



**Yeshiva University**

**FACULTY HANDBOOK  
FOR  
THE MANHATTAN CAMPUSES**

**The Undergraduate Colleges**

**Azrieli Graduate School of Jewish Education and  
Administration**

**Benjamin N. Cardozo School of Law**

**Ferkauf Graduate School of Psychology**

**Bernard Revel Graduate School of Jewish Studies**

**Wurzweiler School of Social Work**

**January 1, 2013**

**Yeshiva University**

**Faculty Handbook for the Manhattan Campuses**

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# **I. THE UNIVERSITY**

## **A. Introduction**

Yeshiva University is an independent institution of higher education chartered by the State of New York and accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools as well as by the appropriate agencies representing the professions. The University offers programs of study at the undergraduate and graduate degree levels.

## **B. Mission**

The mission of Yeshiva University is to bring wisdom to life through all that we teach, by all that we do and for all those we serve. Our vision ennobles students in purpose and enables them in capacity to dream and to fulfill those dreams for self and humankind. Yeshiva University must be a place that makes possible achievement of nobility, where young people can aspire to greatness and learn to contribute to their own development, to the Jewish community, and to society at large.

## **C. Campus Centers**

Yeshiva University is located at the following campus centers:

Wilf Campus  
500 West 185th Street  
New York, New York, 10033

Beren Campus  
245 Lexington Avenue  
New York, New York, 10016

Brookdale Center  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue  
New York, New York, 10003

Jack & Pearl Resnick Campus  
Albert Einstein College of Medicine  
Ferkau Graduate School of Psychology  
1300 Morris Park Avenue  
Bronx, New York 10461

## D. Academic Organization

### i. The Undergraduate Colleges

The University's undergraduate colleges for men, located on the Wilf Campus, are: Yeshiva College, offering BA degrees in the liberal arts and sciences; the Sy Syms School of Business, offering BS degrees in business; the Mazer School of Talmudic Studies; the Isaac Breuer College of Hebraic Studies; and the James Striar School of General Jewish Studies.

The undergraduate colleges for women, located at the Beren Campus, are: Stern College for Women, offering BA degrees in the liberal arts and sciences; the Sy Syms School of Business, offering BS degrees in business.

### ii. The Graduate Colleges

- a. **The Bernard Revel Graduate School, located on the Wilf Campus**, offers graduate work in Jewish Studies leading to Master of Arts, and Doctor of Philosophy degrees. Summer programs are offered through the Harry Fischel School of Higher Jewish Studies.
- b. **The Albert Einstein College of Medicine**, located on the Jack and Pearl Resnick Campus, offers programs leading to the degrees of Doctor of Medicine (M.D.), Doctoral degrees (Ph.D.) in the medical sciences, and M.D. /Ph.D. in the medical sciences. Programs in medical sciences are offered through the College's Sue Golding Graduate Division of Medical Sciences. The Albert Einstein College of Medicine also includes the Belfer Institute for Biomedical Studies.
- c. **The Wurzweiler School of Social Work**, located on the Wilf Campus, offers programs of study leading to the degrees of Master of Social Work and Doctor of Social Welfare.

- d. **The Ferkauf Graduate School of Psychology**, located on the Jack and Pearl Resnick Campus, offers programs of study leading to the degrees of Master of Arts, Master of Science, Doctor of Psychology (Psy.D.), and Doctor of Philosophy (Ph.D.).
- e. **The Benjamin N. Cardozo School of Law**, located at the Brookdale Center, offers programs of study leading to the degrees of Juris Doctor (J.D.) and Master of Laws (L.L.M.).
- f. **The Azrieli Graduate School of Jewish Education and Administration**, located on the Wilf Campus, offers programs of study leading to the degrees of Master of Science and Doctor of Education (Ed.D.).

