necessary for training associated with ROTC programs;
 - 3) firearms kept in faculty and staff residences (other than campus residence halls, Aron Residences, and Deming Pavilion). Tenants in faculty and staff residences are requested to register all firearms with the Department of Public Safety.
 - 4) Firearms inadvertently brought to campus must be deposited at the Police
 - 5) Department for safekeeping. All firearms so deposited shall be unloaded at the time of deposit.

Printing Services

Printing Services provides printed output for core institutional needs such as mainframe reports. FedEx Office handles retail and departmental printing services including personal projects. FedEx Office has a location on the uptown campus in the Lavin-Bernick Center for University Life (LBC and other locations throughout the city and country with special pricing available to departments, faculty, and staff from Tulane.

Business cards, letterhead, and other items containing Tulane visual identity are produced by authorized suppliers. More information is available at:
<http://tulane.edu/news/style/stationery/index.cfm>

Refer to the Appendix for the statement on Guidelines for Duplication of Copyrighted Material.

Purchasing

Only authorized buyers and purchasing cardholders, up to the limit of their authority, are authorized to obligate the University to pay for goods or services. Faculty who need help in making legitimate university purchases should contact the departmental administrator who will know the appropriate policies and methods for committing university funds. The Department of Materials Management, <http://matmgmt.tulane.edu/>, can assist with pricing and delivery of major purchases. The uptown office is at 8333 Maple St. and the downtown office is at 1430 Tulane Ave., room 1101.

Speakers and Meetings

Faculty who wish to **Sponsor** an event or meeting outside of normal class time should investigate space availability before announcing any plans. The departmental administrator can assist with making reservations and when appropriate, posting details of a public event on the University Calendar of Events, <http://tulane.edu/calendar/>

University premises and facilities are reserved for the use of student, faculty, staff, and alumni organizations recognized by the University, for meetings and events appropriate to the University's basic educational objectives.

With the exception that candidates for the Office of President or Vice-President of the United States who may appear in person to make political addresses, requests from religious, political, and commercial groups will be considered only if they are **Sponsored** by recognized University organizations.

The President of the University delegates to the Vice President for Student Affairs a general control over university events outside of the classroom. All official college, school and university events (meetings, activities, outdoor parties; whether academic, cultural, or social held on campus, in academic buildings, in residence halls, Lavin-Bernick Center, Alumni House, auditoriums and anywhere in the city of New Orleans, are to be posted by the **Sponsoring** department on the University Calendar, <http://tulane.edu/calendar/> Venue reservations should be made with the Reservation Managers for specific venues on campus. For example, the LBC Reservations and Administration Office schedules space in the Lavin-Bernick Center for University Life, McAlister Auditorium, and Rogers Memorial Chapel.

When a conflict in time or place arises, matters should be addressed at the reservations level first. In cases that require further review and resolution, the Vice President for Student Affairs is consulted and empowered to resolve the conflict. Further details on policy and procedure pertaining to these and related matters, may be obtained through the Office of the Vice President for Student Affairs.

Technology Services <http://tulane.edu/tsweb/index.cfm>

Technology Services is responsible for meeting the core technology needs of the Tulane University community. It provides students and faculty with information technology resources which enhance the learning experience and increase the depth and extent to which faculty and students can explore subjects. The Innovative Learning Center offers technology equipment and services to support these academic goals, including the administration of the Blackboard. Students and faculty have available an extensive library of software in mathematics, statistics, engineering, cartography, social sciences, and business, as well as major programming languages.

Technology Services manages the infrastructure of network, e-mail and internet services, backend databases, administrative systems, enterprise servers and telecommunications. The Helpdesk assists users with general access issues or difficulty with commercial software applications. It also operates several computer labs, both uptown and downtown. The use of hardware, software and other information technology resources is governed by the EDUCOM code on "Software and Intellectual Rights" :

"Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledge, right to privacy, and right to determine the form, manner, and terms of publication and distribution. Because electronic information is volatile and easily reproduced,

respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community."

Faculty can obtain software downloads at <http://tulane.edu/tsweb/software/index.cfm> Faculty should review the security policy available at <http://security.tulane.edu/>

University Services <http://tulane.edu/studentaffairs/tom/>

A number of retail and service options are available for the convenience of the Tulane community. They include things like a barber shop and hair salon, express mail services, banks, etc. The latest information, including some Tulane discounts, can be found at the above link.

Office of Human Resources <https://hr.tulane.edu/>

Workforce Management, located at 200 Broadway Street in Uptown Square, supports all of the activities that impact employment and performance throughout the life cycle of Tulane University employees. The pay and benefits administration of all faculty and staff employees are the responsibility of Workforce Management. Additionally, Workforce Management handles recruitment, orientation, compensation, records and performance management for staff employees. Workforce Management also monitors compliance with federal, state and local regulations.

12.5 Recreational and Cultural Opportunities

A. Campus Recreation

Department of Campus Recreation <http://www.reilycenter.com/>

The Department of Campus Recreation offers a complete recreation program in which all faculty/staff may participate. Activities include intramural sports, club sports, instructional, fitness, and wellness programs, as well as children/family programs and summer day camp. Faculty, staff and their immediate families may also join the Reily Student Recreation Center,. Various membership levels are available.

The Reily Center opened in January, 1989, and features a 50 meter by 25 yard indoor pool, an outdoor "social pool" and sun deck, six racquetball courts, two squash courts, basketball, volleyball and badminton courts, 1/9 mile indoor jogging track, 7,000 square foot weight room, multi-purpose rooms, juice bar, pro shop, and non-credit instructional classes. For further information on the facility and programs, stop by the Reily Center located on McAlister extension or check the website.

Several organized programs are offered at "Reily".

- (a) Club Sports <http://www.reilycenter.com/index.php/clubsports/>
Faculty members are eligible to participate in all club sports **Sponsored** by the Department of Campus Recreation.
- (b) Intramurals <http://www.reilycenter.com/index.php/intramuralsports/>
The Intramural Sports Program consists of more than 40 activities conducted throughout the academic year and summer session. Events are open to members of the Reily Student Recreation Center. Those persons not affiliated with any organized group, but wishing to participate, should contact the Program Office.
- (c) Instructional Programs <http://www.reilycenter.com/index.php/group-exercise/>
Reily's instructional classes are available to students, faculty, staff, Reily members and the general public interested in learning new skills and participating in activities that will provide a lifetime of enjoyment. Classes in dance, martial arts, golf, tennis, yoga, swimming are some of the training offered.
- (d) Fitness and Wellness H <http://www.reilycenter.com/index.php/group-exercise/>
The fitness programs are designed to increase an individual's strength, flexibility and aerobic capacity. The wellness offerings help to assess and improve overall health and well-being.

B. Musical Organizations and Programs

Campus musical presentations provide entertainment in a variety of forms and offer opportunity for faculty participation.

Tulane Summer Lyric Theatre, [Hhttp://summerlyric.tulane.edu/UH](http://summerlyric.tulane.edu/UH), combines professional, university, and community resources in productions under the direction of the Department of Music. Faculty and student recitals in Dixon Hall are believed to constitute the oldest cultural activity in the city in point of continuous annual performance.

The Department of Music, [Hhttp://tulane.edu/liberal-arts/music/UH](http://tulane.edu/liberal-arts/music/UH), offers an amazing array of musical events. A Music at Midday program is presented each Wednesday in the Rogers Memorial Chapel. The Friends of Music series presents the most outstanding chamber music in New Orleans. There are also series which present outstanding guitar and piano artists in concert. There are several music ensembles including a chamber choir, orchestra, choir, concert band, jazz bands and musical theatre productions. The Tulane marching band entertains at athletic events. The University also has a gospel choir and Green Envy (small choir under student direction).

Theatre and Dance [Hhttp://tulane.edu/liberal-arts/theatre-dance/UH](http://tulane.edu/liberal-arts/theatre-dance/UH)

The Department of Theatre and Dance offers numerous productions of varied fare during the course of the academic year, ranging from the classics and contemporary selections, to the annual Newcomb Dance Concert. In addition, The Shakespeare Festival at Tulane offers professional productions during the summer. Also active in the summer is the department's children's theatre company, the Patchwork Players and the New Orleans Dance Festival among other special projects.

Tulane University Campus Programming (TUCP) <http://tucp.strikingly.com>

TUCP is the largest programming organization on the Tulane Campus. It encompasses six committees and six executive positions staffed by more than 150 Tulane student volunteers. Each year the organization provides the entire Tulane community with a wide range of informative and entertainment events.

Tulane University Women's Association [Hhttp://tulane.edu/tuwa/UH](http://tulane.edu/tuwa/UH)

TUWA, organized as the Tulane University Tea Committee in 1910, has evolved into an organization which includes faculty and staff wives and female faculty and staff. Invitations are sent each fall for membership and the Fall Coffee. The organization has approximately 500 members and **Sponsors** a variety of programs throughout the year. It gives its members the opportunity to know and work with University people both at Tulane and in the community.

The Lavin-Bernick Center for University Life (LBC)

[Hhttp://tulane.edu/studentaffairs/lbc/UH](http://tulane.edu/studentaffairs/lbc/UH)

The Lavin-Bernick Center for University Life (LBC), and all of its services are open to the Tulane Community and the general public. The services include the University Bookstore, dining venues, a full service bank and ATMs, barber shop and hair salon, mailing and copy center, a travel office and other retail outlets. The Office of the Vice President for Student Affairs and many student organization offices are on the lower level. The LBC Reservations and Administration Office, the Olive Blue Catering Office, and meeting rooms are located on the upper level. The staff in these offices can assist with reserving meeting space, room set-up, technology needs and catering arrangement.

12.6 University Relations and Development

<http://tulane.edu/externalaffairs/index.cfm>

The Office of University Relations and Development is comprised of all externally focused areas of the university, including Government Affairs, University Communications and Marketing, Board Relations, Community Relations and Partnerships, and Alumni and Development Relations. The Office of the University Architect and Campus Planning also reports to the Office of University Relations and Development. The Senior Vice President for University Relations and Development heads up the area and reports directly to the president of the university.

University Relations and Development

The Senior Vice President for Advancement, in consultation with the members of the President's Cabinet and the deans of the schools and college, the Development Committee of Tulane Board and the University Senate Budget Review Committee, formulates policies and programs relative to the financial support of the University from all philanthropic sources, coordinates and oversees the university's relationship with all government agencies, including federal, state, and local entities, and develops a cohesive communications, visual identity, marketing and branding strategy for the university in all forms of media in its outreach to both internal and external constituencies through the work of the following offices.

Government Affairs

The office of Government Affairs works to advance Tulane's mission in research, teaching, and service by aggressively seeking government funding for university programs and activities; developing strategies for the university's coordinated response to challenges, threats, and opportunities related to federal, state, and local government legislation and activities; coordinating the development of university programs and cross-university partnerships that have the potential for significant government funding; and acting in an advisory capacity for on-going government-awarded projects as appropriate. The office also works to promote Tulane's image and relations in the community and with its neighbors, and with city, state, and federal government officials through targeted communications, special events, and publications.

University Communications and Marketing

The office of University Communications and Marketing conducts and coordinates public relations, communications, and public affairs issues for the entire university with a variety of audiences, including alumni, potential donors, potential students, state and national education associations, other national organizations, the media, members of the university community, and the general public. It is also responsible for university publications, athletics marketing, website development, and development communications. The office handles all media activities for the university.

Alumni and Development Relations

Alumni Relations: The Office of Alumni Affairs designs, executes, and coordinates activities that promote alumni involvement in the life of the university community. Alumni Councils in many cities nationwide serve as liaisons between alumni in the regions and the university.

Constituency Development: The office of Constituency Development designs, executes, and coordinates activities that forge strong bonds with and promote the active involvement of alumni, parents, staff, and council and board members in the life of the university community locally, regionally, and nationally. The office encourages the participation of new donors and existing constituent groups both in general and targeted giving campaigns, including Athletics, the Associates Program, and the Tulane Fund.

Leadership Gifts: The office of Leadership Gifts identifies and coordinates solicitation of individuals interested in supporting major university initiatives. The office seeks to identify potential donors at the major gift levels and higher, as well as donors interested in the targeted support of the schools of Architecture, Business, Law, Liberal Arts, Professional Advancement, Public Health and Tropical Medicine, Science and Engineering, Social Work, and the Newcomb-Tulane Undergraduate College.

University Relations/Development Administration: The office of Administration provides coordinated operational, budgetary, and human resource support for the overall University Relations and Development effort. The office manages the recording, acknowledgement, and reporting of gifts to the university (gift accounting; the alumni and development records systems; conducts individual prospect research and prepares development briefings, and writes proposals when requested (research).

School of Medicine Development: The office of School of Medicine Development focuses its efforts on forging stronger bonds with alumni, parents, and staff associated with the School of Medicine; raising funds for the school's Annual Fund through a wide range of targeted campaigns, events, and reunions; and cultivating relationships with new and potential donors who have both the capacity and interest to make major gifts in support of the school.

Corporate, Foundation, and Research Relations: The office of Corporate, Foundation, and Research Relations identifies potential corporate and foundation donors, initiates and maintains contact between the university and representatives of business, industry, and charitable foundations, and coordinates the submission of proposals for corporate and foundation giving in cooperation with faculty members and other administrative officers.

