

# Part III

## UNIVERSITY PRINCIPLES AND POLICIES

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Chapter 1.	A Statement of Principles	62
Chapter 2.	Nondiscrimination	67
Chapter 3.	Conflict of Interest and Conflict of Commitment Policy	72
Chapter 4.	Policy on Technology and Literary and Artistic Works	83
Chapter 5.	Policy Guidelines for Sponsored Research	90
Chapter 6.	Computer Privileges and Responsibilities	92
Chapter 7.	Consensual Relationships	94
Chapter 8.	Drug and Alcohol Policies	95
Chapter 9.	Honor System	96
Chapter 10.	Privacy Rights of Students	99
Chapter 11.	Political Activity and Lobbying	100
Chapter 12.	Fund Raising	102
Chapter 13.	Community and Charitable Contributions	103
Chapter 14.	Commencement	104

## *Chapter 1*

# A Statement of Principles

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### *Section A*

#### ACADEMIC FREEDOM AND RESPONSIBILITY

“Academic freedom” in the traditional sense refers to the University’s continuing policy of maintaining conditions of free inquiry, thought, and discussion for every member of the faculty in professional activities of research, teaching, public speaking, and publication. These conditions are regarded as necessary rights accruing to appointment on the faculty. Faculty members have the correlative obligation to speak and write with accuracy, with due respect for the opinions of others, and with proper care to specify that they speak on the authority of their own work and reputation, not as special pleaders for any social group or as purporting to represent the University. Such rights and obligations presuppose that faculty members adequately perform other academic duties and that they do not accept pecuniary return for activities outside of the University without a proper understanding with University authorities.

Some persons broaden the meaning of academic freedom beyond individual rights and duties to include faculty participation in determination of University policy. At Vanderbilt, the faculties of the College of Arts and Science, the Graduate School, and the professional schools (the Executive Faculty in the School of Medicine) determine the requirements and recommend all candidates for degrees. Through their collegial bodies and their elected representatives in the Faculty Senate, the faculties are free at any time to examine, debate, and make recommendations concerning any educational policy, program, or practice of the University.

“Academic responsibility” means adherence to the following values and standards of conduct (adapted from the *Beach Report on Issues of Conscience and Academic Freedom*, 1960):

Vanderbilt University is a community of men and women devoted to the search for truth. A self-governing institution, it professes freedom from both internal and external interference which hinders accomplishment of that purpose. It is an institution that transcends, as much as it challenges and accepts, the customs and values of society. It has its own standards of excellence and responsibility that do not always conform to those of the persons and groups who support it.

The University is also part of the civic community in which it exists. Its members, both faculty and students, are entitled to exercise the rights of citizens and are subject to the responsibilities of citizens. A member of the Vanderbilt community gives thoughtful consideration to the image of the University reflected in his or her public behavior.

Members of the Vanderbilt community share a due regard and respect for law. In the event that one of its members is in jeopardy before the law, either for the sake of conscience or for the purpose of testing the validity of particular provisions of law through deliberate violation, the University will not seek to protect him or her from due process of law. Regardless of the action of the courts, however, the University reserves the right to determine whether a faculty member is fit to retain membership in the academic community, and maintains its own procedures for taking action upon, hearing, and deciding complaints against one of its members.

### *Section B*

## **STUDENTS AT VANDERBILT: A STATEMENT OF PRINCIPLES**

The community of Vanderbilt University is united by the goals of inquiry and education. Faculty, administration, and students are partners in an enterprise aimed at the enhancement of knowledge and the growth of the individual. All members of this community have both rights and responsibilities and are expected to observe rules required to maintain the humane order of the University. Each member must respect the rights of others and make responsible contributions to the common life.

The University, in turn, dedicates itself to the support and encouragement of a collegial community. Its dealings with students will be governed, within the limits of its resources, by the principles articulated below. It will take special care that its rules and regulations, through which these principles are implemented, shall adequately reflect and be in accordance with them.

### **Open Communication**

The University is committed to the promotion of collegial relationships among students, faculty, and administration through the creation and maintenance of open channels of communication. The University will publish and disseminate in a timely manner its policies, procedures, and regulations concerning students, including those stating academic requirements and standards of student conduct, as well as any other information that is deemed to be important for the protection of all members of the University community.

## **Open Inquiry**

The University is committed to providing opportunities for the free and open exchange of ideas both inside and outside the classroom. It will safeguard the undisturbed, orderly expression of diverse views and opinions as well as the opportunity for their careful examination.

## **Governance**

The University is committed to the consideration of views expressed by students on matters of student concern, both in support of existing policies and proposals for change. It encourages student involvement in governance at the department, school, college, and University levels. To facilitate that involvement, the University will maintain appropriate processes within which students can communicate their views by formal and informal means, and can, directly or through their representatives, actively contribute to decisions affecting the University community. All involved are expected to participate in these processes in a responsible and thoughtful manner.

## **Academic Offerings**

The University is committed to the provision of resources of high quality for aiding students in the pursuit of their academic and intellectual development, including both varied and complementary curricular offerings, a qualified faculty, and accessible, well-equipped facilities.

## **Formal Instruction**

The University is committed to the pursuit of excellence in the education of its students, whether in the classroom, in the laboratory, or in practical experience. It will strive to create the opportunity for open inquiry, discussion, and challenge of ideas, and to assure students reasonable access to the faculty for continuation of this process outside of class meetings. Instructors will ensure that the objectives of their courses, their expectations for performance, and their methods of evaluation are explained to students. Academic evaluation will be based on fair and relevant standards. Students will be given an opportunity to evaluate the performance of the faculty as teachers and to have those evaluations considered.

## **Academic Integrity**

The University is committed to academic honesty and to the effective and just implementation of a system designed to preserve and protect it.

## **Counseling**

The University is committed to making support and guidance available for its students as they make academic, career, and personal choices and seek to understand themselves and those with whom they live and work.

## **Fair Procedures**

The University is committed to providing students with the opportunity to present complaints about the action of any member of the University community. It will provide fair and appropriate procedures, including the opportunity for appeal, for addressing and resolving complaints. These procedures will be administered in a nonadversarial spirit of openness, fairness, cooperation, and mutual respect among the participants.

## **Extracurricular Activities**

The University is committed to the support and stimulation of the learning experience beyond the boundaries of formal instruction. It will provide opportunities through special personnel, facilities, programs, and services for students to associate with one another on an informal basis for participation in nonacademic activities, including the opportunity to form and join campus organizations.

## **Privacy**

The University is committed to the protection of its members from unreasonable intrusions into their individual privacy. It will also provide considerate, and where appropriate, confidential management of their academic, health, disciplinary, financial, and personal records.

## **Health and Safety**

The University is committed to the physical and mental well-being of its members. Accordingly, it will strive to provide a secure campus, safe facilities, and responsible regulations designed to protect the health and safety of all.

## **Nondiscrimination**

The University is committed not to discriminate on the basis of unlawful criteria in its policies, practices, programs, and activities.

## **Civility**

A goal of Vanderbilt University is to foster an open and diverse society where the rights of all members of the community are respected. The free expression of views in orderly ways is encouraged, but personal vilification of individuals has no place at Vanderbilt. Discouragement of personal vilification includes education and assistance in understanding the differing cultures represented at Vanderbilt, peer disapproval of inconsiderate behavior, and provisions of the *Student Handbook* regulating abusive or harassing conduct.

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The University recognizes that occasions may arise when the amendment of these principles will be necessary. The process of developing, approving, and implementing amendments shall include participation by students, faculty members, and administrators.

## *Chapter 2*

# **Nondiscrimination**

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Vanderbilt University has a strong commitment to assuring that every member of the faculty and staff and every student receive fair treatment. A number of policies support this commitment, with some of these reflecting both institutional policy and legal obligation (Title VII provisions relating to employment discrimination, for example), and others reflecting institutionally developed statements of policy considered important within the institutional community (the statement on sexual orientation, for example).

### *Section A*

#### **NONDISCRIMINATION STATEMENTS**

##### **Nondiscrimination Statement for University Publications**

The following statement on nondiscrimination must appear in all University publications that relate to admissions, the presentation of academic programs, and employment.

