



**BRANDEIS UNIVERSITY**  
**Business Conduct Policy**

**October 27, 2003**

**Revised as of July 1, 2005**

## TABLE OF CONTENTS

<b>GENERAL POLICY STATEMENT.....</b>	<b>3</b>
<b>INTRODUCTION.....</b>	<b>4</b>
<b>COMPUTER POLICY SUMMARY STATEMENT.....</b>	<b>5</b>
<b>CONFIDENTIAL COMPLAINT POLICY.....</b>	<b>7</b>
<b>CONFIDENTIALITY.....</b>	<b>9</b>
<b>CONFLICT OF INTEREST SUMMARY STATEMENT.....</b>	<b>11</b>
<b>COPYRIGHT INFRINGEMENT.....</b>	<b>13</b>
<b>EMPLOYEE AND CONTRACTOR EMPLOYEE STATEMENT OF PRINCIPLES.....</b>	<b>15</b>
<b>EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, NON-DISCRIMINATION, AND HARASSMENT SUMMARY STATEMENT.....</b>	<b>17</b>
<b>FAIR VENDOR RELATIONS SUMMARY STATEMENT.....</b>	<b>19</b>
<b>GIFT ACCEPTANCE POLICIES SUMMARY STATEMENT.....</b>	<b>21</b>
<b>GIFTS AND ENTERTAINMENT.....</b>	<b>23</b>
<b>INTELLECTUAL PROPERTY POLICY.....</b>	<b>25</b>
<b>MISCONDUCT IN RESEARCH POLICY SUMMARY STATEMENT.....</b>	<b>27</b>
<b>MISUSE OF UNIVERSITY ASSETS.....</b>	<b>29</b>
<b>PROPER ACCOUNTING POLICY.....</b>	<b>31</b>
<b>USE OF THE BRANDEIS UNIVERSITY NAME, SEAL AND LOGOS.....</b>	<b>33</b>

## **GENERAL POLICY STATEMENT**

Founded in 1948 by members of the American Jewish community, Brandeis University is a non-sectarian institution that embodies the Jewish community's highest ethical and cultural values and its traditional commitment to education. The University that carries the name of the eminent Supreme Court Justice who stood for the rights of individuals is distinguished by academic excellence, truth pursued wherever it may lead, and awareness of the power and responsibilities that come with knowledge.

The University is deeply committed to upholding the highest ethical principles in conducting its business and administrative activities. This Business Conduct Policy reflects the dedicated work of many Brandeis employees in collecting, reviewing, and updating the business conduct rules of our community. The policies govern copyright infringement, confidentiality, misuse of University assets, proper accounting, and other subjects of similar importance. It is expected that all members of the Brandeis community will be familiar with these policies and will observe them both in letter and in spirit.

**Jehuda Reinharz**

**President**

## INTRODUCTION

The business and accounting industry has recently gone through dramatic changes as a result of events that occurred in publicly traded companies. These developments include the enactment of the Sarbanes-Oxley Act, which, while it governs for-profit companies, has significant implications for non-profit organizations as well. In this climate, the Brandeis administration believes that the University should take the opportunity to issue a revised and updated Business Conduct Policy for the use of its community members in conducting the University's day-to-day business.

Brandeis University, like many of its peer institutions, is a complex decentralized organization. Many members of the Brandeis community, including faculty, staff, and students acting on behalf of Brandeis, routinely conduct business transactions. These policies are intended to govern the actions of all of these members of the Brandeis community. Thus, references to Brandeis community members in these policies should be understood to apply to Trustees, faculty, administrative staff, research staff, postdocs, students, and others at all levels of the University.

The issuance of a Business Conduct Policy, which incorporates and describes existing University policies and practices in a number of areas, is intended to provide convenient and practical guidance to community members on the appropriate conduct of Brandeis University business functions. Members of the Brandeis University community must review and comply with these guidelines and related policies and procedures.

These policies cannot address all situations that may arise, but they offer a framework to assist community members in understanding their obligations. Some of these statements are summaries of formal detailed policies, which can be obtained from the Office of Human Resources and Employee Relations and/or on the University's website. Please note that this compilation contains only a selection of University policies and summaries, and is not intended to be all-inclusive. Other policies that apply to Brandeis community members include, but are not limited to, the following:

1. Faculty Handbook
2. Staff Handbook
3. Brandeis University Bulletin
4. Student Handbook: Rights and Responsibilities

Please direct questions about these policies, and report any violations, to the contact administrator identified in each policy or summary statement.

## COMPUTER POLICY SUMMARY STATEMENT

The following policies apply to all Brandeis University computer resources and information technology systems and govern all users of these resources, including students, faculty, staff, and courtesy users. For more detailed explanations of these policies please go to: <http://web.brandeis.edu/pages/view/ITS/ComputingPolicies>. For further guidance or information, or to report violations of this policy, please contact the Chief Information Officer, at x6-4588.

- Privacy -- Users must respect the privacy of others, but should understand that their own files may be subject to access by the University for administrative purposes or in response to valid legal process.
- Authorized Use -- Users must not use other users' passwords, IDs, or accounts, or attempt to capture or guess other users' passwords.
- Restricted Access -- Users must not attempt to access files or systems to which they have not been given access.
- Resources -- Users must not exceed their reasonable share of resources.
- Protecting Data and Common Resources -- Users must protect files, equipment, networks, software, and accounts. They must not introduce malicious code into the system, and must avoid propagating virus hoaxes.
- Civility -- Users must not harass other users; must not hide their identity for malicious purposes or assume the identities of other users; and must not display material that is explicitly sexual, derogatory to racial, ethnic or other groups, or otherwise offensive.
- Misuse of Information -- Users must not access or release electronic mail, protected data or programs, or information protected under state and federal privacy laws without authorization.
- Applicable Laws -- Users must obey applicable local, state, and federal laws.
- Respecting the University's Non-Profit Status -- Users must not use campus information systems for personal business; must not use the name Brandeis without authorization; and must not use information systems in a way that implies official University endorsement of a political candidate or position. See Use of the Brandeis University Name, Seal and Logos, page 29.
- Staying Informed -- Users must know these computer policies and other related rules and policies. Users must know how to protect data; how to use shared resources without damaging them; and how to keep current with software updates. Users must know the difference between a virus warning and a hoax.