## E. University Libraries

The Mendel Gottesman Library—a six-story, block-long central library building located on the Wilf Campus—houses one of the world’s great Judaic research collections. The Library’s holdings are particularly strong in the areas of Bible, Rabbinics, Jewish history, Jewish philosophy, and the Hebrew language.

Academic programs at Yeshiva College, the Sy Syms School of Business, and the Wurzweiler School of Social Work are supported by the Pollack Library and Landowne-Bloom Collection, located in the Mendel Gottesman Library building.

Academic programs at Stern College for Women and Sy Syms School of Business are served by the Hedi Steinberg Library, located on the Beren Campus.

The D. Samuel Gottesman Library of Albert Einstein College of Medicine and Ferkauf Graduate School of Psychology at the Resnick Campus supports education and research in the biomedical sciences and psychology.

Serving the Benjamin N. Cardozo School of Law is the Dr. Lillian and Dr. Rebecca Chutick Law Library at the Brookdale Center. It holds extensive legal collections and is the center of student and faculty research at Cardozo.

The University's Special Collections, including Rare Books, Manuscripts, and Archives, are housed in the Mendel Gottesman Library Building. The Rare Books and Manuscripts Division contains several thousand rare volumes, 39 Hebrew incunabula (books printed before 1500), and more than 1,000 literary and historical manuscripts. The Archives document the university's history as well as the activities of important Jewish organizations and individuals.

The University Library system offers access to computer based information through DIALOG, LEXIS, Westlaw (at the Benjamin N. Cardozo School of Law) and MEDLINE (at the Albert Einstein College of Medicine).

## **F. Computing Facilities**

Computing facilities are located at sites throughout the university and include microcomputer laboratories, super-microcomputers, minicomputers, and auxiliary equipment supported by necessary software. Facilities include classrooms equipped with microcomputers and large screen monitors.

## **G. The Museum**

The Yeshiva University Museum is located at the Center for Jewish History, 15 West 16<sup>th</sup> Street, New York, NY.

## II. UNIVERSITY GOVERNANCE

### A. The Board of Trustees and the President

In accordance with the Charter of Yeshiva University, granted in 1897 and amended periodically thereafter by the Board of Regents of the University of the State of New York, the governing body of the University is its Board of Trustees. The Board is a self-perpetuating body that consists of lay men and women. In accordance with its bylaws, the Board elects the President of the University. The President is the chief corporate and executive officer of the University and is *ex-officio*, a member of the Board.

### B. Administrative Boards

The Charter of the University further provides that the Board of Trustees may, when it deems it advisable and in the best interests of the University, establish separate administrative boards for any of the colleges, schools, institutes, and hospitals of the university, and may designate such boards by appropriate names. Each such administrative board is responsible to the Board of Trustees and discharges its responsibilities consistent with its bylaws and with the bylaws of the Board of Trustees.