In compliance with federal law, including the provisions of Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Vanderbilt University does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its administration of educational policies, programs, or activities; its admissions policies; scholarship and loan programs; athletic or other University-administered programs; or employment. In addition, the University does not discriminate on the basis of sexual orientation consistent with University nondiscrimination policy. Inquiries or complaints should be directed to the Opportunity Development Center, Vanderbilt University, VU Station B #351809, Nashville, TN 37235-1809. The Center is located in the Baker Building, 110 21st Avenue South. Telephone (615) 322-4705 (V/TDD); fax (615) 343-4969.

##### **Sexual Orientation Nondiscrimination Statement**

Vanderbilt University is committed to the principles of nondiscrimination on the basis of being or being perceived as homosexual,

heterosexual, or bisexual. In affirming its commitment to this principle, the University does not limit freedom of religious association and does not require adherence to this principle by government agencies or external organizations that associate with but are not controlled by the University. The University extends specified benefits to eligible domestic partners.

For additional information or assistance, contact the Opportunity Development Center or the Benefits Office of Human Resource Services.

### *Section B*

## **LAWS IMPOSING SPECIAL OBLIGATIONS**

A number of provisions of federal and state law, including those mentioned above, impose special obligations on the University and require particular attention. Among these are:

- Titles VII and VIII of the Public Health Service Act
- The Equal Pay Act of 1963
- Titles VI and VII of the Civil Rights Act of 1964, as amended
- Executive Order 11246, as amended
- The Age Discrimination in Employment Act of 1967, as amended
- Title IX of the Education Amendments of 1972
- The Rehabilitation Act of 1973
- The Vietnam Era Veterans Readjustment Act of 1974
- The Age Discrimination Act of 1975
- Revenue Procedure 75-50 (1975)
- Tennessee Fair Employment Practices Law of 1978
- Governor's Code of Fair Practices of 1979
- Americans with Disabilities Act of 1990

### *Section C*

## **INDIVIDUALS WITH DISABILITIES**

Vanderbilt is committed to equal opportunity and access for people with disabilities. In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, Vanderbilt does not exclude qualified persons with disabilities from participating in employment opportunities and University programs and activities.

Questions about accommodations should be directed to the Opportunity Development Center.

## *Section D*

### HARASSMENT

It is important that Vanderbilt University faculty, staff, and students enjoy an environment free from implicit and explicit behavior used to control, influence, or affect the well-being of any member of our community. Harassment of any individual based on sex, race, color, religion, national origin, age, or disability is unacceptable and grounds for disciplinary action, and also constitutes a violation of federal law. Equally unacceptable within the University is the harassment of any individual on the basis of sexual orientation.

#### **A. Sexual Harassment**

Sexual harassment is a form of sex discrimination. It is illegal under state and federal law and is a violation of University policy.

Sexual harassment is prohibited under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. In 1980, the Equal Employment Opportunity Commission amended its sex discrimination guidelines under Title VII to include sexual harassment, defining the term as follows: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; 3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

The Office of Civil Rights of the Department of Education issued a policy statement on August 31, 1982, defining sexual harassment under Title IX and setting forth procedures for handling sexual harassment complaints. According to this policy statement, sexual harassment “consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient [of federal funds] that denies, limits, provides different, or conditions the provision of aid, benefits, services, or treatment protected under Title IX.”

#### **B. Racial and Other Harassment in the Work Environment**

Harassment on the basis of race, color, religion, or national origin is a form of unlawful discrimination and is prohibited under Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission explains, in its 1980 “Guidelines on Discrimination Because of Sex,” that the principles for defining sexual harassment in the workplace apply as well to harassment based on race, color, religion, and national origin. Thus where harassment based on race, color, religion, or national origin has the “purpose

or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment" it rises to the level of unlawful discrimination. In addition, the courts have applied these principles to harassment on the basis of age and disability under the Age Discrimination in Employment Act and the Americans with Disabilities Act, respectively. Finally, the University, through its "Sexual Orientation Nondiscrimination Statement," applies these principles to harassment on the basis of sexual orientation.

### **C. Complaint Procedure**

Any member of the University community who experiences harassment on the basis of sex, race, color, religion, national origin, age, disability, or sexual orientation should immediately seek assistance through the Opportunity Development Center (ODC), 322-4705. The ODC receives all complaints of unlawful discrimination raised within the University community and, where possible, assists in the resolution of those complaints.

### *Section E*

## **AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY**

The following statements summarize policies on affirmative action and equal employment opportunity.

University officials will base employment decisions on the principles of equal employment opportunity consistent with our intent to achieve the goals outlined in our Affirmative Action Plan and consistent with the University nondiscrimination policy with respect to sexual orientation.

Vanderbilt University, through responsible officials in compliance with its affirmative action obligations, will recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, sex, national origin, age, handicap, or status as a disabled veteran or veteran of the Vietnam Era, except where age and sex are bona fide occupational requirements, or where a specific disability constitutes a bona fide occupational disqualification.

University officials will take affirmative action to ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

University officials will ensure that all personnel actions such as compensation, benefits, transfers, layoffs, returns from layoff, University-sponsored training, education, tuition assistance, and social and recreational programs, will be administered without regard to race, color, religion, sex, national origin, age, disability, or status as a disabled veteran or veteran of the Vietnam era.

The Provost and the Vice Chancellors assist the Chancellor in administering the provisions of the Affirmative Action Plan. They are responsible for assuring that the University's policy on affirmative action and equal opportunity is carried out within their respective administrative areas.

The staff of the Opportunity Development Center monitors the University's compliance with equal opportunity and affirmative action laws and coordinates and implements the provisions of Vanderbilt's Affirmative Action Plan. The Center also coordinates services for persons with disabilities.

Grievance procedures for faculty members are explained in Part IV, Chapter 2.

The Office of the General Counsel is also available to assist with application and interpretation of equal opportunity and affirmative action laws.

## *Chapter 3*

# **Conflict of Interest and Conflict of Commitment Policy**

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## VANDERBILT UNIVERSITY CONFLICT OF INTEREST POLICY

### *Article I: Policy Statement*

All individual members of the Vanderbilt University community (including Trustees, University officials, and all full-time, part-time, temporary, or adjunct faculty and staff of the University) must fulfill the education, research, patient care, and public service missions to which Vanderbilt University is dedicated. The University's core values include a commitment to the following goals: educating students; protecting academic freedom; advancing and communicating knowledge about the world; protecting the safety of patients and participants in research; protecting the integrity and objectivity of research and instruction; supporting the ideals of goodwill, fair play, and transparency; and encouraging public service. Accordingly, all individuals in the University community have a clear obligation to make decisions and conduct the affairs of the University based upon the desire to promote the best interests of the University in a manner consistent with those goals. Trustees and members of senior administration are fiduciaries and owe special duties of care and loyalty to the University as a whole and must keep the University's interests paramount to all others.

The relationships between Vanderbilt University, the individual members of the University community, private industry, federal and state governments, and the non-profit sector have grown increasingly complex. As a result, there are opportunities for professional interactions and development that may benefit the University community and its individual members, but which may also present the potential for or the appearance of conflicting loyalties and responsibilities for the individuals within the University community. The purpose of the Vanderbilt University Conflict of Interest Policy is to set forth a policy statement regarding conflicts of interest and to provide guidelines to protect the University and its mission.

A conflict of interest refers to a situation in which an individual's financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, an individual's professional judgment in exercising any University duty or responsibility, including the con-

duct or reporting of research. Typically, a conflict of interest may arise when an individual has the opportunity or appears to have the opportunity to influence the University's business, administrative, academic, research, or other decisions in ways that could lead to financial, professional, or personal gain or advantage of any kind. Individuals in the University community should evaluate and arrange their external interests in order to avoid compromising their ability to carry out their primary obligations to the University, and most conflicts of interest should generally be avoided or resolved through the exercise of personal judgment or discretion.

All individuals in the University community are expected to (i) abide by the conflict of interest policies and standards set forth in this policy (including any specific procedures adopted by specific schools or departments pursuant to or in furtherance of this policy), (ii) fully disclose professional and relevant personal activities and relationships that create a conflict of interest or have the appearance of creating a conflict of interest and as required by the University, (iii) remedy conflicts of interest or comply with any management or monitoring plan prescribed by the University, (iv) remain aware of the potential for conflicts of interest, and (v) take initiative to manage, disclose, or resolve conflicts of interest as appropriate. All senior administrators have the responsibility to understand and implement this policy, including, as necessary, the adoption of specific procedures for their respective schools and departments in furtherance of and in accordance with this policy.