## **COMPUTER POLICY SUMMARY STATEMENT QUESTIONS AND ANSWERS**

- 1. A student signs on to webmail on a computer in a public location, and finds herself looking at another student's INBOX. What should she do?**

She should log out, signing the other student off of webmail in the process, and log back in as herself. Since logging out of webmail does the other student no harm and protects the security of his or her account, this is the best course of action. The situation should not be left for the next computer user to handle. Although she could send the other student an e-mail reminding him or her about the importance of logging out, this is discouraged, because it is so difficult to word such a message in a way that does not raise undue concern.

- 2. A faculty member has a family member in high school, who is preparing a science report. It occurs to him that the Brandeis libraries have a license for an online database that would probably help her. What should he do?**

He should take the family member to the Brandeis library in person, and use the database there. This is the most educational approach, and reference librarians can be very helpful. Alternatively, he should find out whether his family member's high school or local public library has access to the same database, and use it that way; or he could show her how to find an alternative resource through Google. However, he may not use his Brandeis account to sign on through the proxy server and show her how to use the database. This would be a misuse of his Brandeis account privileges and may compromise security. The University's contracts with information providers are quite strict about who can take advantage of the convenience of remote access.

- 3. A staff member needs to use some specialized software (statistical, bioinformatics, mathematical, etc.) just once to finish an important project. Someone in her lab hands her an old CD with software that should do the job. Should she install and use it on her computer?**

Absolutely not. She is responsible for appropriate use of her Brandeis computer. If the University doesn't own the software or have a valid license to use it, it should not be installed. In addition, unfamiliar software may install services on Brandeis computers that create a network security problem. Some types of software install a web server or a version of Microsoft SQL Server with severe security problems. Common "file sharing" software typically installs "spyware" that effectively turns over control of the computer to outside businesses. Copyright considerations aside, this is sufficient reason to avoid participating in P2P (peer-to-peer) networks from work-related computers.

## CONFIDENTIAL COMPLAINT PROCEDURE

Brandeis University encourages its community members to share their concerns and suggestions about their experiences at Brandeis. The University seeks to maintain a supportive and receptive environment for all of its community members, including faculty, staff, students and visitors.

If a community member believes that misconduct is occurring, he or she should make a report of that misconduct. Misconduct can arise in connection with sponsored research activities or financial matters, such as improper reporting or misuse of assets. Misconduct is also possible with respect to improper treatment of an employee (such as sexual harassment).

Reports of misconduct should be made to a community member's supervisor or, if the community member is a student, to the Assistant Vice President for Students and Enrollment. Reports or complaints concerning misconduct may also be directed to the Associate Vice President for Human Resources and Employee Relations on a confidential basis. Phone reports may be made to x6-4464, and letters may be marked "Confidential, for Addressee Only" and sent to the Associate Vice President at Mailstop 118.

The University will handle each allegation confidentially, to the extent possible under the circumstances. Certain types of misconduct are reviewed or investigated under a specific University policy, such as the University's *Research Misconduct Policy and Procedures*.

Brandeis is committed to the prevention of retaliation against community members who make use of this confidential complaint procedure. In order to receive this protection, community members must act in good faith and in the reasonable belief that misconduct has occurred or is occurring.

Brandeis community members are encouraged to come forward personally with their reports. However, the University will also review anonymous complaints, provided that enough factual information is offered to permit an effective inquiry. If a community member is concerned about confidentiality, or wishes to remain anonymous when reporting an allegation of misconduct, he or she may call the University's **Confidential Complaint Hotline at (781) 736-4452**. This 24-hour hotline has been configured so that phone numbers for incoming calls are not retained by the system.

**CONFIDENTIAL COMPLAINT PROCEDURE  
QUESTIONS AND ANSWERS**

- 1. An employee believes that fraud may be going on in her lab, and that it may also involve research misconduct. She is concerned that if she complains, the other researchers may attempt to hide or destroy the evidence of their behavior. What should she do?**

She should discuss this behavior with the head of the lab, the department chair or the Associate Vice President for Human Resources and Employee Relations, and describe the actions and inactions that concern her. If it is determined that research misconduct may be occurring, the University's *Research Misconduct Policy and Procedures* will apply.

- 2. An employee believes that his supervisor is harassing him, based on his gender. He is concerned that if he raises the issue, there will be reprisals against him. Should he report this behavior?**

Yes. He should immediately contact the Associate Vice President for Human Resources and Employee Relations, who is the University's Affirmative Action Officer, under the *Non-Discrimination and Harassment Policy*. His complaint will be handled as confidentially as possible. The University will not tolerate retaliation by a supervisor against an employee who makes a good faith allegation under this procedure.

- 3. An employee believes that student aid funds are being embezzled, but she isn't sure how. She is concerned that if she reports the situation, her co-workers will know of her actions. What should she do?**

She should report her concerns to her supervisor or to the Associate Vice President for Human Resources and Employee Relations. If she is uncomfortable coming forward personally, she can call the University's Confidential Complaint Hotline. In that case, she should try to provide as many facts as she can, to allow for effective review and/or investigation.

## CONFIDENTIALITY

Brandeis University requires its community members to observe the highest level of confidentiality with respect to Brandeis information that they may handle about students, colleagues, and other members of the Brandeis community. Such information may include, but is not limited to, employment and student records, payroll figures, financial information, budget determinations, personal data, or donor files. Disclosure of confidential information obtained from Brandeis records is prohibited at any time unless such disclosure is specifically required, such as information provided to the University's auditors or documents produced in connection with a legal subpoena.

The confidentiality of faculty, staff and student employment records, including but not limited to health information, is protected by the University in accordance with state and federal law. In addition, the security and confidentiality of certain financial information provided by individuals to the University is legally protected.

The privacy of student records is governed by the University's policy entitled *Brandeis University Education Records: Statement of Policy and Procedures*, and by federal law, the Family Educational Rights and Privacy Act of 1974 ("FERPA"). All community members who have access to student records of any kind must familiarize themselves with this policy and comply with its provisions.

If a community member is asked to disclose confidential information, he or she should speak with his or her supervisor or the Office of Human Resources and Employee Relations about the proper course of action.