Legal Affairs and Planned Giving: The office of Legal Affairs and Planned Giving develops and coordinates activities that encourage future gifts, such as bequests, charitable remainder interests, trusts, life insurance, and memorials. The office is also responsible for ensuring that donor intent is honored in the administration of gifts dedicated for restricted purposes, serves as liaison with external investment managers, the Board of Regents' Eminent Scholar Program, and as custodian for the Planned Gifts program and other internal and external trusts.

Board Relations: The office of Board Relations facilitates the work of the Board of Tulane and enables it to carry out its responsibilities. The office schedules Board and Board committee meetings; prepares and distributes minutes and other records resulting from Board and Board committee meetings; and maintains an archive of Board minutes and other records and documentation. The Recording Secretary of the Board ensures that actions taken by the Board are within the limits of its Charter and Bylaws, are in accordance with those policies enacted by Board resolutions, and are reflective of the mission of the University, its governance structure, and its established policies and procedures.

University Architect and Campus Planning

The Office of the University Architect and Campus Planning supports and implements the university's Strategic and Master Plans and goals for institutional development of its physical environment and building resources. The office undertakes planning efforts for campus housing; research space and facilities; classroom and administrative facilities and allocations; open space and landscaping; parking and circulation; environmental and accessibility planning and infrastructure. In coordination with Facilities Services and the Capital Projects and Real Estate Group, the office also directs campus planning activities for major university construction and campus improvement projects.

12.7 Policy on Billing and Reimbursement of Health Care Services

This Code of Conduct evidences the commitment of Tulane University (“Tulane” and its employees, agents, and contractors to full compliance with all laws and regulations regarding billing for health care services. Tulane is committed to ensuring that billing to and reimbursement from the Medicare program, Medicaid program, and all other federal health care programs is in compliance with the regulations and guidance for billing such programs. It is Tulane’s policy to educate our employees, agents and contractors about the provisions of the federal and state laws that prohibit the submission of false claims and false statements as well as about the whistleblower protections contained in these laws and the role that these laws play in detecting and preventing fraud, waste, and abuse.

A. Applicability

This Code of Conduct applies to all Tulane employees, agents and contractors, however, health care providers and individuals supporting health care providers are more likely to encounter the situations described in this Code of Conduct. Those employees, agents and contractors who provide health care services, are members of Tulane University Medical Group, or who provide administrative, managerial, financial or other support for Tulane’s health care functions should ensure that they fully understand this Code of Conduct.

B. State and Federal Laws

Both federal and Louisiana law prohibit Tulane from knowingly presenting a false or fraudulent claim to Medicare, Medicaid, or other federal health care programs. Federal law defines a “false claim” as knowingly presenting false or fraudulent claims for payment or making or using a false record or statement to receive payment for a claim. Louisiana law defines a “false or fraudulent claim” as a claim that a health care provider (or his/her agent submits knowing the claim to be false, fictitious, untrue, or misleading in regard to any material information.

Examples of false claims could include billing for services not rendered or goods not provided, falsifying certificates of medical necessity, falsifying medical records, unauthorized use or unauthorized assignment of provider billing numbers, and failing to report overpayments or credit balances. All of the data elements that must be included in submissions for reimbursement from Medicare, Medicaid and other federal health care programs must be accurate. Violations of these federal and state laws can subject Tulane to significant fines and penalties.

C. Protection of Whistleblowers

The federal and state laws contain certain protections for “whistleblowers” who alert the appropriate governmental authority of a violation of the false claims acts. Under these laws, any person with actual knowledge of an allegedly false claim, including employees, agents and contractors, may, under certain conditions, become a whistleblower under these statutes and is

free to notify the appropriate state or federal governmental authorities if he/she does not believe that Tulane is responding appropriately when notified about potential violations. Employers are prohibited from taking adverse or retaliatory action against a whistleblower who in good faith notifies the appropriate governmental authority of an alleged violation. Whistleblowers may also be entitled to relief, including employment reinstatement, back pay, and other compensation arising from retaliatory conduct against the whistleblower.

D. Tulane's Policies and Procedures

Tulane University is committed to promoting ethical practices and to preventing and detecting fraud, waste, and abuse. Tulane systematically reviews its compliance with the rules and regulations of Medicare, Medicaid, and other federal payors. Tulane also has in place compliance procedures for audits, personnel training and continuing education. Tulane's compliance personnel regularly apprise themselves and the organization of current state and federal statutory and regulatory developments to ensure that Tulane is compliant with the rules governing federal and state health care programs claims submissions.

In addition, Tulane relies on its employees to notify it of any potential inaccurate billing so that we are not accused of violating the laws that prohibit the submission of false claims to the government. Tulane makes it a part of the duty of all employees to assist it this commitment to accurate billing by reporting any potential improprieties without fear of retaliation. Tulane employees may report potential billing violations directly to their supervisor or to the "hotline" maintained by Tulane for this purpose, which can be reached at 504-314-CALL (2255).

Alternatively, information on the hotline and reporting any potential improprieties can be found at <http://tulane.edu/audits/hotline.cfm>.

For more information on this topic, information on the University Compliance website. <http://tulane.edu/compliance/>

APPENDIX

A. Guidelines for the Duplication of Copyrighted Material for Classroom Use

The General Counsel's Office has prepared the following guidelines for the photocopying of copyrighted materials for classroom use. These guidelines attempt to balance the interests of the instructor and his or her students on the one hand and the rights of the copyright owner on the other.

Instructors who wish to make multiple copies of copyrighted material must take the following steps:

1. Determine whether the safe harbor applies. When Congress revised the copyright law in 1976, it took note of a set of guidelines that had been approved by a consortium of publishers and by the American Council on Education for copying for classroom use. These guidelines contain safe harbor provisions that describe copying that may be done without the permission of the copyright owner. A copy of the guidelines is included herein. These guidelines set out a three-pronged test; any copying must meet all three tests (brevity, spontaneity, and cumulative effect) to come within the safe harbor.

If an instructor determines that the proposed copying fits within the safe harbor, then the copying may be done without requesting permission from the copyright owner. However, instructors should bear in mind that the spontaneity test requires them to request permission for that same material if the instructor intends to use that material in a subsequent semester.

If an instructor determines that the proposed copying does not fit within the safe harbor, the instructor must request permission from the copyright owner.

2. Request permission from the copyright owner. This must be done in writing. Allowing plenty of time (six to eight weeks minimum) for the copyright owner to respond, write a letter to the copyright owner describing your intended use of the copyrighted material and ask permission to use the material accordingly. A copy of the Association of American Publisher's "How to Request Copyright Permissions" is included herein; this should help you prepare your requests.

Please be aware that the copyright owner may be either the publisher or the author of the material. A close inspection of the material or the larger work containing the material to be copied should reveal the identity of the copyright owner. If you cannot determine who owns the copyright, request permission from both the author and the publisher.

Instructors must be prepared to document the fact that they have requested permission to duplicate each item of copyrighted material.

A request for permission should produce one of the following three responses:

- i. **Permission Granted** -- the copyright owner responds by granting the permission requested. This is the ideal response; instructors should not expect to see it often.
- ii. **Permission granted subject to royalty payment** -- more and more copyright owners are granting permission to reproduce their works upon payment of a specified royalty. If you receive such a response and decide to pay the royalty, you must retain copies of all documentation for the transaction. The cost can be passed along to the students as part of the purchase price of the duplicated materials. The instructor should request a letter from the copyright owner acknowledging receipt of the payment and authorizing the instructor to proceed with the duplication. If this response is received and the instructor feels that the requested royalty is unreasonable, please contact the General Counsel's Office to discuss the situation.
- iii. **Permission denied or no response received** -- many copyright owners deny all requests to reproduce their material as a matter of course; others may deny your request for other reasons. The fact that a copyright owner does not grant permission to reproduce the material does not necessarily mean that it cannot be reproduced for classroom use. Denial of permission means that the legal justification for the proposed photocopying of copyrighted material would rest on the concept of "fair use" rather than on the grant of permission by the copyright owner or on compliance with the safe harbor. Fair use is defined as the ability of a person other than the copyright owner to use copyrighted material in a reasonable manner without the consent of the copyright owner. What constitutes fair use depends on the facts and circumstances of the use. A copy of the fair use statute is attached for your reference. Reliance on the fair use doctrine means that the copying in question is heading into uncharted legal waters and may subject the University and/or the instructor to liability for copyright infringement. If you have any questions about the fair use doctrine and/or any particular proposed copying, please contact the Office of the General Counsel.

Instructors must make separate requests for each copyrighted work for each school term that the copyrighted materials will be used. Instructors should maintain a file containing all of their correspondence pertaining to their use of copyrighted materials.

3. Include a "Notice of Copyright" on each copyrighted work. This must be done in every case. The notice of copyright includes the word "copyright" or the circled "c," the year of publication, and the name of the copyright owner.

Examples: Copyright 1991 by John A. Smith
(c) 1991 by Random House Publishers

This notice must be typed or handwritten on the first page of each copyrighted work that you wish to have photocopied.

B. Guidelines for Copying Educational Material

I. Single Copying for Teachers:

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- i. a chapter from a book;
- ii. an article from a periodical or newspaper;
- iii. a short story, short essay or short poem, whether or not from a collective work;
- iv. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. Multiple Copies for Classroom Use:

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- i. the copying meets the test of brevity and spontaneity as defined below; and
- ii. meets the cumulative effect test as defined below; and
- iii. each copy includes a notice of copyright.

C. Definitions

Brevity:

- i. Poetry:
 - (a) A complete poem if less than 250 words and if printed on not more than two pages or
 - (b) from a longer poem, an excerpt of not more than 250 words.
- ii. Prose:
 - (a) Either a complete article, story or essay of less than 2,500 words, or
 - (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

- iii. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- iv. "Special" works: Certain works in poetry, prose or in "poetice prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity:

- i. The copying is at the instance and inspiration of the individual teacher, and
- ii. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

- i. The copying of the material is for only one course in the school in which the copies are made.
- ii. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

- iii. There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations state in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

PROHIBITIONS AS TO I AND II ABOVE:

Notwithstanding any of the above, the following shall be prohibited:

- i. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- ii. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized test and test booklets and answer sheets and like consumable material.
- iii. Copying shall not:
 - (a) substitute for the purchase of books, publishers' reprints or periodicals;
 - (b) be directed by higher authority;
 - (c) be repeated with respect to the same item by the same teacher from term to term;
- iv. No charge shall be made to the student beyond the actual cost of photocopying.

D. How to Request Copyright Permission

A federal court ruling reaffirmed the need to obtain permission to use copyrighted materials in college course anthologies. Publishers want to make these materials available to you quickly and inexpensively but they need your cooperation. Whether you request permission yourself or through a college store or copy service, these suggestions will speed the process. Please:

- i. Request permission at the same time you order textbooks, the earlier the better in the event your request cannot be granted and you need to substitute other materials. Publishers do not always control rights and need time to research the extent to which permission may be granted.
- ii. Direct your request to the publisher's Copyrights and Permission Department, not the author. If publishers do not control the rights, they will inform you whom to contact.
- iii. Include all of the following information in your request:
 - (a) author's, editor's, translator's full name(s)
 - (b) title, edition and volume number of book or journal
 - (c) copyright date
 - (d) ISBN for books, ISSN for magazines and journals
 - (e) numbers of the exact pages, figures and illustrations
 - (f) if you are requesting a chapter or more; both exact chapter(s) and exact page numbers
 - (g) number of copies to be made
 - (h) whether materials will be used alone or combined with other photocopied materials
 - (i) name of college or university
 - (j) course name and number
 - (k) semester and year in which material will be used
 - (l) instructor's full name
- iv. Request permission whether or not works are in print.
- v. Provide your complete address and the name of a contact person and telephone number in case there are any questions.

In many cases, your college store or other service can assist you and/or provide appropriate forms. The publisher's response form will provide the information about payment and fees which are determined by the individual publisher. A booklet, Questions and Answers on Copyright for the Campus Community, is available through most college stores or on request from AAP (Association of American Publishers, 220 East 23rd Street, New York, NY 10010 (212/689-8920).

AMENDMENT TO THE TULANE SENATE BY-LAWS: Committee on Equal Opportunity and Anti-Discrimination

A. Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty

Executive:

To consider grievances alleging faculty violations of Tulane University's Equal Opportunity/Anti-Discrimination policies. , make findings and recommend remedial actions and/or sanctions to the Senior Vice President for Academic Affairs and Provost. This process does not apply to faculty on appointments of less than a year or on the first year of appointment. Those grievances are handled directly by the Office of Institutional Equity (OIE) and Human Resources.

Advisory:

To provide a yearly report to the Senate identifying the number of grievances received, the number that led to hearings and the time to resolution in each case.

Membership:

Two full-time tenured faculty members from each of the larger schools (Law, Liberal Arts, Business, Science and Engineering, and Public Health) two senior faculty members from the School of Medicine, one senior full-time faculty member from each of the Schools of Architecture, Social Work, and Professional Advancement) of the University. Faculty members shall elect members in competitive elections for non-renewable three-year staggered terms. Faculty who hold administrative appointments with dean or provost in the title are not eligible to serve. The committee shall elect its own chair.