## *Article II: Conflict of Interest Guidelines*

Conflicts of interest can arise under many situations. These guidelines set forth principles for members of the University community to follow. Disclosure and approval are required before engaging in activities that are inconsistent with these guidelines.

### **A. University Administration**

The internal administration of the University can present the potential for conflicts of interest. Members of the University community with administrative responsibilities must take particular care to avoid relationships in which financial interests or other personal interests intersect with the University's interests and have the potential for inappropriate factors to be considered in administrative decisions. In particular, individuals who have University duties involving the procurement, exchange, or sale of goods, services, or other assets; the negotiation or formation of contracts or other commitments affecting the assets or interests of the University; the handling of confidential or privileged information; the provision of patient care; the conduct of sponsored research and the handling of any research results or resulting transfer of tech-

nology; or the rendition of professional advice to the University must be particularly conscious of potential conflicts of interest or the appearance of conflicts of interest.

## **B. Business Relationships**

In general, when individual members of the University community or their family members have financial interests in a business or are involved in a business as an owner, operator, or as an executive officer, they must be alert to the possibility that a conflict of interest may arise, if the business has a relationship with the University. If the enterprise does business with the University, or proposes to do business with the University, the individual is expected to disclose that fact. Generally, there will be no conflict of interest if the individual is not in a position to influence the University with respect to the business in which the individual or family member has an interest. Members of the University community may not review, approve, or administratively control contracts or business relationships when the contract or business relationship is between the University and a business in which the individual or a family member has a financial interest or when the individual or a family member is an employee of the business and is directly involved with activities pertaining to the University. This section is not intended to apply to the adoption of textbooks, software, or other teaching aids written by faculty members or their family members for use in their own course of instruction.

## **C. Gifts**

No gifts or accommodations of any nature, including unrestricted grants, may be accepted by the University or individual members of the University community when to do so would place them in a prejudicial or compromising position, interfere in any way with the impartial discharge of their duties to the University, or reflect adversely on their integrity or that of the University. Individuals may, however, accept gifts, meals, entertainment, and other normal social amenities no greater in value than \$300 per year from a single source, whether an individual or a business, provided that such amenities are not otherwise extravagant under the circumstances.

## **D. Use and Appropriation of University Assets**

The University possesses both tangible and intangible assets. These assets include buildings, personnel, equipment, patents, copyrights, technology, and work products, as well as the University's reputation and prestige. As custodian of these assets, members of the University community owe a fiduciary duty to the University to act in accordance with applicable University procedures regarding the proper expenditure of the University's funds, as well as the use and control of University assets, including confidential and privileged information.

Where specific procedures regarding the disposition and control of University assets do not exist, individuals are expected to protect the best interests of the University in its tangible and intangible assets. Conduct constituting the misappropriation or unauthorized use of University assets in connection with any external activity is prohibited (including implying sponsorship or endorsement by the University or otherwise trading on the reputation or goodwill of the University). Mere identification of the University as one's employer and of one's position at the University is permitted, provided that such identification is not used to imply University sponsorship or endorsement.

### **E. Research and Health Care Activities**

Conflicts of interest in sponsored research and the provision of patient care involve situations in which financial, professional, or other personal considerations may compromise, or have the appearance of compromising an individual's judgment in the provision of patient care or the conduct or reporting of sponsored research. The bias which may result from such conflicts of interest may impact not only on the collection, analysis, and interpretation of data, but also on the hiring of staff, procurement of materials, clinical referrals, sharing of results, choice of protocol, the use of statistical methods, the use of human participants, or otherwise influence the provision of patient care or the course of a sponsored research project.

Individual members of the University community may not review, approve, or administratively control contracts, grants, clinical trials, or other business relationships when such contract, grant, clinical trial, or other business relationship pertains to sponsored research involving the University and a business in which the individual or a family member has a significant financial interest or when the individual or a family member is an employee of the business and directly involved with activities pertaining to the sponsored research. Absent compelling circumstances, individuals may not participate in research involving human research subjects if they have a significant financial interest in the sponsor of the research or any technology that could be affected by the outcome of the research. This presumption against human subjects research by financially interested individuals may be rebutted by compelling circumstances that are reviewed in advance by appropriate University officials. No research with human subjects that involves a conflict of interest may receive final approval from the Institutional Review Board until the conflict of interest is addressed under this policy. Every individual participating or involved in University research or health care activities is responsible for learning and complying with all other applicable policies and procedures.

### **F. Activities Related to Students**

An individual member of the University community may not assign students, postdoctoral fellows, or other trainees to University projects sponsored

by any business if the individual or a family member has a significant financial interest in the business. An individual also may not assign students or permit students to participate in any consulting relationship in which the individual or a family member has a significant financial interest.

Deans and department chairs have the responsibility for protecting the interests of students, fellows, and trainees who may be directly or indirectly involved in a conflict of interest situation related to a member of the University community or a family member with a financial interest in the situation. Students and trainees should not be permitted to participate in research or consulting activities if the terms and conditions of those activities would prevent the students or trainees from meeting applicable University degree or training requirements. Students, postdoctoral fellows, and trainees involved in any conflict of interest situation should be informed that the conflict of interest situation exists; and that their concerns, if any, can be discussed with the appropriate University official or, if applicable, the monitor or monitoring panel. Additionally, deans or their designees and department chairs must meet regularly (at least annually) with any students, post-doctoral fellows, or trainees involved in a conflict of interest situation. Deans and department chairs may also consider assigning an observer to the research advisory committee/theses or dissertation committee of any student involved in a conflict of interest situation.

## **G. Activities Related to Family Members**

Members of the University community may not participate in the hiring process or any employment-related decisions pertaining to their family members. Likewise, they may not be in a position to supervise a family member as an employee of the University or otherwise review or participate in reviewing a family member's work as an employee of the University.

### *Article III: Disclosure*

#### **A. Duty to Disclose**

In order to identify and review conflicts of interest and the appearance of conflicts of interest, members of the University community must disclose in advance all outside activities and financial interests that create or have the appearance of creating conflicts of interest to the appropriate University officials. Appropriate University officials may include supervisors, deans, department chairs, and the Office of Compliance. Such disclosures shall be sufficiently detailed and timely as to allow accurate and objective evaluation prior to making commitments or initiating activities that create conflicts of interest. The information must be accurate and not false, erroneous, misleading,

or incomplete. Each member of the University community has an obligation to cooperate fully in the review of the pertinent facts and circumstances. Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy.

Certain University activities will involve more specific procedures with respect to conflicts of interest either because of governmental requirements or corporate fiduciary duty. Trustees and General Officers, as well as anyone involved with sponsored research or the development and licensing of intellectual property under the auspices of the University, is responsible for complying with all applicable procedures.

Disclosure required by any governmental, accreditation, or other self-regulatory agency, such as the Public Health Service or the Joint Commission on Accreditation of Health care Organizations regulations, should be made to the appropriate University official and the Division of Sponsored Research or the Office of Research, as the case may be, on the required forms before grant application submission. Additionally, disclosure should be made to publications and journal editors when research manuscripts are submitted and to the audience during any oral presentation of research if the presenter has a conflict of interest.

The Office of Compliance is available as a resource for questions involving University policies and procedures and for guidance on any issues related to the disclosure process.

## **B. Annual Disclosure Process**

In addition to the duty of advance disclosure discussed above, all members of the University community are required to provide a disclosure of situations or relationships that create or have the appearance of creating a conflict of interest upon initial employment and annually thereafter. Updated disclosures must also be provided throughout the year if changes in circumstances arise that either (a) create a new conflict of interest or (b) change or eliminate a conflict of interest previously disclosed. All disclosure statements and management plans are official records and will be maintained according to an appropriate retention schedule. The disclosure statements contain information that may have a direct bearing on an individual's employment. The disclosure statements will be considered confidential, however, the information may be released in accordance with and as required by federal, state, or local law or court order.

## *Article IV: University Conflicts Committee*

### **A. Composition**

There shall be established a University Conflicts Committee which shall be a University resource on conflict of interest matters. The Committee shall have

representatives from relevant areas across the University, including faculty, audit, research, legal, administrative, and compliance. At least one representative on the Committee shall be a person from outside the University community. The University's General Counsel shall serve as the chair of the Committee, and the representatives on the Committee shall serve for a renewable three-year term.