Please direct questions about this policy to the University Controller at x6-4435. To report violations of this policy, please contact the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

**CONFIDENTIALITY  
QUESTIONS AND ANSWERS**

- 1. A staff member receives a call from another Brandeis employee, asking for the home address of a co-worker. What should she do?**

She should decline the request. An employee's home address and phone number should not be released without the employee's consent, unless it is part of an authorized University listing such as a faculty home address list. When in doubt, or in case of emergency, the supervisor or the Office of Human Resources and Employee Relations should be consulted.

- 2. An off-campus caller requests the campus phone number of a Brandeis student. Should this information be provided?**

This information may only be released if it appears in the Brandeis University Directory. Otherwise, it is protected under the Brandeis student records policy.

- 3. A staff member's supervisor is the Principal Investigator (PI) on a number of budget accounts. The staff member maintains the account and budget records for the department. He has been asked by a staff member from another academic department to provide information on a number of transactions affecting one of the accounts. Should he provide the information without further consultation?**

No. Only the PI for that account should answer questions which come from sources other than the central administration. The inquirer should be referred to the supervisor/PI.

- 4. A faculty member receives a call from someone who identifies himself as a potential employer of one of her students. The caller asks for a telephone evaluation of the student. The faculty member has not been told by the student to expect this call. Should the faculty member give the evaluation? If not, what should she say? Does the answer change if the question is about a former student (an alumnus/a)?**

The faculty member should not give out any information about a student or a former student without the student's prior permission. This information is protected both by Brandeis policy and by federal law. The inquirer should be told to obtain the written permission of the student or former student. This permission must be provided to the faculty member before she furnishes any information.

## **CONFLICT OF INTEREST POLICY SUMMARY STATEMENT**

The Brandeis University Conflict of Interest Policy is intended to identify and address potential, apparent and actual conflicts of interest. The premise of the policy is that each member of the Brandeis community has an obligation to act in the best interests of the University, and must not permit outside financial and/or personal interests to interfere with that obligation. The policy is intended to increase the awareness of faculty, staff, students and other Brandeis community members of the potential for conflicts of interest, and to establish a process for managing or avoiding such conflicts.

A conflict of interest can arise when a Brandeis community member or his or her immediate family member has the opportunity to influence the University's business, administrative, academic or other decisions in ways that can lead to personal, family or financial advantage. Thus, a business relationship or a financial relationship with a third party can create a potential, apparent or actual conflict of interest with the University. However, not all interests and financial relationships represent conflicts, and not all conflicts are necessarily forbidden. Please consult the Conflict of Interest Policy for definitions of "business relationship," "financial relationship" and "immediate family member."

Under the policy, the responsibility for avoiding potential, apparent or actual conflicts of interest begins with the Brandeis community member. If a situation arises that could present a conflict of interest, he or she must make full disclosure of the relevant information to the appropriate senior officer. In addition to this self-reporting obligation, certain designated employees are annually required to complete a written disclosure of any potential conflicts of interest. All community members engaged in sponsored research are also required annually to submit a disclosure of their significant financial interests, as defined by federal law.

In the event that a disclosure by a community member reveals a potential, apparent or actual conflict, the responsible senior officer or his or her designee shall review the facts and determine whether a conflict of interest exists. He or she shall determine the appropriate steps to take, and shall attempt to resolve the matter informally and privately with the community member, if possible. If the community member objects to the resolution plan, the senior officer may appoint an advisory committee, which shall include at least three Brandeis community members, to consider the matter. The senior officer may accept, reject or modify the recommendation of the advisory committee and shall make a final determination in writing.

Community members who wish to report a violation of this policy should consult the full policy for guidance. General questions about the policy should be directed to the University Controller, at x6-4435.

**CONFLICT OF INTEREST POLICY SUMMARY STATEMENT  
QUESTIONS AND ANSWERS**

1. **Do the following situations represent conflicts of interest?**
- a. **A scientist uses his Brandeis laboratory to perform research sponsored by a company of which he is the founder and 20% owner.**
  - b. **An employee directs the purchase of supplies or services for the University toward a business in which he or a member of his immediate family has a significant ownership interest.**
  - c. **A faculty member acts as dissertation advisor to a graduate student on a research project, proposed by the faculty member, that the faculty member expects to enhance the value of a company in which the faculty member has a significant ownership interest.**

Yes, and they will not be permitted.

2. **Do the following situations represent conflicts of interest?**
- a. **A scientist who is a member of a company's scientific advisory board conducts research sponsored by that company.**
  - b. **A researcher consults in the area of her professional expertise for a company that also makes a gift to support research in her department at Brandeis.**
  - c. **An employee maintains a home-based business, working on weekends for non-Brandeis clients. He is asked to perform services as a consultant on a Brandeis project in a different office.**

Each of these situations creates an apparent conflict of interest, which may be permitted after the appropriate disclosures and approvals.

3. **A faculty member performs research that has attracted the interest of a for-profit company. This company wishes to employ the faculty member as a consultant, receive advance information about her research, and obtain "first refusal" rights to license any inventions arising from that research. Is this a conflict of interest?**

This is an apparent conflict of interest, which may be permitted after the appropriate disclosures and business arrangements are made to protect the faculty member's and the University's business and intellectual property interests. A confidentiality agreement will be necessary, for intellectual property reasons and also to emphasize that the purpose of a consulting agreement between a Brandeis researcher and a company is to provide the company with top-level scientific thinking, not simply with a pipeline to the results of Brandeis research.

## **COPYRIGHT INFRINGEMENT**

Brandeis University respects the ownership of copyright, which is protected by federal law. All members of the University community, including faculty, staff, and students, are expected to understand and comply with Brandeis policy, the relevant copyright laws, and the provisions of any and all licensing agreements that apply to the use of software, printed and electronic materials, and computer network resources.

Copyrighted materials may include books, pamphlets, articles, and other written works; video productions, sound recordings, and other multimedia; and electronic materials, graphics, photographs, digitized works, and software.