B. Policies for the Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty

Training

All members of the Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty (the Committee should receive training by the Office of Institutional Equity (OIE and others, as necessary, on issues connected with potential violations of Tulane's Equal Opportunity/Anti-discrimination Policies (EO Policies).

Jurisdiction

The Committee shall hear grievances alleging faculty violations of Tulane University's Equal Opportunity and Anti-Discrimination policies that cannot be resolved informally by OIE. The committee does not have jurisdiction over grievances against faculty on appointments of less

than a year or on the first year of appointment. Those grievances are handled directly by OIE and Human Resources.

The Chair of the Committee shall have discretion to decide whether a party to a complaint has standing to proceed before the Committee against a faculty member. The Committee's jurisdiction replaces that of the grievance committees of the individual schools, Newcomb Tulane College, and/or Centers/Institutes.

Ad Hoc Appointments

The Committee can appoint members on an ad hoc basis, as necessary, from among the pool of members with prior service to the Committee (or School grievance committees, if necessary to secure an eligible panel.

Investigative Process

Initial Review by OIE.

When a grievance comes to the attention of OIE, OIE will conduct a review to determine whether the matter sufficiently states a grievance under the University's Equal Opportunity/Anti-Discrimination Policies (the EO Policies) that it should proceed to the investigative process. OIE should provide written notice of its initial determination to the appropriate parties within thirty (30) working days. If OIE cannot make the thirty-day deadline, it shall communicate the reasons to the parties in writing. If OIE determines there is not basis for an investigation, the complainant may appeal that decision to the chair of the committee.

OIE's Investigation.

When OIE has determined that the matter should proceed to the investigative process, OIE will conduct an investigation of the complaint. OIE shall issue a written notice of investigation to the parties stating the charge(s). OIE shall also provide all parties with a written statement regarding their rights and an explanation of the investigation process. The investigation is meant to provide a fair and reliable gathering of the facts (including interviewing witnesses and gathering relevant and available evidence). OIE should provide the complainant and respondent with a fair and equal opportunity to be heard, to submit information, and to identify witnesses who have relevant information. OIE's **Investigator** may speak with individuals who are willing to participate and have relevant information. Each party may bring an advisor to any meetings. The advisor may be a Tulane employee or an attorney. . At meetings, the advisor may not speak for either the complainant or the respondent.

Investigator Discretion – Evidence.

The **Investigator**, OIE, has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the

investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

Timing of Investigation. Best efforts should be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. In general, OIE will seek to conclude the investigation within thirty (30 working days from the issuance of the notice of investigation, although special circumstances may extend this time frame. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Tulane University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties, or to address other legitimate reasons as defined by the **Investigator**. Any extension of the timeframes, and the reason for the extension, should be shared with the parties in writing.

OIE's Preliminary Report.

OIE should provide a preliminary written report to the parties. The report should summarize the information gathered, synthesize areas of agreement and disagreement among the parties and/or witnesses with any supporting information, and contain the **Investigator's** findings of fact and recommended conclusions regarding whether a violation of the University's EO Policies occurred. The complainant and respondent shall have an opportunity to review the draft report and, within ten (10 working days, submit written objections to OIE.

OIE's Final Report. Within a reasonable time following receipt of any additional information from the parties and/or individuals involved in the process, or after the ten (10 working day comment period has lapsed without comment, the **Investigator** will make a final investigative determination, by a preponderance of the evidence standard, regarding whether a violation of the EO Policies occurred. The final report shall be made available to the complainant and respondent.

Panel Review.

Within five (5 working days of completion, OIE shall submit its final report and make available to the Chair of the Committee all evidence collected. The Chair of the Committee shall then, within a reasonable time, assemble a review panel. A panel shall consist of five members of the Committee. Four members constitute a quorum. No one shall participate on a panel if they have a **Conflict of Interest** as determined by the chair Committee members with a **Conflict of Interest**, such as a close relationship with either the complainant or respondent, shall be recused with the final authority on resolving conflicts of interest resting with the Committee chair.

Preliminary Panel Meeting

The review panel will hold closed preliminary meeting(s) to discuss the results of the OIE investigation within ten (10 working days if practicable. It will determine whether a full hearing

is warranted and will consult with OIE, and whether any aspect of the case or the findings requires further clarification and/or investigation which might entail consulting with other faculty members for guidance on practices and customs which may be unique to the field at issue. It will also determine which, if any, witnesses to interview during the panel meeting.

If the review panel determines that no hearing is warranted and that the case will be dismissed, it will inform all parties to the grievance in writing within ten (10 working days. All parties have the right to appeal this decision to the chair of the committee.

C. Panel Hearing

Timing.

Within a reasonable time (typically no more than twenty (20 working days, subject to scheduling constraints following the preliminary closed meeting(s), the review panel shall hold a hearing with the parties (i.e., complainant(s) and respondent(s), and any witnesses invited by the panel.

Advisors.

The parties may bring an advisor to the meeting. The advisor may be a Tulane University employee or an attorney unaffiliated with Tulane.. At the hearing, the advisor may not speak for the complainant or respondent; only the review panel may question the parties and witnesses during the hearing. The parties to the grievance may submit in writing questions for the review panel to consider. However, the panel has the discretion to decide what questions to pose to witnesses. The Hearing Panel must retain a record of questions not asked and witnesses not invited to provide testimony.

Participation.

If any party chooses to not be physically present at the panel meeting or chooses to be separate, they may participate via telephone and/or video conference, or other manner deemed acceptable to the panel.

Record-Keeping.

The panel shall make and retain for the record an audio recording of the proceedings available to the parties on request.

Opening Statements.

During the hearing, each party to the grievance may make an opening statement for a reasonable time (generally, no more than ten (10 minutes).

D. Decision and Sanctions

Deliberations and Outcomes

Following the hearing, the review panel will deliberate confidentially. The panel will decide whether the respondent is responsible, and, if so, it will recommend sanctions. A decision of the panel to find the respondent responsible requires three affirmative votes. No abstentions are allowed. Within ten (10) business days, the panel will send a written copy of its findings on the grievance and its rationale, as well as the recommended sanctions in the case of a finding of responsibility, to the Senior Vice President for Academic Affairs and Provost (with a copy to the relevant Dean(s)).

Recommendation of Sanctions.

In the event that the finding is of responsibility on the part of the faculty member, the panel shall recommend sanctions. Depending on the gravity of the case, these may involve sanctions that can be implemented within the faculty member's department or school or harsher sanctions that may include the loss of tenure and/or termination from the university.

Written Notice of Intent.

Within ten (10) business days following receipt of the hearing panel's findings, conclusions, and statement of reasons, the Provost shall either accept, reject or modify the hearing panel's report, notify the panel, the Dean, the responding faculty member, and the complainant in writing of his or her intent regarding the alleged EO Policy violation, the underlying rationale, the intended sanctions and their proposed effective date..

Response to Written Notice of Intent

The faculty member who receives a written notice of intent shall be entitled to respond, in writing within ten (10) working days of the date of issuance of the Notice of Intent. The response, if any, shall be reviewed by the panel of the Senate Committee on EO Policy Violations that originally held the hearing. That panel shall prepare its own response/recommendations and forward to the Senior Vice President for Academic Affairs and Provost within ten (10) working days of receipt.

Written Notice of Action

If the University justifies disciplinary actions following the review of all timely responses, if any, from the faculty member and the Senate Committee of Equal Opportunity Grievances, and within 30 (thirty) business days of the date of the issuance of the written notice of intent, the University shall issue a written notice of action to the faculty member of the disciplinary action to be taken and its effective date. The notice of action may not include an action more severe

than those described in the Notice of Intent. Written notices of action involving dismissal shall be forwarded to FTFR for a dismissal hearing as well as to the parties involved in the case.

Appeals

The respondent and/or the complaint(s) have the right to appeal disciplinary findings and actions short of dismissal to FTFR, see Faculty Handbook, Chapter 8.3.5. In the case of a notice of dismissal, the case is referred to FTFR for a dismissal hearing as described in the Faculty Handbook Chapter 8.5.2.

Notification

After all appeals are exhausted (per Chapter 8 in the Faculty Handbook), the Provost shall notify the parties and department members (if the school has departments) of the final sanctions imposed. For schools or centers without departments, the Provost shall notify the faculty.

9.6 Tulane University Policies and Procedures for Responding to Allegations of Research Misconduct*

**approved by the University Senate on March 7, 2022*

RESPONSIBLE UNIVERSITY OFFICIAL: Research Integrity Officer (“RIO”)

RESPONSIBLE OFFICE: [Vice President for Research](#)

COORDINATING DEPARTMENTS: [Research Compliance Office \(RCO\)](#)

ISSUED DATE: March 7, 2022

EFFECTIVE DATE: March 7, 2022

LAST REVIEWED DATE: November 21, 2022

NEXT REVIEW DATE: November 21, 2023

WHO NEEDS TO KNOW THIS POLICY: All persons who participate in, are involved in, and/or conduct research under the auspices of Tulane

WEBSITE ADDRESS FOR THIS POLICY: <https://research.tulane.edu/compliance/policies-procedures>

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I. Principles

Tulane University (Tulane or the university) cultivates an environment that focuses on the generation of new knowledge through Research. Tulane is a Research university, and it is committed to the highest standards of integrity in Research. Public trust in the integrity of Research is essential, and maintaining high standards is an important university responsibility. Everyone involved in Research shares the responsibility for preserving its integrity by encouraging the highest ethical principles and by holding members of the Research community accountable. Misconduct damages the integrity of the Research enterprise, harms the reputations of all researchers, and undermines public trust. The university does not tolerate Research Misconduct and uses this Policy to deal effectively and expeditiously with Allegations or Evidence of Research Misconduct.¹

II. Scope

- A. This Policy applies to all Allegations of Research Misconduct related to all Research conducted at Tulane. Specifically, this Policy applies to:

1. funded Research, regardless of the funder;
2. unfunded Research;
3. Research that is proposed, performed, reviewed or reported; and/or
4. the Research Record generated from Research.

This Policy applies regardless of whether a funding application or proposal results in a grant, contract, cooperative agreement or other form of support.²

- B. Federally Sponsored Research is subject to specific requirements. Tulane intends this Policy to comply with those specific requirements, in particular the Public Health Service (PHS) Policies on Research Misconduct (42 CFR Part 93) and the National Science Foundation's (NSF) Policies on Research Misconduct (45 CFR Part 689). When Tulane's

Policy is applied to Research that is sponsored by a federal entity whose policy differs from the provisions within this Policy, then that federal entity's policy governs.

- C. This Policy applies to all persons who participate in Research under the auspices of Tulane including but not limited to faculty, visiting scholars, staff and students.
- D. This Policy operates in conjunction with existing Tulane policies for employment and academic conduct. Recommendations for discipline resulting from proceedings conducted pursuant to this Policy will be administered according to Tulane's Faculty Handbook, Tulane's Staff Handbook, and/or Tulane's student code of conduct.
- E. This Policy applies to Allegations of Research Misconduct occurring within six years of the date that Tulane or the funder received the Allegation, subject to the following exceptions. The six-year time limitation does not apply if:
 - 1. the Respondent continues or renews an incident of Alleged Research Misconduct that occurred before the six-year time limitation and does so through the citation, republication or other use for the potential benefit of the Respondent;³ or
 - 2. Tulane or a federal government sponsor of research determines that the alleged Research Misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.⁴
- F. The university may modify the application of this Policy as appropriate based on the facts and circumstances of a particular matter.
- G. Proceedings pursuant to this Policy do not preclude additional proceedings involving other Tulane units or committees using other policies and regulations.

III. Institutional Commitments

- A. Tulane makes the following commitments regarding its handling of Allegations of Research Misconduct. The university:
 - 1. operates under the presumption that a person accused of Research Misconduct is innocent unless and until acts of Research Misconduct are proved through the processes provided in this Policy;

2. provides an environment that promotes ethical Research. The university expects all Research to be conducted in compliance with all applicable regulations and policies. The university does not tolerate Research Misconduct and deals promptly with Allegations and/or Evidence of possible Research Misconduct;
3. responds to Allegations of Research Misconduct thoroughly, competently, objectively and fairly;
4. takes all reasonable and practical steps to exclude from participation in a Research Misconduct Proceeding those individuals who have unresolved personal, professional and/or financial Conflicts of Interests with Complainant, Respondent and/or Witnesses;
5. takes all reasonable and practical steps to protect the Research process during a Research Misconduct Proceeding;
6. takes all reasonable and practical steps to protect the positions and reputations of Good Faith Complainant, Witnesses and Committee Members and protect them from Retaliation (see Protecting Against Retaliation, below);
7. treats all persons with fairness while conducting a Research Misconduct Proceeding;
8. conducts a Research Misconduct Proceeding in a way that is sensitive to the reputation and vulnerability of those involved. When an Allegation is not substantiated, the university will make diligent efforts to restore the reputation of the person against whom the Allegation was made, the Complainant who made a Good Faith Allegation, and all who participated in the Research Misconduct Proceeding in Good Faith;
9. takes all reasonable and practical steps to preserve the highest attainable degree of Confidentiality that is compatible with an effective and efficient Research Misconduct Proceeding. Strict Confidentiality will be maintained for all information gathered in the Research Misconduct Proceeding. This may include seeking assurances of the confidential treatment of information, such as through the use of Confidentiality agreements. If Confidentiality is breached, the university will take reasonable steps to minimize damage to reputations that may result from inaccurate information;

10. takes all reasonable and practical steps to ensure the cooperation of Respondent and Institutional Members with a Research Misconduct Proceeding including but not limited to providing information, Research Records and Evidence;
11. resolves Allegations of Research Misconduct as expeditiously as possible; and
12. discharges responsibilities internally and externally, including to the public, the funders of Federally Sponsored Research, the literature, and the academic community to the extent appropriate and allowable.⁵

IV. Definitions and Concepts

The meanings of terms used in this Policy are explained below. Throughout this Policy, singular and plural terms are interchangeable. Defined terms are capitalized throughout this Policy.