## **B. Duties and Responsibilities**

1. The Committee's primary responsibility is to serve as a resource to the University on conflict of interest matters in which the University's mission, philosophy, and overall purpose could be compromised by the University's relationships with the individual members of its community.
2. The Committee is responsible for reviewing all conflict of interest cases involving the University as a party or an institutional conflict of interest. The Committee may also review appeals from adverse decisions and cases that may be referred to it. The Committee will conduct a thorough review of each case and will either approve or deny the proposed activity, management plan, and/or monitoring plan.
3. In the event of an appeal, the Committee shall be provided with a copy of any disclosure statement which reveals a real or apparent conflict of interest, together with a recommendation from the appropriate University official. The Committee must provide individuals the opportunity to appear before the Committee and/or submit written comments regarding the recommendation. The response of the individual will become an official part of the conflict of interest review record.
4. The Committee shall maintain oversight of the annual and periodic disclosures from all faculty and staff that address conflicts of interest. The Office of Compliance shall provide the Committee with such summaries, reports, or disclosure statements as it may require.
5. The Committee shall maintain an ongoing awareness of procedures, practices, and standards with regard to conflicts of interest with a view to assuring consistency with the terms of this policy. It shall carry on whatever dialogue is necessary with college deans and directors or administrative officers to insure that its knowledge is sufficiently current and complete. It shall also insure that a proper balance is maintained between confidentiality and its operations and standards.

6. The Committee shall maintain an awareness of externally imposed conflict of interest requirements.
7. The Committee shall review this policy periodically and may make amendments to the policy, in consultation with the Faculty Senate, the Office of Compliance, and the Office of General Counsel, by a majority vote of all current Committee members.
8. Upon request, the Committee shall make recommendations relating to the enforcement of this policy and any disciplinary action.
9. The Committee shall perform such additional functions as may be assigned from time to time by the General Counsel.
10. The Committee will report semiannually to the Audit Committee of the Board of Trust on matters within its scope of responsibility. At the discretion of the chair of the Committee, conflicts of interest involving the Chancellor or other General Officers of the University may be referred to the Audit Committee of the Board of Trust for review and approval.

### **C. Procedures**

The Committee shall establish procedures to implement this policy, in cooperation with the University's schools and other departments, and may make use of subcommittees to carry out its various functions. The Committee shall maintain confidential minutes of its deliberations. In the case of research or other activities subject to applicable governmental regulations on conflicts of interest, the requirements of such governmental regulations shall apply and supplement and/or, to the extent inconsistent with this policy, supersede the provisions of this policy. In that event, applicable reporting procedures and other substantive and procedural requirements will be followed.

### *Article V: Enforcement and Penalties*

The Office of General Counsel is responsible for overseeing the implementation and enforcement of this policy. The Office of General Counsel will review all violations of this policy, including: (a) failure to comply with the disclosure process (by refusal to respond, by deliberately responding with incomplete, inaccurate, or misleading information, or otherwise); (b) failure to remedy conflicts of interest; and (c) failure to comply with a prescribed management or monitoring plan. Such cases may be forwarded to the University Conflicts Committee for review and recommendations by the Office of General Counsel.

Penalties for deliberate violations of this policy will be adjudicated in accordance with applicable disciplinary policies and procedures of the University in the *Faculty Manual* and the Human Resources Staff Guidelines. Possible penalties include reimbursement to the University for misused resources; formal admonition; inclusion in a faculty member's file of a letter from the dean indicating that the individual's good standing as a member of the faculty has been called into question; ineligibility of a faculty member for grant applications, Institutional Review Board approval, or supervision of graduate students; non-renewal of appointment; and dismissal from employment consistent with the Staff Guidelines and *Faculty Manual*. Any member of the University community or student may report a situation involving a conflict of interest or a violation of this policy to an appropriate University official, the Office of Compliance anonymous helpline at 322-1033, the Medical Center Compliance Office anonymous helpline at 343-0135, or the Office of General Counsel. The University will make every effort to protect anyone who reports a violation from reprisal.

General questions about the policy or disclosure requirements should be directed to the Office of Compliance at 936-0325.

## **Definitions**

*Business:* Any company or corporation, any partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, trust (business, real estate, estate planning, or otherwise), enterprise, or any other legal entity whether organized for profit or not-for-profit, including any entity controlled by, controlling, or under common control with any such entity, but excluding the University.

*Family or Family Member:* Spouse, child, stepchild, parent, sibling, or domestic partner (individual not related by blood or marriage, but currently in a committed relationship and residing in a common household sharing joint responsibility for the household) of a member of the University community. For purposes of the employment of family members at Vanderbilt University, grandparent, grandchild, father-in-law, and mother-in-law are also included.

### *Financial Interest:*

(1) Salary or other payments for services (including fees, honoraria, "gifts," or other "in kind" compensation whether for consulting, lecturing, membership on a board of directors or advisory board, or any other purpose such as partial, interim, or milestone payments). Payments for services would not include income from editorial activities on behalf of professional journals and from seminars, lectures, or teaching engagements sponsored by governmental or

not-for-profit entities or service on advisory committees or review panels for governmental or not-for-profit entities.

(2) Intellectual property rights (including patents, copyrights, and royalty income or the right to receive future royalties under a patent or other intellectual property rights, whether pursuant to a license or otherwise).

(3) Ownership and equity interests or entitlement to such interests in a publicly or non-publicly traded business (including stock, stock options, partnership interests, and convertible debt but excluding interests in publicly-traded mutual funds where the individual investor has no control over the selection of holdings).

*Significant Financial Interest:* A financial interest that exceeds \$10,000 in value over a twelve-month period or a 5 percent ownership interest.

## VANDERBILT UNIVERSITY CONFLICT OF COMMITMENT POLICY

A conflict of commitment relates to an individual's distribution of effort between a University appointment, obligation, and commitment and external professionally related or personal activities. External activities may include involvement with professional societies; participation related to review panels, education meetings or conferences; consulting and other professional activities for pay; and business activities related to outside entities including start-up companies. A conflict of commitment can arise when the external activities burden or interfere with the faculty member's primary obligations and commitments to the University.

It is the policy of the University that all faculty members are expected to devote their primary professional loyalty, time, and energy to their teaching, research and other scholarly works, service on University committees, assistance for students, performance of necessary administrative duties, and, where applicable, patient care. Although a specific work-week is not defined for faculty members, it is expected that such membership constitutes a full-time obligation and that, with the exceptions explicitly permitted by University policies on external activities, they will not engage in other employment. Accordingly, external activities must be arranged so as not to interfere with the primary commitments.

External activities conducted by a faculty member should be of such nature as to improve effectiveness as a teacher or contribute to scholarly attainments, or should in some manner serve the interests of the University

or of the community. External activities must not distract significantly from primary responsibilities and must not require such extensive absence as to cause the faculty member to neglect course obligations or to become unavailable to students and colleagues. External activities must be of such nature and conducted in such manner as will not bring discredit to the University and must not compromise any intellectual property owned by the University.

Accordingly, the maximum expenditure of time spent on external activities by a full-time faculty member should not exceed forty days during the academic year, including holidays. For those full-time faculty members appointed on a twelve-month basis, time spent on external activities should not exceed fifty days per year, including holidays. It is expected that half-days will be accumulated into full days and that time spent traveling to and from activities or engagements and preparing for them also will be accumulated and counted in the total. Individual schools and departments may implement more specific procedures and require additional information in furtherance of this policy. Faculty members should periodically re-examine the nature and extent of their external activities and conscientiously avoid engaging in activities that constitute conflicts of commitment. The Provost or Vice Chancellor for Health Affairs may grant exceptions in extraordinary cases upon recommendation of the appropriate Dean.

## Chapter 4

# Policy on Technology and Literary and Artistic Works



### Section A GENERAL

The policy governs the ownership, protection, and transfer of Technology (Inventions, Discoveries, and other Innovations) and Literary and Artistic Works created or authored by University faculty members, staff members, or students.