Members of the University community should be aware that copyrighted material may not be used without the permission of the copyright holder, with certain limited exceptions. One of these exceptions is "fair use," under which materials may be used under some circumstances for such purposes as teaching, scholarship, and research. The determination of whether a particular use qualifies as "fair use" is highly fact-specific, including such considerations as: whether the use is commercial or for non-profit educational purposes; the nature of the copyrighted work; the amount and substantiality of the portion used; and the effect of the use on the potential market for or value of the copyrighted work.

Members of the University community should understand that use of a copyrighted work, for commercial purposes or in ways that could affect commercial value, is generally not acceptable without permission from the copyright holder. In particular, the sharing of computer files containing copyrighted music, motion pictures, or other works does not ordinarily constitute "fair use," and such unlicensed file-sharing violates the University's computer use policy. The Brandeis University Libraries have adopted a specific policy for the use of its reserve collections.

Questions on fair use, classroom guidelines, and other copyright matters should be directed to the Associate University Librarian, at x6-4647. To report violations of this policy, please contact the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

## **COPYRIGHT INFRINGEMENT QUESTIONS AND ANSWERS**

- 1. Is a member of an academic community, such as Brandeis, allowed to duplicate copyrighted documents, graphics, and photographs without the permission of the copyright holder?**

No. The unlicensed duplication of entire documents, graphics or photographs, or substantial portions of such works, without permission is prohibited except in special cases that may constitute fair use.

- 2. Is a member of an academic community allowed to duplicate musical works or video recordings without the permission of the copyright holder?**

No. The unlicensed duplication of musical works or video productions, including duplication through "file sharing," is prohibited except in special cases that may constitute fair use. The University has entered into license agreements with several organizations representing copyright holders (such as ASCAP), which allow educational use and performance by faculty and students of many copyrighted works; however, those agreements do not permit copying.

- 3. Do faculty members need to get copyright permissions when preparing a course pack? How about making a few copies of a newspaper or journal article for students right before class?**

Preparation of a course pack without permission from the copyright holders of each section or component of the course pack is prohibited. However, making "last-minute" copies for classroom use may be permissible, if guidelines for brevity, spontaneity, and cumulative effect are met. The Libraries can provide guidance on these situations.

- 4. How about duplication of articles from electronic subscriptions that are offered through the Libraries?**

Use of the Libraries' electronic subscriptions in ways that are inconsistent with the terms of the license agreement between the copyright holder and the University is prohibited. These terms are set forth in the Libraries' subscription materials, and must be strictly observed. Please consult the Libraries for details.

## **EMPLOYEE AND CONTRACTOR EMPLOYEE STATEMENT OF PRINCIPLES**

Brandeis University recognizes the importance and dignity of each Brandeis employee and each contractor employee. The University will actively strive to uphold the following principles, to the best of its ability:

- Every employee and contractor employee, directly or indirectly, plays a vital role in the University's academic and research mission. Anyone who works at or for Brandeis has the assurance that employees will be selected, retained and promoted on the basis of qualifications and job performance and/or in accordance with applicable collective bargaining agreements regardless of sex, sexual identity or orientation, race, religion, color, national origin, disability, genetic information, veteran status or age, as defined by law.
- Capable, dedicated employees and contractor employees are Brandeis's greatest assets. Brandeis is committed to the pursuit of excellence in the quality of work life of its employees and contractor employees.
- The University has the responsibility, rooted in its foundational pillar of social justice, to offer competitive and equitable wages and benefits in an environment that encourages self-development, job satisfaction, and safe working conditions. In addition, the University complies with the National Labor Relations Act with respect to unionization and labor/management relations. The University is committed to contracting only with those companies that share this philosophy.
- Open communication among employees at all levels is the cornerstone of positive, constructive work relationships and the foundation of mutual trust and respect. Each employee and contractor employee should be encouraged to engage in direct, honest discussion with his or her supervisor or manager and/or through the terms outlined in applicable union collective bargaining agreements.
- In order to create a positive working and living environment for the entire Brandeis community, University employees and contractor employees, students, faculty and administrators can best fulfill their special responsibilities to the University through open dialogue, mutual support, transparency and cooperation.

This Statement of Principles is reflected in the University's human resources policies and in its contracts with contractors and other outside vendors.

**EMPLOYEE AND CONTRACTOR EMPLOYEE  
STATEMENT OF PRINCIPLES  
QUESTIONS AND ANSWERS**

- 1. A staff person has a disagreement with a co-worker, and is treated in a way that he feels is demeaning to him. What should he do?**

He should speak immediately with his supervisor, to describe the incident and discuss options for resolving the disagreement and establishing a respectful and honest working environment. If the conduct falls within the University's Equal Employment Opportunity, Affirmative Action, Non-Discrimination and Harassment policy, the provisions of that policy will apply.

- 2. An employee has a concern that she cannot speak with her supervisor about; what should she do?**

Brandeis has a very active Human Resources and Employee Relations Department whose job it is to work with employees, both union and non-union, regarding work-related questions, problems, and concerns. Employees may meet with members of the Human Resources staff privately for assistance with policy questions, benefits, and for help with a wide range of issues including conflicts with managers, co-workers, policy disputes, harassment and discrimination concerns, and the like. The Office of Human Resources and Employee Relations can be contacted by calling 781-736-4469.

- 3. Can an employee speak with Human Resources in confidence?**

The Human Resources staff can help employees to explore their options for resolving workplace issues. In most cases, these conversations can be kept confidential. However, if the situation raises concerns that require prompt action (for example, safety or legal issues), Human Resources staff may need to inform others. In any event, Human Resources will attempt to keep the situation as confidential as possible.

## **EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, NON-DISCRIMINATION, AND HARASSMENT SUMMARY STATEMENT**

### **Equal Employment Opportunity**

Brandeis University provides equal employment opportunity for all qualified applicants and employees without regard to race, color, sex, sexual orientation, religion, gender, national origin, age, genetic information, disability, or status as a Vietnam-era veteran, qualified disabled veteran, or other eligible veteran with respect to recruitment, compensation, benefits, hiring, training, promotion, transfers, layoffs, and all other terms and conditions of employment. Employees are selected, retained, and promoted solely on the basis of qualifications and job performance in relationship to the duties and responsibilities of the position.

### **Affirmative Action**

To further the principles of equal employment opportunity, Brandeis maintains an Affirmative Action Program that actively seeks qualified female and minority applicants for positions where there is demonstrated under-utilization of women and/or minorities.