- A. *Administrative Action* means steps taken by the university on its own or in consultation with appropriate government officials at any time during or after a Research Misconduct Proceeding to protect health and safety; to protect funds and/or resources of sponsors; to protect the university's reputation and/or academic integrity; to protect the integrity of the Research process; to comply with applicable government regulations and/or policies; and/or to comply with applicable university policies and/or contractual obligations.⁶
- B. *Allegation* means a disclosure of possible Research Misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to Tulane or a sponsoring entity, which notifies the university.⁷
- C. *Committee Member* means a member of a committee that Tulane appoints for the purpose of conducting an Inquiry or Investigation into an Allegation of Research Misconduct pursuant to this Policy.
- D. *Complainant* means a person who in Good Faith makes an Allegation of Research Misconduct.⁸ A Complainant may make an Allegation anonymously and request that anonymity be preserved throughout the proceeding.
- E. *Confidentiality* means that the disclosure of the identity of a Respondent and Complainant in a Research Misconduct Proceeding is limited to the extent possible to

those who need to know, consistent with a thorough, competent, objective and fair Research Misconduct Proceeding, and as allowed by law. For PHS supported Research, the university must disclose the identity of a Respondent and Complainant to the U.S. Department of Health and Human Service's Office of Research Integrity (ORI) when it reviews the Research Misconduct Proceeding.⁹ Except as otherwise allowed by law, Confidentiality must be maintained for records or Evidence from which Research subjects might be identified. Disclosure is limited to those who have a need to know to carry out a Research Misconduct Proceeding.¹⁰

- F. *Conflict of Interest* means the real or apparent interference of one person's or entity's interests with the interests of another person or entity, where potential bias may occur (or may appear to occur) due to prior or existing personal or professional relationships.
- G. *Deciding Official* means the Tulane Senior Vice President for Academic Affairs and Provost who makes the final determination on Allegations of Research Misconduct for the university and imposes Administrative Action.
- H. *Evidence* means any document, tangible item, or testimony offered or obtained during a Research Misconduct Proceeding that tends to prove or disprove the existence of an alleged fact.¹¹
- I. *Evidentiary Standard* means the rules and principles used to make a decision regarding an Allegation of Research Misconduct. The following Evidentiary Standards apply to this Policy.
 - 1. *Standard of Proof* means the amount of Evidence needed to prove an Allegation of Research Misconduct. The Standard of Proof for an Allegation of Research Misconduct is a Preponderance of the Evidence. A Preponderance of the Evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.¹² Rules of Evidence applicable in courts of law do not apply.
 - 2. *Burden of Proof* means the obligation to prove an Allegation of Research Misconduct. The following Burdens of Proof apply.

- i. The university has the Burden of Proof for an Allegation of Research Misconduct.¹³
 - ii. The Respondent has the burden of going forward with and the burden of proving, by a Preponderance of the Evidence, any and all affirmative defenses raised. In determining whether the university has carried the Burden of Proof, the finder of fact must give due consideration to admissible, credible Evidence of honest error or difference of opinion presented by the Respondent.¹⁴
 - iii. The Respondent has the burden of going forward with and proving by a Preponderance of the Evidence any mitigating factors that are relevant to a decision to impose Administrative Action following a Research Misconduct Proceeding.¹⁵
- J. *Fabrication* means making up research data or results and recording or reporting them.¹⁶
- K. *Falsification* means manipulating Research materials, equipment or processes, or changing or omitting data or results such that the Research is not accurately represented in the Research Record.¹⁷
- L. *Federally Sponsored Research* means Research that is applied for and/or funded by an entity or component of the United States government, including but not limited to the PHS and NSF.
- M. *Good Faith* means having a belief in the truth of one's Allegation or testimony that a reasonable person in the Complainant's or Witness's position could have, based on the information known at the time. An Allegation of Research Misconduct or cooperation with a Research Misconduct Proceeding is not in Good Faith if it is done with knowing or reckless disregard for information that would negate the Allegation or testimony. Good Faith as applied to a Committee Member means impartially cooperating with a Research Misconduct Proceeding by carrying out the duties assigned for the purpose of helping the university meet its responsibilities pursuant to this Policy, 42 CFR Part 93, 45 CFR § 689.2, or other applicable regulation or requirement. A Committee Member does not act in Good Faith if the acts or omissions are dishonest or influenced by personal, professional,

or financial Conflict of Interest with those involved in the Research Misconduct Proceeding.¹⁸

- N. *Health and Human Services or HHS* means the United States Department of Health and Human Services.
- O. *Inquiry* means preliminary information gathering and preliminary fact finding that meets the criteria provided in this Policy; in the case of PHS related support, the Inquiry follows the procedures of 42 CFR §§93.307-93.309; and, in the case of NSF related support, the Inquiry follows the procedures of 45 CFR §689.¹⁹
- P. *Inquiry Committee* means the group of individuals appointed to conduct an Inquiry pursuant to this Policy.
- Q. *Inquiry Committee Report* means the written report issued by the Inquiry Committee at the end of the Inquiry Committee's proceeding.
- R. *Institutional Member* means a person who is employed by, is an agent of, is a student of, or is affiliated by contract or agreement with Tulane. Institutional Members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, clinical technicians, postdoctoral and other fellows, students, staff members, volunteers, agents, and contractors, subcontractors, and sub awardees, and their employees.²⁰
- S. *Institutional Representative* means the person who assesses an Allegation of Research Misconduct to determine if it falls within the definition of Research Misconduct and warrants an Inquiry on the basis that the Allegation is sufficiently credible and specific so that potential Evidence of Research Misconduct may be identified. The Institutional Representative usually is the dean of the school and/or the head of the institutional unit in which the Respondent works or studies. If more than one school or unit is involved, then the dean or director of each school and/or unit may serve as co-Institutional Representatives. The Deciding Official may serve as the Institutional Representative if circumstances warrant.
- T. *Institutional Decision* means the action taken by the Deciding Official in consultation with the RIO and other appropriate university officials regarding whether to accept the

- findings of an Inquiry Committee and/or an Investigation Committee, and whether to impose Administrative Action related to an Allegation of Research Misconduct.
- U. *Intentionally* means acting with the intent that the action will cause a certain result.
 - V. *Investigation* means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of Research Misconduct or to recommend a finding of Research Misconduct, which may include a recommendation for other appropriate action, including Administrative Action.²¹
 - W. *Investigation Committee* means the group of individuals appointed to conduct an Investigation pursuant to this Policy.
 - X. *Investigation Committee Report* means the written report issued by the Investigation Committee at the conclusion of the Investigation Committee's proceeding.
 - Y. *Knowingly* means acting with awareness that the conduct will result in certain consequences.
 - Z. *National Science Foundation (NSF)* means the independent federal agency founded to promote the progress of science, which has issued the regulations set forth at 45 CFR Chapter VI, Parts 601 to 690, including the policies at Part 689 governing matters concerning Research Misconduct.
 - AA. *Notice* means a written communication served in person, sent by mail or its equivalent, or by electronic means to the last known street address, facsimile number, telephone number, or email address of the addressee.²² When Notice is sent by email, the date of receipt is deemed to be the date the email was sent.
 - BB. *NSF Office of Inspector General (NSF OIG)* means the office within the NSF that oversees Investigations of alleged Research Misconduct and conducts NSF Inquiries and Investigations into Research Misconduct Allegations.
 - CC. *NSF Support* means NSF funding (or applications or proposals for funding) for any type of Research, related training, or education.
 - DD. *Research Compliance Office* means the Tulane Office of Research Compliance operating within the Tulane Office of the Vice President for Research.

- EE. *Office of Research Integrity (ORI)* means the office to which the HHS Secretary has delegated responsibility for addressing Research integrity and Research Misconduct issues related to PHS-supported activities.²³
- FF. *Plagiarism* means the appropriation of another person's ideas, processes, results or words without giving appropriate credit.²⁴ Plagiarism does not include disputes about authorship.
- GG. *Preponderance of the Evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.²⁵
- HH. *PHS Support* means PHS funding (or applications or proposals for funding) for biomedical or behavioral Research, biomedical or behavioral Research training, or activities related to that Research or training, that may be provided through funding for PHS intramural Research, PHS grants, cooperative agreements, contracts or sub grants or subcontracts under those PHS funding instruments; or salary or other payments pursuant to PHS grants, cooperative agreements or contracts.²⁶
- II. *Recklessly* means acting with the awareness of a substantial risk that a certain result will occur because of an action. The risk must be substantial enough that the action represents a gross deviation from what a reasonable person would do.
- JJ. *Record of Research Misconduct Proceeding* means: (1) the Research Record and Evidence secured for the Research Misconduct Proceeding pursuant to this Policy, 42 CFR §§93.305, 93.307(b), 93.310(d), 45 CFR §689, and/or any other applicable regulations, except to the extent the Research Integrity Officer (RIO) determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; (2) the documentation of the determination of irrelevant or duplicate records; (3) the Inquiry Report and final documents (other than drafts of the report) produced in the course of preparing that report, including the documentation of any decision not to investigate, as required by 42 CFR §93.309(c); and, (4) the Investigation Report and all records (other than drafts of the report) in support of the report, including the recordings or transcripts of each interview conducted.

KK. *Research* means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to generalizable knowledge (basic Research) or specific knowledge (applied Research). Research for purposes of this Policy is broadly construed and includes all basic, applied, clinical, translational and demonstration Research and artistic expression in all academic and scholarly fields and disciplines including but not limited to architecture, economics, education, engineering, humanities, linguistics, mathematics, medicine, natural sciences, public health, social sciences, social work, and Research involving human subjects and/or animals.

With regard to the PHS, Research means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic Research) or specific knowledge (applied Research) relating broadly to public health by establishing, discovering, developing, elucidating or confirming information about, or the underlying mechanism relating to, biological causes, functions or effects, diseases, treatments, or related matters to be studied.²⁷ With regard to the NSF, Research includes proposals submitted to the NSF in all fields of science, engineering, mathematics and education and results from those proposals.²⁸

LL. *Research Integrity Officer (RIO)* means the Tulane University Vice President for Research. The RIO is responsible for ensuring that the duties assigned to this position are carried out.

MM. *Research Misconduct* means *Fabrication, Falsification, or Plagiarism* in proposing, performing, or reviewing Research, or in reporting Research results.

1. *Fabrication* means making up data or results and recording or reporting them;
2. *Falsification* means manipulating Research materials, equipment, or processes, or changing or omitting data or results such that the Research is not accurately represented in the Research Record;
3. *Plagiarism* means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research Misconduct does not include honest error or differences of opinion.²⁹ Plagiarism does not include disputes about authorship.

To make a finding of Research Misconduct, the Respondent's behavior must:

- a) represent a significant departure from accepted practices of the relevant Research community;
- b) be committed Intentionally, Knowingly, or Recklessly; and
- c) be proved by a Preponderance of the Evidence.³⁰

The destruction, absence of, or Respondent's failure to provide Research Records adequately documenting the questioned Research is Evidence of Research Misconduct where the university establishes by a Preponderance of the Evidence that the Respondent Intentionally, Knowingly, or Recklessly had Research Records and destroyed them; had the opportunity to maintain the records but did not do so; or maintained the records and failed to produce them in a timely manner; and, that the Respondent's conduct constitutes a significant departure from accepted practices of the relevant Research community.³¹

NN. *Research Misconduct Proceeding* means any action related to alleged Research Misconduct that is taken pursuant to this Policy.³²

OO. *Research Record* includes but is not limited to data, documents, computer files, computer stored information, and/or written or non-written electronic or physical accounts or objects that reasonably may be expected to provide Evidence or information regarding the proposed, performed, reviewed or reported Research that constitutes the subject of an Allegation of Research Misconduct. A Research Record may include but is not limited to grant or contract applications (whether funded or unfunded); grant or contract progress and other reports; Research proposals; laboratory records (stored in physical and/or electronic form); objects; printed and electronic communications; videos; photographs; films; slides; biologic materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and/or animal subject protocols; consent forms; medical charts; patient Research files; progress reports; abstracts; theses; oral presentations; internal reports; journal articles; and any documents and materials provided by or collected from a Respondent in the course of a Research Misconduct Proceeding.³³

PP. *Respondent* means the person against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct Proceeding.³⁴

QQ. *Retaliation* means an adverse action taken against a Complainant, Witness, a Committee Member and/or an Institutional Member by a person, an institution or one of its employees or affiliates in response to a Good Faith Allegation of Research Misconduct or Good Faith cooperation with a Research Misconduct Proceeding.³⁵

V. Rights and Responsibilities

A. Reporting Misconduct

1. All Institutional Members have a responsibility to report observed, suspected, or apparent Research Misconduct. Institutional Members who know of or receive an Allegation of Research Misconduct must report it immediately to the RIO, an Institutional Representative, the Research Compliance Office, or through the hotline (information provided below). Schools, departments and units must not conduct a review of Allegations of Research Misconduct on their own. If an individual is unsure whether a set of circumstances falls within the definition of Research Misconduct, then the individual may contact the RIO, the Research Compliance Office or an Institutional Representative to discuss the suspected Research Misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances do not appear to meet the definition of Research Misconduct, then the RIO, an Institutional Representative or the Research Compliance Office may refer the individual or circumstances to appropriate offices or officials for handling.
2. At any time, an Institutional Member may have confidential discussions and consultations about concerns of possible Research Misconduct with an Institutional Representative, the RIO or the [Research Compliance Office](#) and will be counseled about appropriate procedures for reporting Allegations.
3. Individuals may make anonymous reports through the Tulane University Compliance Hotline by calling 1-855-546-9283 or visiting www.MyComplianceReport.com (access I.D. "TUL"). This hotline and website are operated by an independent third party who

maintains the anonymity of the person making the report while ensuring that the report is routed to proper individuals within Tulane.