It is the purpose of this policy to encourage, support, and reward scientific research and scholarship, and to recognize the rights and interests of the creator, author, inventor, or innovator (“Inventor or Creator”); the public; the sponsor; and the University. The University’s commitment to teaching and research is primary, and this policy does not diminish the right and obligation of faculty members to disseminate research results for scholarly purposes, which is considered by the University to take precedence over the commercialization of Technology and Literary and Artistic Works. This policy is intended to be consistent with the University’s commitment to academic freedom, faculty involvement in policy development, and the Policy Guidelines for Sponsored Research as provided in the *Faculty Manual*. In addition, it is intended that application of this policy will take into consideration principles of open and full disclosure, overall equity, fairness to the Inventor or Creator and the University, the need for understanding and goodwill among the parties who have an interest in Technology or Literary and Artistic Works, and reasonableness in the negotiation of licensing agreements.

An In-Depth Review of the Vanderbilt University Patent Policy and Recommendations for Its Replacement by a Policy on Technology and Literary and Artistic Works, a report prepared by the Patent Review Committee, dated January 1993 (Second Revised Edition), contains the history of this policy and provides general principles and hypothetical examples. Issues not directly addressed in this policy, including disagreements concerning its application or interpretation, will be addressed and resolved consistent with these general principles and hypothetical examples.

## *Section B*

# RIGHTS IN TECHNOLOGY

### **Literary and Artistic Works**

All rights in scholarly books, articles and other publications, artistic, literary, film, tape, and musical works (“Literary and Artistic Works”) are granted to the faculty, staff, and students who are the authors. Literary and Artistic Works includes texts that have been stored on computer media, but excludes computer programs or computer software or databases that are neither accessory to nor an electronic expression of a scholarly text. All rights in non-scholarly Literary and Artistic Works created with the use of University funds or facilities, or that capitalize on an affiliation with the University, are granted to the University, and income distribution shall be handled in the same manner as technology. Commercial use of the University’s name and marks requires prior University approval.

### **Technology**

All rights in technology created by Vanderbilt faculty members, staff members, or students with the use of University facilities or funds administered by the University are granted to the University, with income to be distributed in accordance with this policy. The terms “Inventions, Discoveries, and Other Innovations” and “Technology” include tangible or intangible inventions, in the patent sense, whether or not reduced to practice, and tangible research results whether or not patentable or copyrightable. These research results include, for example, computer programs, integrated circuit designs, industrial designs, databases, technical drawings, biogenic materials, and other technical creations. Faculty members working with students on research projects must inform those students in advance of the terms of this policy and of any burdens of nondisclosure or confidentiality deemed necessary by the faculty member to protect resulting technology.

All rights in technology created by Vanderbilt faculty members, staff members, or students without the use of University facilities or funds administered by the University, but which fall within the Inventor’s or Creator’s scope of employment, are granted to the University, with income to be distributed in accordance with this policy, subject to the following two (2) exceptions in which the University generally will assert no ownership rights or interests:

1. Technology assigned to an outside entity by a faculty member under a consulting agreement that is consistent with University and school policies, including Conflicts of Interest policies, and that was disclosed in writing to the faculty member’s Dean and Chair in advance of execution of the agreement by the faculty member.

2. Technology created pursuant to independent research or other outside activity that is consistent with University and school policies, including Conflicts

of Interest policies, and that was disclosed in writing to the faculty member's Dean and Chair at the beginning phase of this research or activity. Acknowledgment in writing is to be obtained from the faculty member's Dean and Chair.

For purposes of this policy, factors considered in determining the scope of a faculty member's employment normally would include the relationship of the technology to that faculty member's recent teaching, research, and other University activities, as well as activities stipulated in any appointment contract. Disagreements concerning ownership and other matters regarding this policy can be appealed to the Technology Review Committee in accordance with this policy.

For exceptions (1) and (2) above (i.e., consulting and independent research), it is the responsibility of the faculty member to disclose and resolve in advance with the Dean and Chair any potential conflict of interest or overlap in claims of ownership of technology. If no potential conflict of interest or overlap in claims to technology is, or reasonably should be, apparent, the faculty member need only include in the disclosure the name of the company, if any, for whom the work is being done, the subject area of the work, the expected level of effort, and a statement that no potential conflict or overlap exists in claims of ownership of technology. In order to maintain a spirit of collegiality, Inventors or Creators have the responsibility for full and open disclosure to the Dean and Chair concerning all matters relating to the commercialization of technology in which the University has an interest. In the Medical Center, such disclosures must be copied to the appropriate officer in the Office of the Vice Chancellor for Health Affairs.

### **Works-for-Hire and Employee Inventions**

This policy does not apply to works-for-hire or employee inventions that are created as a specific requirement of University employment or as an assigned University duty. All rights in these works are owned by the University with no right or interest vesting in the Inventor or Creator.

## *Section C*

### **GOVERNANCE**

#### **Administration**

The Chancellor of the University is responsible for matters of policy relating to Technology Transfer and affecting the University's relations with Inventors or Creators, governments, private research sponsors, industry, and the public. The Office of Technology Transfer is responsible for administration of this policy, including the evaluation of patentability or other forms of protection, the filing of patents, licensing activities, and pursuit of infringement actions, consistent with the terms of this policy. These responsibilities

are carried out in coordination with the Provost, the Vice Chancellor for Health Affairs, and the Office of the General Counsel.

### **Technology Review Committee**

A Technology Review Committee is appointed by the Chancellor with nominations for faculty positions being made by the Consultative Committee of the Faculty Senate. The Technology Review Committee (“committee”) is chaired by a faculty member and the majority of members are faculty members without administrative appointments. The committee reviews and monitors the activities of the Office of Technology Transfer on matters relating to the administration of this policy. The committee must be consulted in advance concerning any material changes to the policy and participate fully in the future development of the policy. In addition, the committee approves recommended allocations between the Technology Promotion Fund and the Technology Research Fund.

The committee serves as an appellate body advisory to the Chancellor in the event a disagreement occurs among Inventors or Creators or between Inventors or Creators and the University concerning the interpretation or application of this policy. In cases in which the committee is unable to resolve the disagreement between the parties, the committee will forward its recommendation for a resolution to the Chancellor for final decision.

At the beginning of each academic year, the Office of Technology Transfer submits to the committee, the Provost, and the Vice Chancellor for Health Affairs an annual report of the patent and licensing activities of the preceding twelve (12) months, including an annual accounting statement of income and expenses from technology in which the University has an interest and an accounting of income and disbursements of the Technology Promotion Fund and Technology Research Fund. Status reports are provided at subsequent committee meetings upon request of the committee.

### **Disclosures**

Technology created by Vanderbilt faculty members, staff members, or students with the use of University facilities or funds administered by the University, or within the Inventor’s or Creator’s scope of employment, must be disclosed in writing to the Office of Technology Transfer and sent to the Provost or the Vice Chancellor for Health Affairs. These disclosures will be maintained in strict confidence.

### **Licensing**

The Inventor or Creator will cooperate with the Office of Technology Transfer in its protection of University interests in disclosed technology including executing appropriate assignments to perfect legal rights. It is anticipated that the Inventor or Creator will be an active participant in the licensing process and will be consulted prior to licensing decisions.

Inventors or Creators having an interest in a potential licensee may request that the potential licensee be given the right of first negotiation, consistent with University policy on conflicts of interest and any other applicable school or departmental policies. Normally such a request will be granted.

If the Office of Technology Transfer, in consultation with the Provost or the Vice Chancellor for Health Affairs, determines not to file for a patent or actively pursue the transfer of particular technology, the University will at the Inventor's or Creator's request assign ownership of the technology to the Inventor consistent with any existing governmental rights. These decisions normally will be made within one year of the date of disclosure.

## *Section D*

### INCOME

#### **General Principle**

This policy is intended to direct income from income-producing discoveries toward Inventors or Creators, assure the transfer and development of those discoveries for the public benefit, and provide for the funding of future research by faculty of Vanderbilt University.

#### **Definition of Terms**

For purposes of this policy, "income" is defined as royalties or return received from the transfer or licensing of technology. Net income is defined as the balance of income remaining after the recovery of (1) total University expenses directly related to generating and securing income from a specific technology, and (2) any advance payment for a special project by the school or other organizational unit of the University. These University expenses will consist of expenses such as legal fees; application, issuance, and maintenance fees for patents; legal fees and other direct expenses concerning licensing or transferring that technology; and direct marketing and patent promotion costs for that technology. Special project advances from the school or other organizational unit of the University will be designated in writing at the time the advance is made. Only net income will be allocated to the Inventors and schools. Upon request, the Office of Technology Transfer will provide an Inventor or Creator with a listing of expenses incurred to date on his or her technology.