### **Non-Discrimination and Harassment**

In addition, Brandeis is committed to non-discrimination in recruiting, hiring, training, compensation, benefits, promotions, transfers, or Brandeis-sponsored activities of any kind, including student activities. Brandeis will not tolerate discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, gender, national origin, age, genetic information, disability, or status as a Vietnam-era veteran, qualified disabled veteran, or other eligible veteran or any other legally protected status. Brandeis prohibits retaliation against an individual for making a complaint in good faith or for assisting in an investigation.

### **Reporting Complaints**

The Associate Vice President of Human Resources and Employee Relations or his or her designee should be contacted at x6-4464 to report an Affirmative Action, discrimination, or harassment concern against a staff or faculty member or a student acting in an instructional capacity.

Discrimination and harassment concerns regarding undergraduate and graduate students should be reported to the Assistant Dean of Student Life and Section 504 Coordinator, at x6-3546.

Please direct any questions about this policy to the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

## **EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, NON-DISCRIMINATION, AND HARASSMENT SUMMARY STATEMENT QUESTIONS AND ANSWERS**

### **1. What is the goal of affirmative action?**

The goal of affirmative action is to reach as broad and diverse a population as possible when advertising and recruiting for a position, and to provide a welcoming campus community for all employees. Employment efforts may include advertising in certain publications and working with particular agencies and organizations. A hiring manager must always hire the most qualified candidate without regard to race, color, sexual orientation, religion, gender, national origin, age, genetic information, disability, or status as a Vietnam-era veteran, qualified disabled veteran, or other eligible veteran.

### **2. An applicant's resume reveals membership in a particular religious sect. The hiring manager has different religious beliefs. Can the manager decide not to hire this candidate based on his or her religious affiliation?**

No. Hiring managers may not ask candidates about their religious beliefs or religious affiliations, or make hiring or other employment decisions on this basis. Interviews must focus on job-related skills only. Asking questions or making a determination on the basis of race, color, sexual orientation, religion, gender, national origin, age, genetic information, disability, or status as a Vietnam-era veteran, qualified disabled veteran, or other eligible veteran is illegal.

### **3. If an employee raises a complaint regarding sexual harassment to a supervisor or manager and wants the complaint kept confidential, can the manager agree to do so?**

No, although the situation should be handled as sensitively as possible. The law requires Brandeis to take prompt effective action when the University is on notice of an employee's complaint of sexual harassment. However, Brandeis will keep the complaint as confidential as possible and will only involve those with a need to know. In addition, individuals who make complaints of discrimination or harassment in good faith are protected from retaliation.

## **FAIR VENDOR RELATIONS SUMMARY STATEMENT**

Brandeis University's policies and procedures on procurement and vendor relations are set forth in the Brandeis University Purchasing Policy Manual, which should be consulted for more information.

All Brandeis community members should apply the highest standards of business ethics and conduct in their relations with suppliers. When making decisions affecting suppliers, Brandeis community members must not obligate either themselves or the University to a supplier without appropriate authorization. In conducting business with suppliers, community members are expected to act fairly and objectively and in the best interests of the University.

All Brandeis community members are expected to negotiate with vendors in good faith. Bid procedures should be followed unless determined to be impractical by the Executive Vice President and Chief Operating Officer or his or her designee. Guidance on proper bid procedures can be obtained from Procurement Services.

In cases where the appropriate Procurement Representative is not handling communications with suppliers, community members should consult with Procurement Services for assistance.

Please direct questions about this policy to the University Controller, at x6-4435. To report violations of this policy, please contact the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

## **FAIR VENDOR RELATIONS QUESTIONS AND ANSWERS**

- 1. A faculty member conducts a formal bid process for lab equipment. When she receives the bids, she sees that the supplier she prefers is the higher bidder. Can she share the pricing from the lower bid with the preferred supplier, even though it's stamped confidential, so that the supplier can re-submit the bid?**

No. Bids are considered confidential. Under these circumstances, a vendor's pricing should not be shared with another supplier. Once bids are received, they should be evaluated in a fair and open process. If the specifications on the request for bid were clear and each supplier was required to submit its best pricing, then the project must be awarded to the lowest bidder.

It is possible, however, to rebid the item with all of the suppliers to attempt to obtain more favorable pricing. It is recommended that Procurement Services be consulted prior to obtaining bids, to help structure the bid specifications to assure competitive pricing.

- 2. A department has an immediate need for a piece of equipment that will enable research to continue. May the order be placed over the phone to expedite delivery, even though the Purchasing Policy Manual states that a purchase order (PO) is required?**

No. Brandeis's purchase order contains many terms and conditions to protect the University in case a dispute arises between the requisitioner and the vendor. Without a purchase order, the University may have no remedy with the vendor. Procurement Services staff should be contacted immediately to expedite ordering of the equipment.

- 3. A researcher needs to make a purchase. Only one vendor is available to supply this particular item. Is it okay to negotiate the price?**

Yes, the price may be negotiated with the vendor. There are times when the bid process cannot be used. When this occurs, prices must be negotiated. The Procurement Services staff can offer guidance on how to successfully negotiate a purchase.

- 4. Are the procurement rules different if the equipment is being purchased with federal grant funding rather than with University funding?**

No. Under the relevant federal regulations, the University is required to adhere to its fair vendor policies with respect to sponsored research.

## **GIFT ACCEPTANCE POLICIES SUMMARY STATEMENT**

Brandeis University's policies and procedures regarding gift acceptance are set forth in *Brandeis University Gift Acceptance Policies*. Below is a summary of those policies, which are intended to assist Brandeis community members who are involved in soliciting gifts to the University.

All members of the Brandeis University community, including trustees, senior officers, deans, directors, faculty, staff, and students are required to adhere to the *Gift Acceptance Policies*.

No member of the community may solicit funds from third parties without the approval of the Senior Vice President for Institutional Advancement, in accordance with the *Gift Acceptance Policies*. Solicitation of gifts for Brandeis or for any Brandeis function, including student activities, may only be done for approved purposes and in coordination with all University offices involved. The President is ultimately responsible for the acceptance of all gifts to the University.