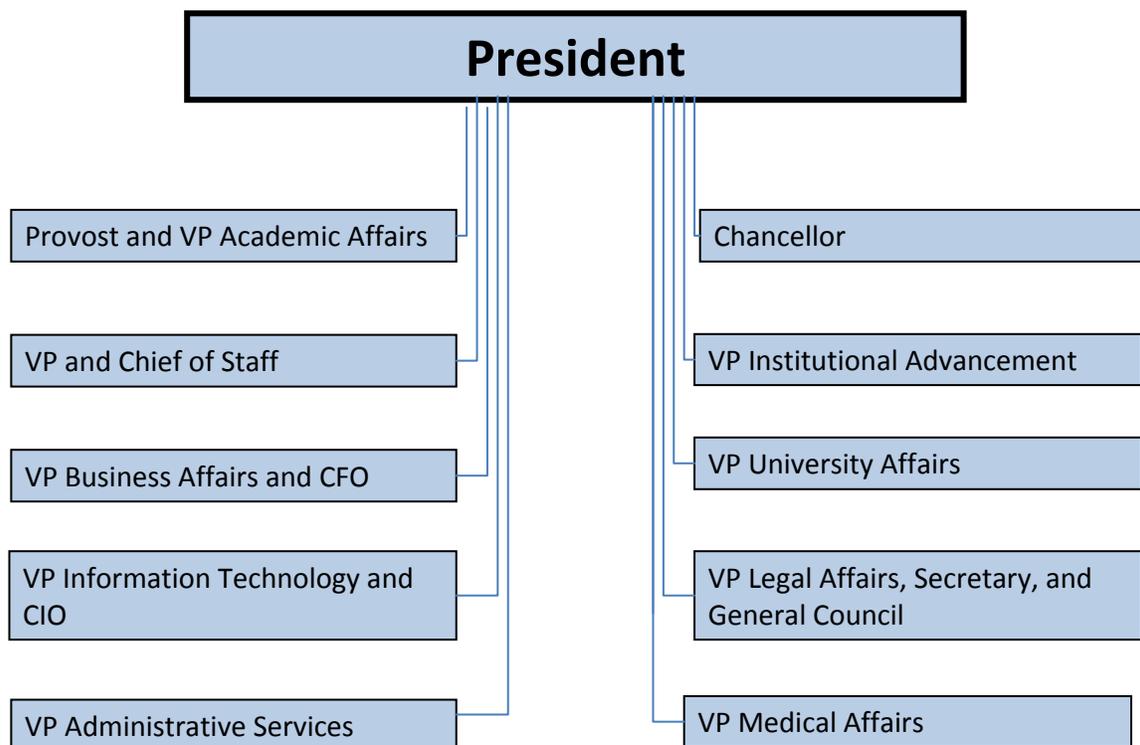
The administrative boards as of the Spring 2011 semester are:

- i. Board of Overseers of the Albert Einstein College of Medicine
- ii. Board of Overseers of the Azrieli Graduate of Jewish Education and Administration
- iii. Board of Overseers of the Benjamin N. Cardozo School of Law
- iv. Board of Overseers of the Ferkauf Graduate School of Psychology
- v. Board of Overseers of the Wurzweiler School of Social Work
- vi. Board of Overseers of Stern College for Women
- vii. Board of Overseers of the Sy Syms School of Business

- viii. Board of Overseers of the Yeshiva University Museum
- ix. Board of Overseers of Yeshiva College
- x. Board of Overseers of the Bernard Revel Graduate School

### C. Organization

Senior management of the University reports to the President as shown in the following organization chart. Deans of each of the University's Schools and Colleges report to the Provost & Senior Vice President for Academic Affairs. As of this date, these positions are held by the individuals whose names appear in the chart below.



#### i. President

The President is responsible to the Board of Trustees and is the Chief Executive and Administrative Officer of the University.

- ii. **Chancellor**  
The Chancellor serves along with the President on the Board of Trustees.
- iii. **Provost and Senior Vice President for Academic Affairs**  
The Provost is the Chief Academic Officer of the University responsible for all faculty and educational matters.
- iv. **Vice President for Business Affairs**  
The Vice President for Business Affairs is the Chief Financial Officer of the University.
- v. **Vice President for Legal Affairs, Secretary and General Counsel**  
This is the University's Chief Legal Officer.
- vi. **Vice President for Information Technology**  
This is the University's Chief Information Officer.
- vii. **Vice President for Institutional Advancement**  
This Vice President is responsible for fundraising and development.
- viii. **Vice President for University Affairs**  
This Vice President is responsible for fundraising and development.
- ix. **Vice President and Chief of Staff**  
The Chief of Staff is Deputy to the President.
- x. **Vice President for Administrative Services**  
This Vice President is responsible for all University supporting services.
- xi. **Vice President for Medical Affairs**  
This is the Dean of the Albert Einstein College of Medicine who advises Central Administration on medical and scientific matters.

xii. **Advisory Groups**

Established by the President occasionally to advise Central Administration.

xiii. **Organized Faculty Bodies**

Organized by the Provost and Deans to formulate the educational program and mission of the University's schools.