#### **Technology Funds**

A percentage of the net income (see Schedule below) derived from the transfer, licensing, or commercial exploitation of technology will be placed in a Technology Promotion Fund to be used for promotion of specific technologies.

A percentage of the net income (see Schedule below) derived from the

transfer or licensing of technology that is sufficiently profitable will be placed in a Technology Research Fund with the Technology Review Committee responsible for proposing an equitable mechanism of peer review for disbursement of these funds.

### **Allocation of Income from Technology**

Net income from the transfer or licensing of technology will be allocated according to the percentages in the following schedule. The intent of this schedule is that small discoveries will primarily aid Inventors and Creators and their research efforts, while large inventions will aid the school proportionally more.

#### **SCHEDULE Net Income**

	<i>Inventor/ Creator</i>	<i>Inventor's Laboratory</i>	<i>Inventor's Department</i>	<i>Inventor's School</i>	<i>Technology Promotion</i>	<i>Technology Research Fund</i>
<i>Non-Medical</i>						
First \$100,000 per year	50%	*10%	0%	30%	10%	0%
Above \$100,000 per year	40%	*10%	10%	25%	5%	10%
<i>Medical Center</i>						
First \$100,000 per year	50%	0%	20%	20%	10%	0%
Above \$100,000 per year	40%	0%	25%	20%	5%	10%

\*For as long as the inventor remains at Vanderbilt. If the inventor leaves Vanderbilt, the inventor's school share is increased by 10%.

For multiple co-inventors/creators, the shares will be apportioned consistent with this schedule.

The Inventor's or Creator's share shall be paid directly to the Inventor. Funds designated for departments and schools are to be used primarily for funding research by the faculty.

In exceptional circumstances with the approval of the appropriate Dean, and the Provost or the Vice Chancellor for Health Affairs, the royalty split for technology may be adjusted subject to negotiations between the University and the Inventor and Creator.

### *Section E*

#### **THE VANDERBILT RESEARCH AND DEVELOPMENT CORPORATION**

The Vanderbilt Research and Development Corporation (VRDC), a not-for-profit corporation controlled by Vanderbilt University, was chartered in

December 1986 to facilitate patent management and transfer of technology arising from research conducted at Vanderbilt. Any income derived from VRDC investment will be distributed according to the provisions of the funding from the VRDC.

The VRDC serves as a vehicle to attract and solicit venture capital funds, which may be combined with Vanderbilt University funds and invested in selected projects with development potential. It is expected that these projects will be in an advanced phase of research. The VRDC does not replace any of the University's processes that play a role in the research or Technology Transfer process.

Projects involving technology that meet the above criteria should be submitted to VRDC, 102 Alumni Hall.

### *Section F*

#### **PATENT AND TRADEMARK DEPOSITORY LIBRARY**

Vanderbilt University is designated a Patent and Trademark Depository Library by the Patent and Trademark Office of the United States Department of Commerce. The patent collection is housed in the Sarah Shannon Stevenson Science and Engineering Library and is readily available for patent and trademark searches.

### *Section G*

#### **PERIODIC REVIEW**

At least every fourth year, the Technology Review Committee shall review the provisions of this policy and their efficacy in meeting the interests of members of the University community and the University.

## *Chapter 5*

# **Policy Guidelines for Sponsored Research**

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The following general principles govern University research sponsored in whole or in part by outside entities, including industry or government. University research is defined as any research activity using University facilities or with support from funds administered by the University. Excluded from the definition of University research is personal research not supported from external funds administered by the University and that does not require the use of University facilities or equipment to fulfill an external contractual or consulting obligation.

1. University research must be conducted only for purposes that are consistent with the University's principal missions of the preservation, pursuit, dissemination, and application of knowledge. In particular, classified research projects or projects that otherwise prohibit or limit publication of research results are inconsistent with University missions. Publication is considered to include, but is not limited to, journal publications, proceedings of meetings and conferences, student dissertations and theses, and book manuscripts.

2. Prompt publication of results is the normal and expected outcome of a research project. A delay not to exceed ninety (90) days in submission for publication may be requested by a sponsor who wishes to preview research results. In cases in which a sponsor has been afforded the right to prepare a patent application, or the University wishes to prepare a patent application, it may be agreed that submission for publication may be delayed for up to an additional six months. The research agreement governing any project should specify at the outset of the program whether the sponsor reserves the right to request a delay for either of these reasons.

3. In those research projects in which proprietary information is provided by the sponsor prior to or during the course of the project, any limitations on the disposition of that information must be described in writing prior to the time the information is made available and any requirements of confidentiality or other limitations must be documented, provided to, and approved by the Office of Biomedical Sciences for the Medical Center or the Division of Sponsored Research for the University, whichever is appropriate. Knowledge developed by Vanderbilt researchers on the basis of proprietary information is to be governed by these research guidelines unless otherwise governed by

terms of an authorized research agreement. Proprietary information may be kept confidential between the sponsor and University researchers. Any requirements of confidentiality should be limited, however, especially as they apply to graduate and professional students, when those provisions inhibit in any material way the free flow and exchange of ideas important to University missions. Any participation by graduate and professional students in research that limits or restricts communication must be approved in advance by the appropriate Dean.

4. Consistent with the provisions of the Policy on Technology and Literary and Artistic Works, the University retains ownership of patent rights and software copyrights issued on the basis of any University research. In exceptional circumstances, deviations from this policy may be approved by the Provost or the Vice Chancellor for Health Affairs, as appropriate, on terms that become provisions of the sponsored research agreement.

5. Researchers are obligated to inform their department chairs, Deans, and the appropriate Sponsored Research office in writing in advance of project sponsorship of any special relationship that they have or intend to have with a sponsor. This disclosure should detail fully the nature and purpose of the relationship but normally need not provide specific amounts of financial reimbursement figures except when necessary to determine the existence of conflicts of interest, allocation of effort, or other University interests defined by the Provost or the Vice Chancellor for Health Affairs, as appropriate. This provision applies to all participants in a project, including faculty members, research associates, members of the staff, and students. It is expected that sponsors may inquire whether a researcher is receiving support from a competitor and whether safeguards are in place to protect proprietary information from being misused. To avoid conflicts of interest, researchers should be especially cautious when accepting support from competitor sponsors who are providing proprietary information.

6. A faculty member who serves as principal investigator on a sponsored project is responsible for justifying the appropriateness of direct costs budgeted and charged on that project in accordance with overall government regulations, sponsoring agency guidelines, conditions made as a part of an individual award, and Vanderbilt policies and guidelines. Faculty members are also responsible and accountable to University officials for the proper conduct of the project or program, including, for example, compliance with policies and procedures concerning the use of human subjects or animals in research activities, and environmental safety.

## *Chapter 6*

# **Computer Privileges and Responsibilities**

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This policy applies to the use of all Vanderbilt University computing resources, including computer data networks and the resources they make available, as well as stand-alone computers that are owned and/or administered by Vanderbilt.

Computer privileges are granted with the understanding that Vanderbilt computing resources will be used for University purposes. Faculty members, staff members, and students may access and use these resources only for purposes related to their studies, their responsibilities for providing instruction, the discharge of their duties as employees, their official business within the University, and other University-sanctioned activities. Incidental personal use for noncommercial purposes may also be appropriate.

The use of Vanderbilt computing resources for commercial purposes is permitted only with the approval of appropriate University officials and when in accord with other Vanderbilt policies, including conflict of interest policies.

System administrators at Vanderbilt may publish more restrictive policies respecting use of particular computer systems. Users must also observe those policies where applicable.

### **Secure Use**

Users of Vanderbilt computer resources are responsible for the correct and sufficient use of the tools available for maintaining the security of information stored on each computer system. While ultimate responsibility for resolution of problems related to the invasion of the user's privacy or loss of data rests with the user, a reasonable effort will be made by Vanderbilt to lessen the impact of such loss or damage. Users are responsible for observing the following precautions:

- Computer accounts, passwords, and other types of authorization that are assigned to individual users should not be shared with others.
- The user should assign an obscure account password and change it frequently.
- The user should understand the level of protection each computer system automatically applies to files and supplement it, if necessary, for sensitive information.