B. Cooperating with Research Misconduct Proceedings

1. Institutional Members have a responsibility to cooperate fully in Research Misconduct Proceedings. Institutional Members, including the Respondent, have an obligation to provide Evidence relevant to Research Misconduct Allegations to the RIO, other university officials, Inquiry Committees and Investigation Committees.³⁶
2. The Respondent to an Allegation of Research Misconduct must cooperate with the process.³⁷ Even if the Respondent is no longer affiliated with Tulane, Tulane must examine the Allegation and reach a conclusion. Tulane will cooperate with the Research Misconduct Proceedings of other involved institutions.

C. Maintaining Confidentiality

Disclosure of the identities of the Respondent and Complainant and the contents of records and Evidence in a Research Misconduct Proceeding is limited to the extent possible to those who need to know, consistent with a thorough, objective and fair proceeding. Exceptions include the requirement that Tulane must disclose the identities of the Respondent and Complainant to HHS in accordance with 42 CFR Part 93 and/or as required by other federal regulation or agency requirement.³⁸ All those involved in a Research Misconduct Proceeding have the responsibility to maintain Confidentiality to the extent reasonable and practical.³⁹

D. Protecting Against Retaliation

Those who are involved in a Research Misconduct Proceeding have the right to be free of Retaliation. Institutional Members may not retaliate in any way against any other Institutional Members, Complainant, Respondent, Witnesses, or anyone involved in a Research Misconduct Proceeding. Institutional Members have a responsibility to immediately report any alleged or apparent Retaliation to the RIO. The RIO, in conjunction with university officials, will make all reasonable and practical efforts to counter any potential or actual Retaliation and protect and restore the position and reputation of the person against whom the Retaliation is directed.⁴⁰

E. Protecting Reputations

The RIO and other university officials will make all reasonable and practical efforts to protect or restore the reputation of a Respondent against whom no finding of Research Misconduct is made, Good Faith Complainant, Witnesses, Inquiry Committee Members, Investigation Committee Members, and Institutional Members. The method for restoring a reputation must be determined on a case-by-case basis.⁴¹

F. Handling Allegations Not Made in Good Faith

If circumstances warrant, the Deciding Official will determine whether a Complainant's Allegation of Research Misconduct is made without Good Faith and/or whether a Witness or Committee Member failed to act in Good Faith. If the Deciding Official determines that there was an absence of Good Faith, then the Deciding Official will determine what Administrative Action should be taken against the person who failed to act in Good Faith.

G. Rights of the Respondent

The Respondent is entitled to:

1. a Good Faith effort from the RIO to notify the Respondent in writing at the time of or before beginning the Inquiry;⁴²
2. an opportunity to comment on the draft Inquiry Report and have those comments attached to the final Inquiry Report;⁴³
3. be notified of the outcome of an Inquiry, and receive the final Inquiry Report, access to this Policy and any government regulations that govern the Research Misconduct Proceeding;⁴⁴
4. if the matter proceeds to an Investigation, be notified within a reasonable time after the determination that an Investigation is warranted, but before the Investigation begins (within 30 days after the university decides to begin an Investigation); be notified in writing of any new Allegation that was not addressed in the Inquiry or in the initial Notice of Investigation within a reasonable time after the determination to pursue a new Allegation;⁴⁵

5. be interviewed during the Investigation, have the opportunity to correct the recording or transcript of the interview, and have the corrected recording or transcript included in the record of the Investigation;⁴⁶
6. have interviewed during the Investigation any Witness who has been identified reasonably by the Respondent as having information regarding relevant aspects of the Investigation; have the recording or transcript provided to the Witness for correction; and, have the corrected recording or transcript included in the record of Investigation;⁴⁷ and
7. receive the draft Investigation Report and, concurrently, a copy of, or supervised access to the Evidence on which the report is based, and be notified that any comments must be submitted within 30 days of the date on which the copy was received and that the comments will be considered by the university and addressed in the final Investigation Report.⁴⁸

VI. Roles and Duties

A. Research Integrity Officer (RIO)

The Vice President for Research serves as the RIO and has primary responsibility for overseeing and implementing this Policy. The RIO has broad authority to administer the Policy and may delegate all or some duties throughout the process.

1. The RIO's duties include:
 - a. consulting confidentially with persons who are uncertain about whether to submit an Allegation of Research Misconduct;
 - b. receiving an Allegation of Research Misconduct and referring it to the appropriate Institutional Representative for an Assessment;
 - c. notifying relevant government agencies, sponsors and/or university officials of Allegations of Research Misconduct as permitted by this Policy, applicable government regulations, and/or sponsor agreements.
 - d. taking interim action and notifying sponsors of special circumstances in accordance with this Policy;

- e. sequestering the Research Record and Evidence pertinent to an Allegation of Research Misconduct in accordance with this Policy and maintaining records securely in accordance with this Policy and applicable laws and regulations;
- f. providing Confidentiality to those involved in the Research Misconduct Proceeding as required by applicable government regulations, sponsors, and/or university policies;
- g. notifying the Respondent of a Research Misconduct Allegation and providing opportunities to review, comment and respond to an Allegation, Evidence, and committee reports in accordance with this Policy;
- h. informing the Respondent, Complainant, and Witnesses of the procedural steps in the Research Misconduct Proceeding;
- i. working with the Institutional Representative to appoint Inquiry and/or Investigation Committees whose members contain the appropriate expertise and assisting the committees in complying with this Policy and applicable government requirements;
- j. working with the Institutional Representative to determine whether each person serving on an Inquiry or Investigation Committee has an unresolved personal, professional, or financial Conflict of Interest and take appropriate action, including recusal, to ensure that no person with a Conflict of Interest serves on an Inquiry or Investigation Committee;
- k. taking all reasonable and practical steps to protect or restore the positions and reputations of the Respondent, Good Faith Complainant, Witnesses, Inquiry Committee Members, Investigation Committee Members, and Institutional Members while countering potential or actual Retaliation;
- l. keeping the Deciding Official and others who need to know apprised of the progress of the Research Misconduct Proceeding;
- m. ensuring that Administrative Action taken by the university and government agencies is enforced, including taking appropriate action to notify involved

parties, such as sponsors, law enforcement agencies, professional societies, publishers, and licensing boards; and

- n. maintaining records of a Research Misconduct Proceeding in accordance with government requirements and making records available to those entities as required;
- o. taking other actions necessary to perform the duties of the RIO pursuant to this Policy.

2. Notification of Allegations in Special Circumstances

At any time during a Research Misconduct Proceeding, the RIO will notify a government agency that is supporting the Research related to the Allegation when the circumstances set forth below exist. When Research involves PHS Support, the RIO immediately will notify the HHS's Office of Research Integrity. When Research involves NSF Support, the RIO immediately will notify the NSF's Office of Inspector General. Circumstances requiring notification are:

- a. the health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- b. sponsor resources or interests are threatened;
- c. Research activities should be suspended;
- d. a reasonable indication exists of a possible violation of civil or criminal law;
- e. action is required to protect the interests of those involved in the Research Misconduct Proceeding;
- f. Tulane believes that the Research Misconduct Proceeding may be made public prematurely and notification will allow the sponsor to take appropriate steps to safeguard Evidence and protect the rights of those involved; or
- g. the Research community or public should be informed.⁴⁹

B. Institutional Representative

The Institutional Representative is usually the dean of the school or the director of the unit in which the Respondent is employed or studies. If more than one school or unit is involved, then the dean or director for each school or unit may serve as co-Institutional

Representatives. The Deciding Official may serve as the Institutional Representative if circumstances warrant. The Institutional Representative may delegate all or some duties throughout the process, which include:

1. receiving an Allegation of Research Misconduct; if an Allegation is received from someone other than the RIO, the Institutional Representative notifies the RIO upon receiving the Allegation;
2. providing Confidentiality to those involved in the Research Misconduct Proceeding as required by applicable government regulation, and/or university policy;
3. assessing each Allegation of Research Misconduct in accordance with this Policy to determine whether each Allegation meets the definition of Research Misconduct and warrants an Inquiry;
4. working with the RIO to appoint Inquiry and/or Investigation Committees whose members contain the appropriate expertise and assisting the committees in complying with this Policy and government requirements;
5. working with the RIO to appoint subject matter experts to assist with sequestration and the Inquiry and Investigation Committees as needed;
6. determining whether each person involved in handling an Allegation of Research Misconduct has an unresolved personal, professional, or financial Conflict of Interest and take appropriate action, including recusal, to ensure that no person with a Conflict of Interest serves on an Inquiry or Investigation Committee;
7. notifying the Respondent of the Research Misconduct Allegation and providing opportunities to review, comment and respond to the Allegation, Evidence, and committee reports in accordance with this Policy;
8. taking all reasonable and practical steps to protect or restore the positions and reputations of the Respondent, Good Faith Complainant, Witnesses, Inquiry Committee Members, Investigation Committee Members, and Institutional Members while countering potential or actual Retaliation;
9. Regarding an Inquiry Committee Report:
 - a. reviewing and evaluating the Inquiry Committee Report;

- b. in consultation with the RIO and other appropriate university officials, making a recommendation to the Deciding Official whether to accept the Inquiry Committee Report;
- c. making a recommendation to the Deciding Official whether an Investigation is warranted. If making a recommendation that is different from the Inquiry Committee's recommendation, then state the facts that support the Institutional Representative's recommendation;
- d. cooperating with the RIO in ensuring that Administrative Action taken by the university and government agencies is enforced, including taking appropriate action to notify involved parties, such as sponsors, law enforcement agencies, professional societies, publishers, and licensing boards.

10. Regarding an Investigation Committee Report:

- a. reviewing and evaluating the Investigation Committee Report;
- b. in consultation with the RIO and other appropriate university officials, making a recommendation to the Deciding Official whether to accept the Investigation Committee Report;
- c. making a recommendation whether to accept the Investigation Committee Report. If making a recommendation different from the Investigation Committee, then state the facts that support Institutional Representative's recommendation;
- d. cooperating with the RIO in ensuring that Administrative Action taken by the university and government agencies is enforced, including taking appropriate action to notify involved parties, such as sponsors, law enforcement agencies, professional societies, publishers, and licensing boards.

C. Complainant

The Complainant is responsible for making Allegations in Good Faith, maintaining Confidentiality, and cooperating with the Inquiry and/or Investigation.⁵⁰ The Complainant must be interviewed during an Investigation, if available, and must be given the transcript or recording of the interview for correction.⁵¹

D. Respondent

1. The Respondent has a duty to maintain Confidentiality and cooperate with the Inquiry and/or Investigation.
2. The Respondent should be given the opportunity to admit that Research Misconduct occurred and that the Respondent committed the Research Misconduct. With the advice of the RIO and university legal counsel, the Deciding Official may terminate the university's review of an Allegation that has been admitted if, for matters involving government funding, the university's acceptance of the admission and any proposed settlement is approved by the relevant government agency.⁵²
3. The Respondent may choose to consult with personal legal counsel or a non-lawyer personal adviser who is not otherwise involved in the Research Misconduct Proceeding. The Respondent's personal legal counsel or personal advisor will not be allowed to participate in or attend any part of Research Misconduct Proceeding, including meetings or interviews.

E. Deciding Official

1. Regarding an Inquiry, the Deciding Official will receive the Inquiry Report and, after consulting with the RIO and other appropriate university officials as needed, decide whether an Investigation is warranted pursuant to the provisions of this Policy. A finding that an Investigation is warranted must be made in writing by the Deciding Official. In instances where PHS funding is involved, within 30 days of the finding, the funding agency must be notified and be provided with the Inquiry Report. If the Deciding Official determines that an Investigation is not warranted, then the Deciding Official and the RIO will ensure that detailed documentation of the Inquiry is retained for at least seven years after termination of the Inquiry, so that federal funding sponsors may assess the reasons why the university decided not to conduct an Investigation.⁵³
2. Regarding an Investigation, the Deciding Official will receive the Investigation Report from the Investigation Committee and, after consulting with the RIO and other appropriate officials as needed, decide the extent to which the university accepts the

findings of the Investigation Report and, if Research Misconduct is found, decide what, if any, Administrative Action to take.⁵⁴ The Deciding Official will ensure that the final Investigation Report, the finding of the Deciding Official, and a description of any pending or completed Administrative Action are provided to the federal funding sponsor.