Community members who wish to report a violation of this policy should contact the Senior Vice President for Institutional Advancement, at x6-4002. To seek guidance on the authorization of gift acceptance, documentation required for gifts, definitions relating to various types of gifts, and specific responsibilities of community members as they relate to gift acceptance, community members should consult the full policy. General questions about the policy should be directed to the University Controller, at x6-4435.

**GIFT ACCEPTANCE POLICIES SUMMARY STATEMENT  
QUESTIONS AND ANSWERS**

- 1. A faculty member is seeking to establish a new academic Center in her related field. Given budget constraints, University resources will not be available for this purpose. The faculty member has contacts outside the University, who have indicated that they would be willing to contribute funds for a Center. Can the faculty member solicit gifts from these individuals?**

No solicitation may be made without the approval of the Senior Vice President for Institutional Advancement. In addition, academic priorities are established each year in consultation with the Provost and Senior Vice President for Academic Affairs and the Executive Vice President and Chief Operating Officer. If the Center referenced above has not been identified as an academic priority, then the fundraising must be formally approved in advance, in accordance with the *Gift Acceptance Policies*.

- 2. A donor has indicated that he will make a significant gift to Brandeis over a period of five years. However, as a condition of the gift, he would like to ensure that his grandchildren are admitted to Brandeis. Can the University accept this gift with the specified condition?**

No. The University cannot accept a gift that is contingent upon the acceptance of any applicant to Brandeis.

## **GIFTS AND ENTERTAINMENT**

Gifts made to University community members may be in the form of entertainment, social invitations, sporting events, favors, personal property, services, or discounts. Gifts from vendors, contractors, and others conducting business with Brandeis are most often given with the intent to influence a business decision. It is the obligation of the Brandeis community member responsible for a business relationship to handle gifts properly and in accordance with University policy.

Community members (and family members of community members) may not accept gifts of more than a token or nominal value (generally, \$100 or under) from a supplier or vendor under any circumstances. Community members must refrain from accepting gifts of any value when the gifts give the appearance of impropriety.

University policy prohibits the offering of a gift or entertainment by a Brandeis community member that could in any way be construed as wrongfully or unfairly attempting to influence a decision that will benefit either the University or a community member. All reimbursable entertainment should be identified on expense reports and is subject to supervisory review. The supervisory review should include a determination that expenditures are in conformity with the letter and spirit of University policy.

The supervising dean, director, or vice president should be consulted concerning the appropriateness of accepting or offering gifts or social invitations. Please direct questions about this policy to the University Controller, at x6-4435. To report violations of this policy, please contact the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

## GIFTS AND ENTERTAINMENT QUESTIONS AND ANSWERS

- 1. A student gives a faculty member a gift at the end of the semester. Grades have not yet been turned in to the University Registrar. The gift is worth less than \$20. Should she accept it?**

The value of the gift is *de minimis* or immaterial, so it is permissible to accept the gift. If the value of the gift is unknown or suspected to be significant (over \$100), it may give the appearance of impropriety and the gift should not be accepted.

- 2. One of the University's vendors is introducing a new product. Training about this product is being offered for the vendor's clients at an out-of-town location. The vendor is paying for the airfare to that location for all of its clients. Should this airfare be accepted?**

It is not unusual for vendors to conduct training concerning their products as part of their ongoing delivery of service. A once-a-year event that is directly related to the vendor's services would be permissible. Frequent out-of-town travel paid by the vendor may give the appearance of influencing the ongoing services performed by the vendor, and is therefore not permissible.

- 3. One of the University's vendors offers its Brandeis contact person tickets to two major sporting events. In one instance the tickets are worth under \$100, and in the other instance the tickets are worth between \$500 and \$1,000. Should the employee accept the tickets?**

In the first instance, the value of the tickets under \$100 is relatively immaterial and the game is a one-time event, so it is permissible to accept these tickets. In the other instance, the value is well over \$100 and could give the appearance of influencing a business decision to use that vendor. Therefore, the higher-value tickets should not be accepted.

- 4. Several students are helping to arrange amusement park rides, games, and fireworks for a Student Activities event on campus. A vendor offers the students free admission tickets to a local amusement park or dinner at an expensive restaurant in Boston. Can the students accept these gifts?**

If the admission charge for the amusement park is \$100 or under, the students may accept the tickets. However, the expensive dinners could give the appearance of impropriety, particularly if a large group of students is involved. The students should consult with the Office of Student Life.

## INTELLECTUAL PROPERTY POLICY SUMMARY STATEMENT

Brandeis University's policy and procedures concerning intellectual property are set forth in the *Brandeis Intellectual Property Policy*. Below is a summary of that policy.

Brandeis seeks to encourage creativity and invention among its faculty, students and staff. The scientific, scholarly and artistic activities of the University community sometimes result in inventions or other creations that have commercial value. The intent of the University's Intellectual Property ("IP") policy is to provide a framework for appropriate incentives to stimulate scientific, scholarly and artistic creativity, and also help to assure that IP that is produced at the University will be developed, as appropriate, for the benefit of the creators, University research, and the public.

The IP policy applies to all members of the University community, including faculty, staff, students and all others whose primary academic or employment affiliation is with the University. Under the policy, "intellectual property" includes all inventions, tangible research materials, software (including source code and object code), teaching materials, class presentations, books, electronic or paper documents, multimedia or audiovisual materials, artistic works and photographs.

The policy provides that IP generally belongs to its creator(s), with the following exceptions. The University has ownership rights to IP conceived, discovered or reduced to practice during the creator's term of association with the University or within six months after the association ends, if one of the following is true. Each of these circumstances is further described in the policy.

- (i) Development was funded as part of a sponsored research agreement;
- (ii) the creator was directed by the University to develop the IP, and has agreed that the IP will belong to the University;
- (iii) the IP was developed by an employee (other than students and faculty) in the course of his or her employment duties; or
- (iv) the IP was otherwise developed with substantial University resources.

The policy also contains provisions on disclosures of IP; waivers of University rights to IP; distribution to creators and the University of income arising from IP; rights and obligations of creators and the University; the creation of an Intellectual Property Review Committee; and other important terms.

Community members who wish to report a violation of this policy should consult the full policy for guidance. General questions about the policy should be directed to the Provost and Senior Vice President for Academic Affairs, at x6-2101.