- The user should be aware of computer viruses and other destructive programs and take steps to avoid being a victim or unwitting distributor of these processes.

- The user should be aware that Vanderbilt computing resources, including software such as electronic mail, are not necessarily secure or private.

### **Respectful Use**

Vanderbilt computing resources should be used in a manner that is protective of the use privileges and property rights of others. Users must therefore:

- Abide by all local, state, and federal laws, including copyright laws.
- Abide by all applicable software license agreements.
- Use only the accounts, access codes or network identification numbers assigned to them.
- Access only those files or data that they are authorized to use.
- Refrain from using computing resources in ways that unnecessarily impede the activities of others.
- Refrain from using computing resources in ways that are unlawfully harassing to others.

### **Cooperative Use**

Vanderbilt expects that computer users are willing to cooperate so that all users may make maximum use of facilities in a shared environment. Users are expected to:

- Regularly delete unneeded files from accounts on shared computing resources.
- Refrain from unneeded use of connect time, information storage space, printing facilities or processing capacity.
- Refrain from unneeded use of interactive network utilities.
- Refrain from using sounds or visuals that are disruptive to others.

### **Sanctions**

Violations of this policy may be grounds for discipline. Discipline may include loss of computing privileges or other sanctions as provided by disciplinary provisions applicable to students, faculty or staff.

In addition, Tennessee and federal law provide for civil and criminal penalties for violations of the law by means of computer use. Examples of unlawful actions include defamatory remarks, destruction of data or equipment belonging to the University or to others, unauthorized copying of copyrighted material, and the transportation of obscene materials across state lines.

## *Chapter 7*

# **Consensual Relationships**

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Vanderbilt University is committed to maintaining an academic environment in which members of the University community can freely work together, both in and out of the classroom, to further education and research. When members of the faculty and administrative staff are entrusted with advising and teaching students, evaluating students' papers and course work, and recommending students to other colleagues, they are in a delicate relationship of trust and power. This relationship must not be jeopardized by the appearance of either favoritism or unfairness in the exercise of professional judgment.

In their relationships with students, members of the faculty and administrative staff are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias.

Consensual sexual relationships are prohibited between a student and any faculty member, teaching assistant, or administrative staff member who teaches, supervises, evaluates, or otherwise is in a position to exercise power or authority over that student. Efforts by members of the faculty, teaching assistants, or administrative staff members to initiate these relationships are also prohibited. If a prohibited relationship arises, effective steps must be taken to ensure unbiased evaluation or supervision of the student. Violation of this policy may be grounds for discipline as provided for in Part IV, Chapter 1.

Consensual sexual relationships between a student and any faculty member, teaching assistant, or administrative staff member who is not in a position to exercise direct power or authority over that student (e.g., when the student is in a different school or department) may also be inappropriate because of a perception of power or influence. Any faculty member, teaching assistant, or administrative staff member who engages in such a relationship must accept responsibility for assuring that it does not result in a conflict of interest or raise other issues of professional ethics. In cases of doubt, advice and counsel should be sought from the Dean, department chair, or administrative supervisor.

## Chapter 8

# Drug and Alcohol Policies

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In compliance with the Drug-Free Workplace Act and the Drug-Free Schools and Campuses Act, Vanderbilt University prohibits the unlawful possession, use, manufacture, or distribution of illicit drugs and alcohol by students, faculty members, and staff members on its property or as part of any University-sponsored activities. This prohibition extends to off-campus professional activities of Vanderbilt faculty and staff members, including attendance at professional conferences and participation in student programs abroad, when those activities are sponsored by the University. If a faculty member is convicted of any drug-related criminal violation on University premises or while conducting University business off the premises, that faculty member must notify his or her Dean no later than five days following the conviction.

Vanderbilt University will impose disciplinary sanctions on students, faculty members, and staff members, up to and including expulsion or termination of employment and referral for prosecution, for violation of this prohibition. A condition of continuance may include the completion of an appropriate rehabilitation program. These sanctions will be imposed consistent with disciplinary standards and procedures found in the *Faculty Manual*, the University and Medical Center Substance Abuse Policy (Policy #HR-035), the Vanderbilt University Medical Center Alcohol and Drug Use Policy (OP 30-08), and any applicable union contract.

Counseling and treatment for drug or alcohol abuse and addiction are available through on-campus programs. In addition, many local community organizations offer rehabilitation programs. Faculty and staff members should contact the Employee Assistance Program, 936-1327, for information about available services and referrals.

## Chapter 9

# Honor System

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The Vanderbilt Honor System was instituted in 1875 with the first final examination administered by the University. A student's personal integrity then, as now, was presumed to be sufficient assurance that in academic matters one did one's own work without unauthorized help from any other source. The Honor System presumes that all work submitted as part of academic requirements is the product of the student submitting it unless credit is given with proper footnoting and bibliographic technique or as prescribed by the course instructor. The Honor System is not a panacea for all acts of academic dishonesty, nor does it automatically ensure the honorable behavior of all students in academic matters. It is a spirit—an ideal—that permeates the entire educational process at Vanderbilt University. As Chancellor Emeritus Alexander Heard has noted, the Honor System represents the deliberate choice of the University to value Honor—integrity (honesty, accuracy, logic)—over learning, over skill, over understanding.

The Honor System is administered by the Honor Councils. The Undergraduate Honor Council has jurisdiction over all undergraduates, while the Graduate School and each of the professional schools have their own Honor Councils to administer the Honor System for their respective students.

Faculty members have an important role in the Honor System at Vanderbilt. Although the Honor Councils undertake each year to educate students in the meaning of the Honor System, it falls to the faculty to make the Honor System an integral part of the academic life of the University. Faculty members can accomplish this in four ways:

1. At the start of the semester's work in a course, a statement demonstrating the faculty member's support of the Honor System is most beneficial. In this statement, the faculty member should explain what constitutes a violation of the Honor Code in the course, including the limits on collaboration with other students and the use of outside sources. If such matters are stated explicitly, misunderstanding about assignments may be reduced.

2. The faculty member should remind students of the Honor System throughout the semester, especially before assignments and tests.

3. Although the primary responsibility for academic honesty is in the hands of each student, the faculty member is expected to make every effort to provide a classroom atmosphere that is conducive to effective operation of the Honor System. For example, during a test, it is quite in the spirit of the System to seat students in a manner that minimizes the possibility of a student's

accidentally seeing another's paper. Likewise, faculty members might avoid giving identical examinations to different sections of a course, thus decreasing the opportunities for passing information either intentionally or unintentionally.

4. Faculty members can help to keep the Honor System uppermost in their students' minds by requiring them to sign the Pledge on every assignment. The pledge states, "I pledge on my honor that I have neither given nor received unauthorized aid on this assignment."

In spite of these precautions, violations may occur. A faculty member should neither punish nor excuse Honor Code violations. If a faculty member has reason to believe that the Honor Code has been breached, he or she is obligated to take action in one of the following ways:

1. Issue a personal warning to the student(s) suspected of academic dishonesty that, unless the action which led to the suspicion ceases, the incident will be reported to the Honor Council,

OR

2. Report the incident to the appropriate Honor Council.

The flagrancy of the violation determines which course of action the faculty member is expected to follow. The option of warning the student personally is open to the faculty member only in the event of a minor suspicion or if evidence is not available. If suspicion is strong or if evidence is available, the faculty member is obligated to report the incident to the appropriate Honor Council. It should be understood, however, that the faculty member need not have evidence in hand before notifying the Council—just suspicion well founded. The Council will investigate all cases.

To report a violation in the schools with undergraduates, the faculty member should notify the president or the advisor of the Honor Council. To report a violation in the graduate and professional schools, the faculty member should notify the applicable Honor Council through its president, chair, or other appropriate person designated in the school. An investigating committee from the Council will then call on the faculty member, discuss the case, and receive whatever evidence is available. The investigators will then interview the accused and make arrangements for a hearing.

The faculty member need not consult or discuss the matter with the accused either before or after the Council has been notified. Vanderbilt students recognize the Honor Council as the judicial branch of the Honor System. It handles all matters pertaining to a case, including, if the instructor wishes, the notification of the accused student.