F. Interim Administrative Action; Notifying Government Agencies of Special Circumstances

1. The RIO will monitor the Research Misconduct Proceeding to determine whether any threat of harm exists to public health, federal funds and equipment, or the integrity of the Research process. If a threat is identified, the RIO will, in consultation with other university officials and applicable federal agencies, take appropriate interim Administrative Action to protect against the threat.⁵⁵ Interim Administrative Action might include additional monitoring of the Research process and the handling of federal funds and equipment; reassigning personnel or the responsibility for the handling of federal funds and equipment; and/or conducting additional review of Research data and results or delaying publication.
2. When PHS funding is involved, the RIO must, at any time during a Research Misconduct proceeding, notify ORI immediately if there is reason to believe that any of the following conditions exist:
 - a. health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
 - b. HHS resources or interests are threatened;
 - c. Research activities should be suspended;
 - d. there is a reasonable indication of possible violations of civil or criminal law;
 - e. federal action is required to protect the interests of those involved in the Research Misconduct Proceeding;
 - f. Tulane believes that the Research Misconduct Proceeding may be made public prematurely and HHS action may be necessary to safeguard Evidence and protect the rights of those involved; or

- g. the Research community or public should be informed.⁵⁶
- 3. When the university finds, learns of, or suspects Research Misconduct that impacts or might impact the conduct or performance of NIH-supported Research, whether at the recipient organization or at a third-party sub-recipient organization, the university must work with the NIH to assess the effect on the ability to continue the project, as originally approved by the NIH. When the recipient institution finds, learns, or suspects that Falsified, Fabricated, or Plagiarized information has affected the integrity of NIH-supported Research, including but not limited to, applications for funding and progress reports, or published results of Research supported by NIH funds, the NIH has a need to know this information, and the university must immediately provide information on the affected Research to the NIH Office of Extramural Research-Research Integrity (OER-RI) in a manner consistent with the PHS Confidentiality regulations.⁵⁷

G. Costs Associated with Research Misconduct Proceedings

Costs related to responding to Allegations of Research Misconduct and conducting Research Misconduct Proceedings will be paid by the Tulane school or unit where the Respondent works or studies. If more than one Tulane school or unit is involved, costs will be shared proportionally.

VII. Conducting the Assessment

Upon receiving an Allegation of Research Misconduct, the Institutional Representative, in coordination with the RIO, will immediately assess the Allegation to determine whether (1) the Allegation is sufficiently credible and specific so that potential Evidence of Research Misconduct may be identified; and (2) the Allegation falls within the definition of Research Misconduct in this Policy.⁵⁸ An Inquiry must be conducted if these criteria are met. Allegations that do not meet these criteria will be referred to the appropriate university unit, committee or official for handling, as appropriate.

- A. The Assessment period should be completed as promptly as reasonably possible. In conducting the Assessment, the Institutional Representative need not interview the Complainant, Respondent, or Witnesses, or gather data beyond any that may have been

submitted with the Allegation, except as necessary to determine whether the Allegation is sufficiently credible and specific so that potential Evidence of Research Misconduct may be identified.

- B. The Institutional Representative may consult with subject matter experts, the RIO, the Deciding Official, and others, as needed, to complete the Assessment.
- C. If the Assessment results in a finding that the Allegations do not meet the criteria for conducting an Inquiry, then the matter will be closed by the RIO and the Institutional Representative. The parties will be notified to the extent possible. If the Assessment involves Federally Sponsored Research, then the RIO must secure and maintain records and Evidence obtained during the Assessment for seven years.

VIII. Conducting the Inquiry

Upon notification from the Institutional Representative that the criteria for an Inquiry are met, the RIO will initiate the Inquiry process as described below. The purpose of the Inquiry is to conduct an initial review of the available Evidence to determine whether to conduct an Investigation. An Inquiry does not require a full review of all the Evidence related to the Allegation.⁵⁹ The Inquiry is designed to separate Allegations deserving of further Investigation from frivolous, unjustified, or clearly mistaken Allegations.

A. Notifying the Respondent

At the time of or before beginning an Inquiry, the RIO must make a reasonable, Good Faith effort to notify the Respondent in writing, if the Respondent is known, of the commencement of the Inquiry. If the Inquiry subsequently identifies additional Respondents, they must be notified in writing.⁶⁰

B. Sequestering Research Records

On or before the date on which the Respondent is notified or the Inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of the Research Record and Evidence needed to conduct the Research Misconduct Proceeding, inventory the records and Evidence, and sequester them in a secure manner. When the Research Record or Evidence encompasses scientific instruments shared by

multiple users, custody may be limited to copies of the data or Evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.⁶¹ The RIO may consult with federal Research sponsors for advice and assistance in sequestering records.

C. Appointing the Inquiry Committee

The Institutional Representative, in consultation with the RIO, will appoint an Inquiry Committee within 10 days of the initiation of the Inquiry or as soon thereafter as practical. The Inquiry Committee must consist of individuals who do not have an unresolved personal, professional, or financial Conflict of Interest with those involved with the Inquiry. The Inquiry Committee will consist of individuals with the appropriate expertise to evaluate the Evidence and issues related to the Allegation, interview the principals and key witnesses, and conduct the Inquiry.⁶² Some or all of the members of the Inquiry Committee may be selected from outside of the university.

The RIO must make a reasonable, Good Faith attempt to notify the Respondent in writing of the names of the Inquiry Committee members. The Respondent must have 10 days from the receipt of the Notice to provide the RIO with any written objection to the Committee Members. If Notice is sent via email, the date of receipt is considered to be the date the email was sent. If no objection is received within the 10-day period, then any objection to the Inquiry Committee must be considered waived. If an objection is made, it must be made in Good Faith and must set forth in sufficient detail a reasonable basis for the objection. The Institutional Representative, in coordination with the RIO, must consider any objection. If they determine that the objection is valid, the Institutional Representative, in coordination with the RIO, must appoint one or more new members of the Inquiry Committee. If they determine that the objection is not made in Good Faith or is not valid, then the membership of the Inquiry Committee must remain the same.

D. Charging the Inquiry Committee

1. The Institutional Representative, in coordination with the RIO, will prepare a written charge for the Inquiry Committee that:
 - a. identifies the Respondent;

- b. sets forth the time for completing the Inquiry;
- c. describes the Allegation and any related issues identified during the Assessment;
- d. advises the Inquiry Committee that the purpose of the Inquiry is to conduct an initial review of the Evidence, potentially including the testimony of the Respondent, Complainant and key Witnesses, to determine whether there is sufficient substantive Evidence of possible Research Misconduct to warrant an Investigation. The purpose of the Inquiry is not to determine whether Research Misconduct definitely occurred or who was responsible;⁶³
- e. defines Research Misconduct;
- f. advises the Inquiry Committee that an Investigation is warranted if the Inquiry Committee determines that: (1) there is a reasonable basis for concluding that the Allegation falls within the definition of Research Misconduct and, (2) the Allegation may have substance, based on the Inquiry Committee's preliminary information-gathering and preliminary-fact finding;⁶⁴
- g. advises the Inquiry Committee that it is responsible for preparing a written report of the Inquiry that meets the requirements of this Policy and, in the case of Research receiving PHS Support, meets the requirements of 42 CFR § 93.309(a);⁶⁵
- h. advises the Inquiry Committee that it must take all reasonable steps to ensure the Confidentiality of the Research Misconduct Proceeding.⁶⁶
- i. informs the Inquiry Committee that the Institutional Representative will be available throughout the Inquiry to advise the committee as needed.

E. Convening the First Meeting of the Inquiry Committee

At the Inquiry Committee's first meeting, the RIO will review the Charge with the committee, discuss the Allegation and any related issues, discuss the appropriate procedures for conducting the Inquiry, assist the committee with organizing plans for the Inquiry, and answer questions raised by the Committee. The RIO will assist the Inquiry Committee with organizing plans for the Inquiry.

F. Conducting the Inquiry

1. The Inquiry Committee has all investigative powers necessary to determine whether an Allegation of Research Misconduct should be investigated further. These powers include but are not limited to interviewing the Complainant, the Respondent and key Witnesses, and examining relevant Research Records and materials.
2. The Inquiry Committee must keep sufficiently detailed documentation of the Inquiry to permit a later analysis of the reasons for its determination.
3. The Inquiry Committee will decide whether an Investigation is warranted based on an evaluation of the Evidence obtained during the Inquiry and the criteria in this Policy.

The Inquiry Committee will determine that an Investigation is warranted if:

- a. a reasonable basis exists for concluding that the Allegation falls within the definition of Research Misconduct and
- b. (i) in the case of PHS Supported funding, it involves PHS supported biomedical or behavioral Research, Research training or activities related to that Research or Research training; or
(ii) in the case of NSF supported funding, it involves proposed or performed NSF funded research, reviewing research proposals submitted to the NSF, or reporting research results funded by the NSF for all fields of science, engineering, mathematics, and education research;⁶⁷ and
- c. preliminary information-gathering and preliminary fact-finding from the Inquiry indicate that the Allegation may have substance.⁶⁸

The Inquiry Committee will not decide whether Research Misconduct occurred or conduct exhaustive interviews and analyses.⁶⁹ However, if the Respondent makes a legally sufficient admission of Research Misconduct during the Inquiry, then Research Misconduct may be determined at the Inquiry stage if all relevant issues are resolved and the Respondent makes a signed, written admission that explains the Research Misconduct.⁷⁰ For Research receiving PHS Support, the RIO and Deciding Official must consult with ORI regarding the next steps to be taken in such circumstances.

G. Timing for Completing the Inquiry

The Inquiry, including preparation of the final Inquiry Report and issuance of the Deciding Official's decision whether to conduct an Investigation, must be completed within 60 calendar days of initiation of the Inquiry, unless the RIO determines that circumstances warrant a longer period. If the RIO approves an extension, the Inquiry record must include documentation of the reasons for exceeding the 60-day period.⁷¹ In the case of NSF sponsored Research, the Inquiry must be completed within 90 days, with the possibility of seeking an extension of time from NSF.⁷²

IX. The Inquiry Report

A. Preparing the Inquiry Report

1. Once the Inquiry Committee has conducted its initial review of the Evidence and made a decision regarding whether an Investigation should be conducted, it must prepare a written Inquiry Report that includes the following information:
 - a. the name and position of the Respondent;
 - b. the names and titles of the Inquiry Committee Members and experts;
 - c. a description of the Allegation of Research Misconduct;
 - d. a description of funding for the Research involved in the Inquiry. In the case of PHS-supported Research, include grant numbers, grant applications, contracts and publications listing the PHS support;
 - e. a description of the Evidence reviewed;
 - f. the basis for the Inquiry Committee's recommendation regarding whether an Investigation should be conducted or should not be conducted;
 - g. a recommendation regarding other steps to be taken, if any. If the Inquiry Committee determines that an Investigation is not warranted, it may recommend other actions.
 - h. any comments on the draft report by the Respondent or Complainant.⁷³
2. The Inquiry Committee must attach to the Inquiry Report all documents relied upon in the report.

B. Notifying the Respondent and Providing Opportunity to Comment

The RIO must notify the Respondent of the Inquiry Committee's recommendation regarding whether an Investigation is warranted or not warranted and must provide the Respondent with the draft Inquiry Report. The Respondent will be allowed 14 days to provide the RIO with comments to the draft Inquiry Report. If the draft Inquiry Report is emailed to the Respondent, the date of receipt is considered to be the date the email is sent. The Respondent must be provided with access to this Policy. For Research involving PHS Support, the Respondent must be provided with access to 42 CFR Part 93.⁷⁴ For Research involving NSF Support, the Respondent must be provided with access to 45 CFR §689.

The Respondent's comments to the draft Inquiry Report will be attached to the final Inquiry Report. Based on the comments, the Inquiry Committee may revise the report as appropriate before preparing its final Inquiry Report.⁷⁵ The committee must deliver the final Inquiry Report to the RIO.

C. Notifying the Complainant and Providing Opportunity to Comment

The RIO may notify the Complainant whether the Inquiry found that an Investigation is warranted or not warranted. The RIO may provide relevant portions of the report to the Complainant for comment.⁷⁶

D. Making the Institutional Decision and Providing Notice

1. Institutional Decision by Deciding Official

After reviewing for compliance with this Policy, the RIO will transmit the final Inquiry Report and its attachments to the Deciding Official. The Deciding Official will determine whether an Investigation is warranted. The Deciding Official's Institutional Decision must be in writing and must state whether it: (a) accepts the Inquiry Committee's findings, including whether an Investigation is warranted; (b) accepts any other recommendations made by the Inquiry Committee; and (c) imposes any new or additional Administrative Action. In making the Institutional Decision, the Deciding Official may consult with the RIO and other appropriate university officials. The Deciding Official must give considerable weight to the findings and recommendation of

the Inquiry Committee. If the Deciding Official rejects the Inquiry Committee's findings and/or recommendations, then as part of the Institutional Decision, the Deciding Official must provide a detailed written explanation for rendering a decision different from the findings of the Inquiry Committee. Alternatively, the Deciding Official may return the report to the Inquiry committee with a request for further fact finding or analysis. The Inquiry is complete when the Deciding Official makes the Institutional Decision.