**INTELLECTUAL PROPERTY POLICY SUMMARY STATEMENT  
QUESTIONS AND ANSWERS**

- 1. A faculty member whose research is supported with external grant funding makes an unanticipated invention while performing basic research in her lab. Several research staff members assisted her with the procedure. She would like the invention to be patented, if possible. What should she do?**

The faculty member should disclose the invention to the Office of Technology Licensing under the procedures outlined in the *Intellectual Property Policy*. The research staff members who assisted her may be entitled to shares of income in the invention, based on their respective roles. The faculty member should discuss the matter with them and make the appropriate notations on the disclosure form before it is submitted to the University. The University, in consultation with the faculty member, will determine whether the invention must be disclosed to the grant funder.

- 2. A faculty member develops Web-based Teaching materials with the assistance of a special grant from the University. Another institution contacts him and expresses interest in purchasing or licensing a set of the materials for use by its faculty. Can the faculty member enter into an agreement with the other university?**

The faculty member should disclose this situation to the Office of Technology Licensing. Under the *Intellectual Property Policy*, the University most likely owns these materials; however, both the faculty member and the University have business and intellectual property interests at stake.

## MISCONDUCT IN RESEARCH POLICY AND PROCEDURES SUMMARY STATEMENT

Brandeis University's policy and procedures on research misconduct are set forth in *Brandeis University Research Misconduct Policy and Procedures*. The integrity of a research university and the faculty members and scientists within it should never be in question. Thus, Brandeis and its academic and scientific community are committed to do everything possible to prevent research fraud, unethical treatment of human subjects and animal research or other misconduct in science and research.

It is the policy of the University to take action when scientific or research misconduct or serious deviation from regulatory and ethical standards in the conduct of research, including human subjects and animal research, undermines the integrity of the scientific process and of the research enterprise. Because of concern about the effect that possible research misconduct may have upon the University and its research activities, the research misconduct policy and procedures were developed to prevent, detect and address possible misconduct in the University's research programs. The policy and procedures are intended to create an environment that balances the need to deal firmly and effectively with allegations of possible research misconduct against the need for openness and creativity in the academic and scientific enterprise.

The policy and procedures apply to all research activities conducted under the auspices of the University, whether funded or unfunded. The policy applies to any individual paid by, under the control of, or affiliated with the University, such as faculty members, scientists, post-doctoral fellows, trainees, technicians and other staff members, graduate and undergraduate students, guest researchers or collaborators at the University, and all those utilizing the University's research boards for review of their research protocols.

Research misconduct means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within and/or applicable to the academic and scientific communities for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data, or of regulatory and ethical standards. Misconduct includes significant departure from applicable University policies and research board directives on the appropriate and ethical conduct of human subjects and animal research.

The University will follow the procedures described in the *Research Misconduct Policy and Procedures* in response to allegations of research misconduct. In situations involving academic dishonesty by students, the applicable policy is *Rights and Responsibilities*, which governs student behavior. Community members who wish to report a violation of this policy should consult the full policy for guidance. General questions about the policy should be directed to the Vice President for Research, x6-2102.

**MISCONDUCT IN RESEARCH POLICY SUMMARY STATEMENT  
QUESTIONS AND ANSWERS**

- 1. A faculty member visits the lab of a colleague to pick up some research materials. While looking for the materials, the faculty member notices several lab notebooks which appear suspicious to him, as if they have been doctored. He wonders if the scholar's research has been falsified or fabricated, and if so, by whom. What should the faculty member do?**

The faculty member should bring the matter to the attention of his department chair. The faculty member and the department chair should discuss the situation and consult *Policies and Procedures for Responding to Allegations of Misconduct in Research*, to consider whether an allegation of research misconduct should be initiated. The concerns of the researcher and his co-workers, along with the interests of the University, must be respected.

- 2. A faculty member and two students work on a research project together, and decide to publish the results. Just before publication time, the faculty member decides that one section of the paper should be omitted, since several weaknesses have been discovered in the analysis. The student who performed the research for that portion of the paper complains, since his contribution has been reduced. He tells the faculty member that he will allege research misconduct on her part. What should she do?**

The faculty member should discuss the matter with the student, describe how the decision was made, and explain that differences of opinion may occur in carrying out and reporting research that are not considered research misconduct. Under the Brandeis policy, research misconduct is defined as fabrication, falsification or plagiarism in proposing, performing, or reporting research. A disagreement among authors over inclusion or exclusion of a particular line of argument, which does not involve plagiarism, does not fall into this category.

## MISUSE OF UNIVERSITY ASSETS

NOTE: This policy does not govern scientific misconduct or the theft of intellectual property, which are addressed in, respectively, the *Research Misconduct Policy and Procedures* and the *Copyright Infringement Policy*.

Brandeis University requires its community members, including faculty, staff, and students, to protect University funds and property under their control from fraud, embezzlement, theft, loss, and misuse. This protection mandates vigilance in safeguarding individual University assets, along with the development of routine office and departmental procedures to reduce the opportunity for fraud or other similar misconduct.

Examples of fraud, embezzlement, theft, loss, and misuse include, but are not limited to, dishonest financial reporting, falsification of expense or travel reports, misrepresentation in worker's compensation or insurance claims, kickbacks, bid rigging in procurement, property damage, personal use of University funds, equipment, and supplies, and misuse of University checks, credit cards, or procurement cards.

Allegations of fraud or other similar misconduct will be investigated by designated Brandeis officials. If it is determined that violations of Brandeis policy have occurred, disciplinary action may be taken, up to and including suspension or immediate termination of employment under the relevant Brandeis policies. In addition, if warranted, the University may make appropriate referrals to the criminal justice system.

The University is committed to the prevention of retaliation against Brandeis community members who make good-faith allegations of fraud or other misconduct. Please consult the Confidential Complaint Policy for further details.

**No Brandeis community member shall knowingly alter, destroy, mutilate, conceal, cover up, falsify or make a false entry in any record, document or tangible object with the intent to impede, obstruct or influence any federal investigation or administrative matter. Such actions may lead to criminal prosecution and/or disciplinary action.**

Please direct questions about this policy to the University Controller, at x6-4435. To report violations of this policy, please contact the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

## **MISUSE OF UNIVERSITY ASSETS QUESTIONS AND ANSWERS**

- 1. A staff member finds out that his supervisor is purchasing personal items with a University account. What should he do?**

He should contact the Associate Vice President for Human Resources and Employee Relations. This behavior could be considered fraud, and could subject the supervisor to disciplinary and possible criminal action.