Additional information concerning procedures may be obtained from

Honor Council members or from the advisor. Additional information is also provided by a booklet, *Role of the Faculty in the Honor System of Vanderbilt University*, on file with department chairs. Faculty members may wish to call students' attention to the chapter on the Honor System in the *Student Handbook, Policies and Procedures in Co-Curricular Matters*. The chapter includes a definition of and examples of plagiarism in the section titled, "The Honor Code Applied to Preparation of Papers."

## *Chapter 10*

# Privacy Rights of Students

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### **Student Records (Buckley Amendment)**

Faculty members must respect the privacy rights accorded students under the federal law known as the Family Educational Rights and Privacy Act (the Buckley Amendment). This law affords students rights of access to their education records and generally prohibits the University from releasing or disclosing those records to third parties.

Education records protected under the Act include any personally identifiable student information, such as grades, exam scores, or student ID numbers. In compliance with the Act, the University does not disclose any such information from the education records of a student without that student's written consent. One exception to the disclosure prohibition permits the University to make available "directory information" pertaining to students unless the students have previously requested the University not to make directory information available. Vanderbilt University has designated the following information as "directory information": the student's name, address, telephone number, e-mail address, date and place of birth, major field of study, school, classification, participation in officially recognized activities and sports, the weights and heights of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous education institution attended by the student, and other similar information.

The administrative officials of Vanderbilt University who have access to the education records of students include the Chancellor and other general officers of the University, the Deans of each school and college, the University Registrar, the Director of Financial Aid, the Associate Provost for Academic Affairs, the Associate Vice Chancellor for Student Life, and the designees of each such official, for purposes reasonably believed to facilitate actions within such officers' areas of responsibility. Members of the faculty and any others who instruct students as well as those who advise students, either formally or informally, will have access to student education records for purposes of facilitating their evaluation of student performance and assisting them in the guidance of students in matters such as the choice of a major and other academic areas of concentration, the choice of courses, and career guidance. Members of the faculty and others who instruct students will also have access to education records for the purpose of providing recommendations for students. Committees, groups, boards, and organizations, such as the Honor Councils, which are officially recognized by the University, will have access to student records for the purpose of carrying out their assigned responsibilities.

## *Chapter 11*

# **Political Activity and Lobbying**

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### *Section A*

#### **POLITICAL ACTIVITY**

Vanderbilt is subject to restrictions concerning activities of a political nature. In particular, the Internal Revenue Code imposes on tax-exempt organizations such as Vanderbilt limitations relating to attempts to influence legislation and participation or intervention in political campaigns on behalf of candidates for public office.

The American Council on Education has taken the initiative in preparing a statement of guidelines for use by universities in their efforts to comply with the applicable provisions of the Internal Revenue Code. This statement has been reviewed by the Commissioner of Internal Revenue, who found the guidelines “fair and reasonable” from the standpoint of the Internal Revenue Service. Faculty are expected to abide by the following principles as stated in the guidelines:

Educational institutions traditionally have recognized and provided facilities on an impartial basis to various activities on the college campuses, even those activities that have a partisan political bent, such as, for example, Republican, Democratic, and other political clubs. This presents no problem. However, to the extent that such organizations extend their activities beyond the campus, and intervene or participate in campaigns on behalf of candidates for public office, or permit nonmembers of the University community to avail themselves of University facilities or services, an institution should in good faith make certain that proper and appropriate charges are made and collected for all facilities and services provided. Extraordinary or prolonged use of facilities, particularly by nonmembers of the University community, even with reimbursement, might raise questions. Such organizations should be prohibited from soliciting in the name of the University funds to be used in such off-campus intervention or participation.

Every member of the academic community has a right to participate or not, as he sees fit, in the election process. On the other hand, no member of that community should speak or act in the name of the institution in a political campaign.

In another paragraph, a statement is made concerning the reduction of the regular responsibilities of faculty and staff:

In that case, the question might be raised whether releasing faculty and staff members from normal duties, with pay, to participate in the (election) process represents an indirect participation by the institution itself in a political campaign on behalf of a candidate for public office.

All members of the Vanderbilt University community should observe these principles in planning and engaging in political activities that might either directly or indirectly involve the University. Questions concerning the application of these points should be addressed to the Office of the General Counsel.

### *Section B*

## LOBBYING REGULATIONS

The Byrd Amendment to the 1990 Department of Interior and Related Agencies Appropriations Act bars the use of appropriated federal funds to influence or attempt to influence the awarding of specific federal grants, contracts, and loans. Rules issued pursuant to the Byrd Amendment define “influencing or attempting to influence” as making, with the intent to influence, any communication to an officer or employee of any federal agency or Congress in connection with a specific federal contract or grant. The “use of appropriated federal funds” may include the payment of compensation to a University faculty member if that faculty member engages in the prohibited lobbying activities. Communications with agency representatives or members of Congress may be unallowable when they occur after formal solicitation and concern a specific grant or contract. Faculty members may obtain a copy of the regulations from the Office of Sponsored Research or the Office of the General Counsel.

## *Chapter 12*

# Fund Raising

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The Development Office is responsible for coordinating all fund raising in the private sector, with the exception of private contract grants. Support is sought from individuals, corporations, foundations, and other private sources. All efforts to seek philanthropic support from these sources must be approved by, and coordinated through, the Development Office.

Each of the University's schools, the Jean and Alexander Heard Library, and the Vanderbilt Institute for Public Policy Studies have a development officer to coordinate and direct the development program. These officers provide access to general services within the Development Office, including research, proposal writing, recording and acknowledging gifts, and assistance with corporate and foundation relations.

Faculty members who wish to seek non-contract funding from the private sector should do the following:

1. Prepare a brief written summary of the program or project for which funding is needed and include an estimate of budget or item costs.
2. Obtain approval of the project from the appropriate department chair.
3. Obtain approval from the appropriate Dean.
4. Seek approval of the budget from the Office of Sponsored Research.
5. Consult the development officer of the school for approval to approach the specific prospect or prospects, suggestions of appropriate prospects for the project, assistance in proposal writing, or other services that may be required.
6. Send copies of proposals, correspondence, and other relevant documents to the school development officer. The development officer will place these documents in permanent central files for future reference.

From time to time, faculty members receive checks that are gifts to University programs. Checks and relevant correspondence should be delivered promptly to the Gift Records Office, 301 University Plaza. This will ensure proper crediting of the monies on both the Gift and University accounting systems. It will also initiate acknowledgments by University officers as appropriate.

## *Chapter 13*

# **Community and Charitable Contributions**

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### *Section A*

#### **COMMUNITY CONTRIBUTIONS**

Vanderbilt University is dedicated to participating in the life of the community in meaningful ways. The University makes financial and in-kind contributions to valuable nonprofit programs that benefit the community, such as special programs and events, community and neighborhood projects, and charitable fund-raising dinners and luncheons. Funds used for these contributions come from Vanderbilt's commercial ventures. The actual dollar amount of the University's contributions in these cases is small, and the University seeks to use the limited funds available in its community contributions fund to the greatest possible benefit.

Contribution requests should be directed to the Office of Community, Neighborhood, and Government Relations, which oversees the contributions fund. Requests for contributions for health-related programs are referred to the Office of the Vice Chancellor for Health Affairs.

### *Section B*

#### **MEMORIAL DONATIONS**

At times, University offices will remember the life of a friend or supporter by making a charitable donation in lieu of sending flowers. These donations may not exceed fifty dollars (\$50.00).

## *Chapter 14*

# Commencement

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Commencement attendance by faculty members is governed by guidelines adopted by the Faculty Senate. The resolution of the Faculty Senate reads:

Be it resolved that the Faculty Senate endorses in principle the idea that a representative number of the faculty (about one-fourth), including representatives of all departments, attend Commencement exercises annually.

Recognizing that this endorsement of principle may be most conveniently and efficiently acted upon by the Deans and the chairs of academic departments, be it further resolved that the Faculty Senate convey their endorsement to such officers for proper implementation. Of primary importance is early invitation to faculty and readily available information concerning rental of caps and gowns.

Thus the individual faculty member should see his or her minimal responsibility for attending Commencement exercises as at least once every four years.

Deadlines for renting regalia are announced in the *Vanderbilt Register*.