2. Notifying Government Agencies When Investigation is Warranted

- a. When PHS sponsored Research is involved, the RIO will provide ORI with the Deciding Official's written decision, the Inquiry Report, and the report's attachments. The RIO must provide the following information to ORI upon request: (1) the university's Policy used to conduct the Inquiry; (2) the Research Record and Evidence reviewed, transcripts or recordings of interviews, and copies of all relevant documents; and (3) the charges to be considered in the Investigation.⁷⁷
- b. When NSF sponsored Research is involved, the RIO will immediately notify the NSF OIG when the finding of an Inquiry supports an Investigation.⁷⁸
- c. The RIO will notify appropriate university officials of the Deciding Official's decision.⁷⁹

3. Notifying Government Agencies When Investigation is Not Warranted

If the Deciding Official makes an Institutional Decision not to conduct an Investigation, then the RIO must secure and maintain sufficiently detailed documentation of the Inquiry to permit a later assessment of the reasons why an Investigation was not conducted. For Research involving PHS Support, these documents must be provided to ORI or other authorized HHS personnel upon request.⁸⁰ These records must be kept for seven years after termination of the Inquiry. The university also must notify PHS, other relevant PHS agencies or any other appropriate governmental agencies of any special circumstances that may exist as explained in this Policy.⁸¹

E. Restoring Reputations

If an Investigation is determined to be unwarranted, the university will diligently make appropriate efforts to restore the reputation of the Respondent; protect the position and

reputation of a Complainant who made Good Faith Allegations of Research Misconduct; and protect Investigation Committee Members and Institutional Members.⁸²

X. Conducting the Investigation

A. Initiating the Investigation

The Investigation must begin no later than 30 calendar days after the Institutional Decision by the Deciding Official that an Investigation is warranted.⁸³

B. Purpose of the Investigation

The purpose of the Investigation is to develop a factual record by exploring the Allegation in detail and examining the Research Record and the Evidence in depth, leading to a finding that Research Misconduct has been committed or has not been committed, and if so, by whom, and to what extent. The Investigation also determines whether there are additional instances of possible Research Misconduct that would justify broadening the scope of the Investigation beyond the initial Allegation.⁸⁴

C. Notifying Government Agencies and University Officials

1. In matters involving PHS Sponsored funding and/or NSF funding, the RIO must notify ORI (for PHS Sponsored funding) and/or the NSF OIG (for NSF Sponsored funding) of the decision to begin an Investigation on or before the date on which the Investigation begins. The notification must include the Deciding Official's Institutional Decision; the Inquiry Report with the Respondent's comments; the name of the Respondent; the application or grant number involved; this Policy; and the charge to be considered in the Investigation. Upon request, the RIO will provide the Research Records and Evidence reviewed, transcripts or recordings of interviews, and other relevant documents.⁸⁵
2. In matters moving to Investigation, the RIO may notify appropriate university officials.

D. Sequestering Materials

On or before the date on which the Respondent is notified or the Investigation begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of the Research Record and Evidence needed to conduct the Research Misconduct proceeding that were not sequestered in the Inquiry process, inventory the records and Evidence, and sequester them in a secure manner. When the Research Record or Evidence encompasses scientific instruments shared by a number of users, custody may be limited to copies of the data or Evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.⁸⁶

The RIO may consult with federal Research sponsors for advice and assistance in sequestering records. The need for additional sequestration of records for the Investigation may occur for multiple reasons, including the university's decision to investigate additional Allegations that were not considered during the Inquiry or the identification of records during the Inquiry that were not sequestered previously. The procedures to be followed for sequestration during the Investigation are the same procedures that apply during the Inquiry.⁸⁷

E. Notifying the Respondent

At the time of or before beginning an Investigation, the RIO must make a reasonable, Good Faith effort to notify the Respondent in writing, if the Respondent is known, of the commencement of the Investigation. The RIO must also give the Respondent written Notice of any new Allegation of Research Misconduct within a reasonable amount of time after the decision is made to pursue an Allegation that was not addressed during the Inquiry or in the initial Notice of the Investigation.⁸⁸ If the Investigation subsequently identifies additional Respondents, the RIO must make a reasonable, Good Faith effort to notify them in writing.

F. Appointing the Investigation Committee

The Institutional Representative, in consultation with the RIO, will appoint an Investigation Committee within 10 days of the initiation of the Investigation or as soon thereafter as practical. The Investigation Committee must consist of individuals who do not have an

unresolved personal, professional, or financial Conflict of Interest with the Complainant, Respondent or Witnesses. The Investigation Committee will consist of individuals with the appropriate expertise to evaluate the Evidence and issues related to the Allegation, interview the principals and key Witnesses, and conduct the Investigation.⁸⁹ Members of the Inquiry Committee are eligible to serve on the Investigation Committee. Some or all of the members of the Investigation Committee may be selected from outside of the university.

The RIO must make a reasonable, Good Faith attempt to notify the Respondent in writing of the names of the Investigation Committee Members. The Respondent has 10 days from the receipt of the Notice to provide the RIO with any written objection to the Committee Members. If Notice is sent via email, the date of receipt is considered to be the date the email was sent. If no objection is received within the 10-day period, then any objection to the Investigation Committee must be considered waived. If an objection is made, it must be made in Good Faith and must set forth in sufficient detail a reasonable basis for the objection. The Institutional Representative in consultation with the RIO must consider any objection. If they determine that the objection is valid, the Institutional Representative, in coordination with the RIO, must appoint one or more new members of the Investigation Committee. If they determine that the objection is not made in Good Faith or is not valid, the membership of the Investigation Committee will remain the same.

G. Charging the Investigation Committee

The Institutional Representative, in consultation with the RIO, will define the subject matter of the Investigation in a written charge to the Investigation Committee that:

1. identifies the Respondent;
2. describes the Allegation and any related issues identified during the Inquiry;
3. defines Research Misconduct;
4. informs the committee that it must use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all Research Records and Evidence relevant to reaching a decision on the merits of the Allegation;

5. advises the Investigation Committee that the purpose of the Investigation is the formal development of a factual record and the examination of that record leading to a finding of no Research Misconduct or a finding of Research Misconduct, which may include a recommendation for Administrative Action;
6. instructs the committee that it must interview the Respondent, Complainant, and any other available person who reasonably has been identified as having information regarding any relevant aspects of the Investigation, including Witnesses identified by the Respondent, and record or transcribe each interview, provide the recording or transcript to the Interviewee for correction, and include the recording or transcript in the record of the Investigation;
7. instructs the committee that it must thoroughly evaluate the Evidence and testimony to determine whether, based on a Preponderance of the Evidence, Research Misconduct occurred and, if so, the type and extent of it and who was responsible;
8. informs the committee that to determine that the Respondent committed Research Misconduct it must find that a Preponderance of the Evidence establishes that: (i) Research Misconduct, as defined in this Policy, occurred; (ii) the Research Misconduct is a significant departure from accepted practices of the relevant Research community; and (iii) the Respondent committed the Research Misconduct Intentionally, Knowingly, or Recklessly;
9. advises the Committee that the Respondent has the burden of proving by a Preponderance of the Evidence any affirmative defenses raised, including honest error or a difference of opinion;
10. informs the Committee that if during the Investigation, additional information becomes available that substantially changes the subject matter of the Investigation or suggests additional Respondents, then the Investigation Committee should notify the RIO, who in conjunction with the Institutional Representative, will determine whether it is necessary to notify the Respondent of the new subject matter or provide Notice to additional Respondents;

11. instructs the committee to diligently pursue all significant issues and leads discovered that are determined relevant to the Investigation, including any Evidence of additional instances of possible Research Misconduct and continue the Investigation to completion.
12. advises the Investigation Committee that it is responsible for preparing a written report of the Investigation that meets the requirements of this Policy and, in the case of Research related to PHS Support, meets the requirements of 42 CFR § 93.313 or, in the case of Research related to NSF Support, meets the requirements of 45 CFR §689.4;
13. advises the Investigation Committee that it must take all reasonable steps to ensure the Confidentiality of the Research Misconduct Proceeding;
14. sets forth the time for completing the Investigation.⁹⁰

H. Communicating During the Investigation

During the Investigation, the Investigation Committee must keep the RIO apprised of any development that discloses (1) facts that may affect current or future funding for the Respondent; or (2) information that appropriate government agencies may need to know to ensure the appropriate use of government funds or to protect the public interest. The RIO must be responsible, in coordination with the Institutional Representative or other university officials, as appropriate, for providing Notice to the following entities regarding such developments: NSF OIG in the case of Research involving NSF Support; ORI in the case of Research involving PHS Support; and other appropriate government agencies.

I. Convening the First Meeting of the Investigation Committee

At the Investigation Committee's first meeting, the RIO will review the Charge and the Inquiry Report with the committee; discuss the Allegation and any related issues; discuss the appropriate procedures and evidentiary standards for conducting the Investigation; assist the committee with organizing plans for the Investigation; and, answer questions raised by the Committee. The Investigation Committee will be provided with access to this Policy. In the case of Research related to PHS Support, the committee will be provided with access to 42 CFR Part 93; in the case of Research related to NSF Support, the

committee will be provided with access to 45 CFR part 689. The RIO will assist the Investigation Committee with organizing plans for the Investigation. The Institutional Representative will be available throughout the Investigation to advise the committee as needed.

J. Conducting the Investigation

The Investigation Committee must:

1. use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all Research Records and Evidence relevant to reaching a decision on the merits of each Allegation.⁹¹
2. take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practical;⁹²
3. interview each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the Investigation, including Witnesses identified by the Respondent, and record or transcribe each interview, provide the recording or transcript to the person interviewed for correction, and include the recording or transcript in the record of the Investigation;⁹³ and
4. pursue diligently all significant issues and leads discovered that are determined relevant to the Investigation, including Evidence of additional instances of possible Research Misconduct, and continue the Investigation to completion.⁹⁴
5. evaluate the Evidence and testimony and determine whether, based on a Preponderance of the Evidence Standard, Research Misconduct occurred or did not occur and, if so, to what extent, and identify who committed it.
6. prepare and maintain sufficient documentation regarding its conduct of the Investigation to substantiate the Investigation Committee's findings. This documentation may be required to be provided to government agencies in accordance with applicable government requirements.

K. Completing the Investigation

1. The Investigation should be completed within 120 days of initiating the investigation, including conducting the Investigation, preparing the Investigation Report of findings, providing the draft Investigation Report to the Respondent for comment and submitting the final Investigation Report as required by this Policy.
2. If the RIO determines that the Investigation will not be completed within the 120-day period, then an extension may be granted. In the case of PHS Support, the RIO will submit to ORI a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with ORI, if ORI grants the request for an extension and directs the filing of such reports.⁹⁵ In the case of NSF-sponsored Research, the Investigation must be completed within 180 days with the possibility of seeking an extension of time from NSF.⁹⁶

XI. The Investigation Report

A. Preparing the Investigation Report

The Investigation Committee is responsible for preparing a written draft report of the Investigation that includes the following information:

1. the name and position of the Respondent;
2. the names and titles of the Investigation Committee Members and experts;
3. a description of the Allegation of Research Misconduct;
4. a description of the funding for the Research involved in the Investigation. In the case of PHS-supported Research, NSF-supported Research, or other government support, include grant numbers, grant applications, contracts, and publications listing the support;
5. a description of the Evidence reviewed; the basis for the Investigation Committee's conclusions and findings; and, a decision regarding whether or not Research Misconduct was committed or was not committed and, if so, by whom and to what extent.

6. an identification and summary of the Research Record and Evidence reviewed and identify Evidence taken into custody but not reviewed; and
 7. for each separate Allegation of Research Misconduct identified during the Investigation, provide a finding stating whether Research Misconduct did or did not occur. For each finding of Research Misconduct:
 - a. identify whether the Research Misconduct was Falsification, Fabrication, or Plagiarism;
 - b. state whether the Research Misconduct was committed Intentionally, Knowingly, or Recklessly; and
 - c. identify the significant departure from accepted practices of the relevant Research community.
 8. summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent, including any effort by the Respondent to establish by a Preponderance of the Evidence that the Respondent did not engage in Research Misconduct because of honest error or a difference of opinion;
 9. identify the person responsible for the Research Misconduct;
 10. identify whether any publication needs correction or retraction;
 11. list any current support or known applications or proposals for support that the Respondent has pending with any government agencies;
 12. include comments made by the Respondent and/or the Complainant regarding the draft Investigation Report;⁹⁷
 13. a recommendation regarding other steps to be taken, if any, including Administrative Action.
- B. Notifying the Complainant and Respondent and Providing Opportunity to Comment**
1. The Respondent
 - a. The RIO must give the Respondent the draft Investigation Report for comment and, concurrently, a copy of or supervised access to the Evidence on which the report is based. In distributing the draft Investigation Report to the Respondent, the RIO will inform the Respondent of the Confidentiality of the report and may

establish reasonable conditions to ensure Confidentiality such as signing a Confidentiality agreement.