- 2. A staff member notices that a co-worker occasionally submits false travel receipts or takes office supplies home with her. What steps should she take? Should she confront the co-worker?**

The staff member should talk to her supervisor immediately about the situation. The supervisor will consult with the Associate Vice President for Human Resources and Employee Relations to determine the appropriate next steps.

- 3. A faculty member suspects that there is fraud going on in his department, but would rather not use his name in reporting it. What should he do?**

He should consult the Confidential Complaint Policy for the University's guidelines on reporting allegations of misconduct.

- 4. A student finds out that the president of her student group is using the group's funds to pay for personal expenses. What should she do?**

She should talk with the Dean of Student Life immediately. The Dean will consult with the Associate Vice President of Human Resources and Employee Relations to determine the appropriate next steps.

## **PROPER ACCOUNTING**

Brandeis University follows Generally Accepted Accounting Principles (GAAP) for recording transactions and preparing the University's Financial Statements. The University expects each member of the Brandeis community, including faculty, staff, and students, to safeguard University assets and resources by adhering to sound business practices and University accounting policy as summarized in the six policy statements that follow. All community members who handle University funds must comply with these policy statements.

The Controller's Office is responsible for ensuring the overall accuracy and integrity of the financial data used to compile the University's financial statements. The Controller's Office should be consulted on any matters that relate to accounting policies and procedures.

All University cash receipts should be deposited promptly and the corresponding revenue recorded in a timely manner. All expenditures for goods and services should be recorded when the expense is incurred, not necessarily when it is paid. Recording revenue and expense in the appropriate accounting period is particularly important at the end of the fiscal year (June 30). An annual memorandum from the Controller communicates year-end deadlines and provides guidance on year-end issues.

All transactions recorded in the financial accounting system should be timely and have a business purpose. No transaction or its documentation shall deliberately be altered or submitted incompletely so as to mislead or obscure the intended purpose of the transaction.

The use of University assets and funds for unlawful or unauthorized purposes is prohibited.

All University bank accounts must be recorded in the University's accounting system. Unrecorded or undisclosed bank accounts held by an individual or department on behalf of Brandeis University are prohibited.

A "responsible person," usually the department chair, principal investigator, or departmental administrator, has been assigned to each budgetary unit (also known in the accounting and human resource system as a Dept ID). The responsible person is expected to verify the accuracy and completeness of all transactions appearing on the monthly departmental and grant reports and to propose timely corrections when necessary.

Please direct questions about this policy to the University Controller, at x6-4435. To report violations of this policy, please contact the Associate Vice President of Human Resources and Employee Relations, at x6-4464.

**PROPER ACCOUNTING  
QUESTIONS AND ANSWERS**

- 1. A staff member collects monies for student activities as one of her job responsibilities. Can she open a checking account and write checks as needed?**

No. Only the University Treasurer and the Executive Vice President and Chief Operating Officer are authorized to open University bank accounts. All amounts collected should be deposited at the University's cashiers office.

- 2. While reviewing the monthly transactions at year-end, a staff member notices that a grant account was charged in error for a department expense. If the amount had been properly charged to the department account, the department would then have exceeded its budget. Can this issue be ignored until the next fiscal year? Can a retroactive charge be made then?**

No. As soon as the error is noted on the grant, a cost transfer (GTX) should be processed to remove the incorrect charge. The responsible person should contact his or her budget manager to resolve the budget overage in the current fiscal year.

- 3. A staff member receives many small checks, and it is not always convenient for him to deliver deposits to the Bursar's Office. Is it alright for him to accumulate these checks and make one deposit each month?**

No. Checks should be stamped with the Brandeis endorsement immediately and deposited with the Bursar as soon as possible. If checks are held, there is an increased risk that they will be lost or misplaced. Prompt deposit of checks also allows the University to act quickly when there are collection issues such as insufficient funds or stop payment orders. Most importantly, the funds must be made available to meet the University's cash and investment objectives.

## **USE OF THE BRANDEIS UNIVERSITY NAME, SEAL, AND LOGOS**

The Brandeis University name, seal, and logos are protected trademarks and may not be used without the permission of the University. In particular, the Brandeis name, seal, and logos may not be used for private, commercial, promotional, or political purposes, or for the advertising of any product or service.

Brandeis faculty, staff, and students may use the Brandeis name in identifying their affiliation with the University. However, in contexts in which there is any potential ambiguity about whether or not a community member is speaking for the University, community members who use the Brandeis name must clearly indicate that their statements are made in their personal capacity, and are not to be attributed to Brandeis University. In particular, members of the Brandeis community must not use the name, seal, or logos of the University in a way that implies official University endorsement of a political candidate or political position.

Please direct any questions or concerns, and report any violations of this policy, to the Office of the Senior Vice President for Communications, at x6-4212.

**USE OF THE BRANDEIS UNIVERSITY NAME, SEAL AND LOGOS  
QUESTIONS AND ANSWERS**

- 1. A vendor to the University asks for the right to use the Brandeis name in connection with the promotion of a certain product. Is this acceptable?**

Generally, no. As a tax-exempt organization, Brandeis may not allow its name to be used in a commercial context or in connection with marketing.

- 2. A student group would like to make t-shirts and sell them, to raise money. Can the Brandeis seal be used on the shirts?**

The student group should consult with the Senior Vice President for Communications. He or she will discuss the situation with the Senior Vice President for Students and Enrollment, as well as with others, to determine the appropriate use of the seal in this context.

- 3. A staff member is working on a political campaign. May she send emails about the candidate to Brandeis listservs or use the interoffice mail to distribute campaign literature?**

No. The Brandeis server, email network, interoffice mail system, and other resources may not be used in connection with the promotion of political candidates or lobbying. Furthermore, a Brandeis community member should make clear, whenever necessary or appropriate, that he or she is acting in his or her personal capacity in working for the candidate and is not acting on behalf of Brandeis University.