- b. The Respondent will be allowed 30 days from the date the Respondent receives the draft report to submit comments to the RIO. If the draft Investigation Report is emailed to the Respondent, the date of receipt is considered to be the date the email is sent. For Research involving PHS Support, the Respondent must be provided with access to 42 CFR Part 93. For Research involving NSF Support, the Respondent must be provided with access to 45 CFR §689. The Respondent must be provided with this Policy.⁹⁸ The Respondent's comments to the draft Investigation Report will be attached to the final Investigation Report. Based on the comments, the Investigation Committee may revise the report as appropriate before preparing its final Investigation Report. The committee must deliver the final Investigation Report to the RIO.⁹⁹

2. Complainant

The RIO may provide the Complainant the draft Investigation Report or relevant portions of the report. The Complainant will be allowed 30 days from the date the Complainant received the draft Investigation report or relevant portions of it to submit comments to the RIO. If the draft Investigation Report is emailed to the Complainant, the date of receipt is considered to be the date the email is sent. If the Complainant comments on the draft report, the comments must be included and considered in the final report.

C. Making the Institutional Decision and Providing Notice

1. Institutional Decision by the Deciding Official

After reviewing for compliance with this Policy, the RIO will transmit the final Investigation Report and its attachments to the Deciding Official. The Deciding Official will make the written Institutional Decision regarding (1) whether the university accepts the Investigation Report, its findings, and any recommended Administrative Action; and (2) whether to impose any new or additional Administrative Action. In making the Institutional Decision, the Deciding Official may consult with the RIO and

other appropriate university officials. The Deciding Official must give considerable weight to the findings and recommendation of the Investigation Committee. If the Deciding Official rejects the Investigation Committee's findings and/or recommendations, then as part of the Institutional Decision, the Deciding Official must provide a detailed written explanation for rendering a decision different from the findings of the Investigation Committee. Alternatively, the Deciding Official may return the report to the Investigation Committee with a request for further fact-finding or analysis. The Institutional Decision must document Administrative Action imposed on the Respondent. The Investigation is completed when the Deciding Official completes the Institutional Decision.

2. Notifying the Respondent

The Deciding Official must notify the Respondent in writing of the Investigation Committee's findings and the Institutional Decision. The Deciding Official must provide the Respondent with the Institutional Decision and the final Investigation Committee Report and must provide a copy to the RIO.

3. Notifying Government Agencies

Unless an extension has been granted, by the end of the 120-day period for completing the Investigation, the RIO will submit the following to ORI in matters involving PHS Sponsored Research. In matters involving NSF Sponsored Research, the RIO will submit the following information to NSF OIG within the 180-day period for completing the report:

- a. the final Investigation Report with all attachments;
- b. a statement of whether the university accepts the findings of the Investigation Report;
- c. a statement of whether the university found Research Misconduct and, if so, who committed the Research Misconduct; and,
- d. a description of any pending or completed Administrative Action.¹⁰⁰

D. Notifying Others

Working in cooperation, the Deciding Official and the RIO may notify appropriate university officials. The Deciding Official, the RIO and appropriate university officials will cooperate to determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals, collaborators of the Respondent regarding the subject matter of the Investigation, or other relevant entities or individuals should be notified of the outcome of the proceeding and how the notification should be made. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies. The Deciding Official is responsible for signing the required notifications.

E. Maintaining Records

The RIO must maintain the records of the Research Misconduct Proceeding in a secure manner for the time period specified below after the date on which the Investigation concludes or any PHS, NSF or other federal government proceeding involving the Research Misconduct Allegation is completed, whichever is later, unless ORI, NSF, OIG or another applicable government agency notifies the university that it no longer needs to retain the records or unless custody has been transferred to HHS as provided for by 42 CFR § 93.317(5)(c).¹⁰¹ The RIO is responsible for providing any information, documentation, Research Records, Evidence or clarification requested by ORI to carry out its review of an Allegation of Research Misconduct or of the university's handling of the Allegation.¹⁰²

- a. For Federally-Sponsored Research, the RIO must keep all records from the Inquiry Committee or otherwise related to the Inquiry in a secure manner for seven years after the later of the date on which the Inquiry or any subsequent Investigation concluded, unless ORI has advised the RIO in writing that the university no longer needs to retain the records. All records must be made available upon request to government agencies as required by applicable government regulations.¹⁰³
- b. For Research that is not Federally-Sponsored Research, the RIO must keep all records from the Inquiry Committee, Investigation Committee or otherwise related to the

Inquiry and/or Investigation in a secure manner for three years after the later of the date on which the Inquiry or any subsequent Investigation concluded.

XII. Completing Inquiries and Investigations; Reporting Premature Closures

Generally, all Inquiries and Investigations will be carried through to completion and all significant issues will be pursued diligently. In the case of PHS Sponsored Research, the RIO must notify ORI in advance if the university plans to close a matter at the Inquiry stage or before an Investigation is completed. Early termination is permitted when the Respondent admits committing Research Misconduct and a settlement with the Respondent has been reached.

If a completed Investigation results in a finding of no Research Misconduct, this finding must be reported to ORI for PHS-sponsored Research as required in this Policy and 42 CFR § 93.315 or to OIG for NSF-sponsored Research, as required in this Policy and 45 CFR §689.4.¹⁰⁴ The resignation or termination of the Respondent before the conclusion of an Inquiry or Investigation is not sufficient justification to terminate an Inquiry or Investigation early.

XIII. Institutional Administrative Action

If the Deciding Official determines that Research Misconduct is substantiated by the findings of an Investigation, the Deciding Official will determine the Administrative Action to be taken, after consulting with the RIO and other appropriate university officials. The Administrative Action may include:

- A. withdrawal or correction of all pending or published abstracts and papers emanating from the Research where Research Misconduct was found;
- B. removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
- C. restitution of funds to the grantor agency as appropriate; and other action appropriate to the Research Misconduct.

XIV. Other Considerations for Inquiries and Investigations

A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the Respondent's university employment, by resignation or otherwise, before or after an Allegation of Research Misconduct has been reported, must not be sufficient justification to preclude or terminate the Research Misconduct proceeding or otherwise limit any of the university's responsibilities under 42 CFR Part 93 or 45 CFR Part 698.

If the Respondent, without admitting to the Research Misconduct, elects to resign after the university receives an Allegation of Research Misconduct, then the Assessment of the Allegation will proceed, as well as the Inquiry and Investigation, as appropriate based on the outcome of the preceding steps. If the Respondent refuses to participate in the Research Misconduct Process after resignation, then the RIO and any Inquiry or Investigation Committee will use their best efforts to reach a conclusion concerning the Allegation, noting in the report the Respondent's failure to cooperate and its effect on the Research Misconduct Proceeding.

B. Restoration of Reputations

Following an Institutional Decision of no Research Misconduct, including ORI concurrence where required by 42 CFR Part 93 or NSF concurrence where required by 45 CFR Part 689, the RIO will, at the request of the Respondent, undertake all reasonable and practical efforts to restore the Respondent's reputation.¹⁰⁵ Depending on the particular circumstances and the views of the Respondent, the RIO should consider notifying those individuals who are aware of or involved in the Investigation of the final outcome, publicizing the final outcome in any forum in which the Allegation of Research Misconduct was previously publicized, and expunging all reference to the Research Misconduct Allegation from the Respondent's personnel file. Any Administrative Action to restore the Respondent's reputation should first be approved by the Deciding Official in coordination with the RIO and appropriate university officials.

ENDNOTES

- ¹ 42 CFR §§93.100, 93.300
- ² 42 CFR §93.102
- ³ 42 CFR §93.105(b)(1)
- ⁴ 42 CFR §93.105(b)(2)
- ⁵ 42 CFR §93.300
- ⁶ 42 CFR §93.200
- ⁷ 42 CFR §93.201
- ⁸ 42 CFR §93.203
- ⁹ 42 CFR §93.108(a)
- ¹⁰ 42 CFR §93.108
- ¹¹ 42 CFR §93.208
- ¹² 42 CFR §93.219
- ¹³ 42 CFR §93.106(b)
- ¹⁴ 42 CFR §93.106(b)(2)
- ¹⁵ 42 CFR §§93.106, 93.219
- ¹⁶ 42 CFR §93.103(a)
- ¹⁷ 42 CFR §93.103(b)
- ¹⁸ 42 CFR §93.210
- ¹⁹ 42 CFR §93.212
- ²⁰ 42 CFR §93.214
- ²¹ 42 CFR §93.215; 45 CFR §689.2(b)
- ²² 42 CFR §93.216
- ²³ 42 CFR §93.217
- ²⁴ 42 CFR §93.103(c)
- ²⁵ 42 CFR §93.219
- ²⁶ 42 CFR §93.221
- ²⁷ 42 CFR §93.222
- ²⁸ 45 CFR §689.1(a)(4)
- ²⁹ 42 CFR §93.103; 45 CFR §689.1
- ³⁰ 42 CFR §93.104; 45 CFR § 689.2(c)
- ³¹ 42 CFR §93.106
- ³² 42 CFR §93.223
- ³³ 42 CFR §93.224
- ³⁴ 42 CFR §93.225
- ³⁵ 42 CFR §93.226
- ³⁶ 42 CFR §93.300
- ³⁷ 42 CFR §93.300
- ³⁸ 42 CFR §93.108
- ³⁹ 42 CFR §93.108
- ⁴⁰ 42 CFR §93.300(d)
- ⁴¹ 42 CFR §§93.304(k) and (l)
- ⁴² 42 CFR §§93.304(c), 93.307(b)
- ⁴³ 42 CFR §§93.304(e), 93.307(f)
- ⁴⁴ 42 CFR §308(a)
- ⁴⁵ 42 CFR §310(c)
- ⁴⁶ 42 CFR §310(g)
- ⁴⁷ 42 CFR §310 (g)
- ⁴⁸ 42 CFR §§93.304(f), 93.312(a)
- ⁴⁹ 42 CFR §93.318; 45 CFR §689.4(c)

⁵⁰ 42 CFR §93.203, 93.210
⁵¹ 42 CFR §93.310(g)
⁵² 42 CFR §93.316
⁵³ 42 CFR §93.309(c)
⁵⁴ 42 CFR §93.304(h)
⁵⁵ 42 CFR §93.304(h)
⁵⁶ 42 CFR §93.318
⁵⁷ 42 CFR §93.108; <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-020.html>
⁵⁸ 42 CFR §93.307(a)
⁵⁹ 42 CFR §93.307(c)
⁶⁰ 42 CFR §93.307(b)
⁶¹ 42 CFR §§93.305(a), 93.307(b)
⁶² 42 CFR §93.304(b)
⁶³ 42 CFR §93.307(c)
⁶⁴ 42 CFR §93.307(d)
⁶⁵ 42 CFR §93.307(e)
⁶⁶ 42 CFR §93.108
⁶⁷ 45 CFR §689.1
⁶⁸ 42 CFR §93.307(d)
⁶⁹ 42 CFR §93.307(c)
⁷⁰ 42 CFR §93.316(a)
⁷¹ 42 CFR §93.307(g)
⁷² 45 CFR §689.4(b)(1)
⁷³ 42 CFR §93.309(a)
⁷⁴ 42 CFR §93.308(a)
⁷⁵ 42 CFR §93.307(f)
⁷⁶ 42 CFR §93.308
⁷⁷ 42 CFR §93.309
⁷⁸ 45 CFR §689.4(b)(2)
⁷⁹ 42 CFR §§93.309(a) and (b)
⁸⁰ 42 CFR §93.309(c)
⁸¹ 42 CFR §93.309(d)
⁸² 42 CFR §93.300(d)
⁸³ 42 CFR §93.310(a)
⁸⁴ 42 CFR §§93.215, 93.104, 93.310(c)
⁸⁵ 42 CFR §§93.309(a), 310(b)
⁸⁶ 42 CFR §§93.305, 93.307(b), 93.310(b)
⁸⁷ 42 CFR §93.310(d)
⁸⁸ 42 CFR §93.310(b) and (c)
⁸⁹ 42 CFR §93.304(b)
⁹⁰ 42 CFR §§93.104, 93.106(a), 93.106(b)(2); 93.300(e), 93.304(a), 93.309, 93.310, 93.311
⁹¹ 42 CFR §93.310(e)
⁹² 42 CFR §93.310(f)
⁹³ 42 CFR §93.310(g)
⁹⁴ 42 CFR §93.310 (h)
⁹⁵ 42 CFR §93.311
⁹⁶ 45 CFR §689.4(b)(4)
⁹⁷ 42 CFR §93.313(f)
⁹⁸ 42 CFR §93.312(a)
⁹⁹ 42 CFR §§93.312(a), 313(g)
¹⁰⁰ 42 CFR §93.315
¹⁰¹ 42 CFR §93.317 (b)
¹⁰² 42 CFR §§93.300(g), 93.403(b) and (d)

¹⁰³ 42 CFR §93.317(b)

¹⁰⁴ 42 CFR §93.316(a)

¹⁰⁵ 42 CFR §93.304(k)