### **III. FACULTY GOVERNANCE**

#### **A. Preliminary Statement**

The Board of Trustees and Administration require that the faculty of each of the University's constituent schools develop a faculty governance structure. Every faculty governance structure and related policies and procedures shall address at least the following matters:

- i. Implementation of the University's general education policy and goals together with the appropriate curriculum and procedures of student instruction.
- ii. Development of long-range academic plans.
- iii. Development of budgetary recommendations to the Administration and Board of Trustees.
- iv. Participation of all faculty members.
- v. Election and term of faculty representatives.
- vi. Description of the faculty committee structure, if any.
- vii. Procedures for regular review, update, and amendment of the faculty bylaws.
- viii. Faculty participation in appointments, reappointments, decision not to reappoint, promotions, the granting of tenure, dismissal and the development of standards for promotion and appointments.
- ix. Development of requirements for each faculty rank and its criteria for promotion in rank.
- x. Faculty participation in the evaluation and selection of the Dean.
- xi. Participation in decision-making concerning existing or prospective physical resources.
- xii. Provisions for the dissemination of information to all faculty members.

**xii. Documentation of all deliberations and communication of recommendations to the Provost**

**B. Yeshiva University Manhattan Campuses Faculty Council By-Laws (see [By-laws as amended March 2014](#))**

**i: PURPOSE**

**a.** To enable Yeshiva University to maintain and improve its position as an eminent academic institution, it is essential that the University provide a forum that enables faculty from across the institution to consider and resolve critical governance and educational issues. The Yeshiva University Faculty Council will serve as this forum.

**b.** The faculty has primary responsibility for fundamental areas of governance such as curriculum, including subject matter and methods of instruction, and setting academic standards. The Council shall be the organization through which the various faculty bodies participate in the formulation of university-wide academic policies of Yeshiva University. In addition, the faculty is responsible for advising the President, the Provost, and the Board of Trustees on governance issues of importance to the University. The Council shall discuss all such issues and may vote to make recommendations.

**ii: COUNCIL COMPOSITION**

**a.** The faculty of the Undergraduate and Graduate schools of Yeshiva University (with the exception of the Albert Einstein College of Medicine) will be represented in the Faculty Council. Participating will be the faculty bodies of: Yeshiva College, Stern College for Women, Sy Syms School of Business, Undergraduate Torah Studies, Azrieli Graduate School of Jewish Education and Administration, Benjamin N. Cardozo School of Law, Bernard Revel Graduate School of Jewish Studies, Ferkauf Graduate School of Psychology, and Wurzweiler School of Social Work. The Provost and one representative from the Deans' Council will be regular participants in all general session meetings of the Faculty Council.

**b.** The Yeshiva University Faculty Council for Manhattan Campuses, the governing body of YU faculty, shall consist of representatives apportioned to the schools in proportion to the size of their respective full-time faculty bodies. Each faculty body shall have one Representative for every 15 faculty members, rounded up or down to the nearest full number. Each faculty body shall have at least one Representative, but no faculty body shall have more than five Representatives.

From February 2012, the Council will consist of 23 full-time faculty members, as follows. This should be revisited every three years to take account of changes in faculty composition.

- Yeshiva College: 83 faculty = 5 reps (1:17)
- Stern College: 78 faculty = 5 reps (1:16)
- Sy Syms: 26 faculty = 2 reps (1:13)
- Torah Studies: 38 faculty = 2 reps (1:19)
- Azrieli: 11 faculty = 1 rep (1:11)
- Cardozo: 59 faculty = 4 reps (1:15)
- Ferkauf: 27 faculty = 2 reps (1:13.5)
- Wurzweiler: 17 faculty = 1 rep (1:17)
- Revel 10 faculty = 1 rep (1:10)

**c. Ad Hoc Committees.** The Council may establish and dissolve ad hoc committees as necessary from time to time. Such committees shall report to the Council at the Speaker's request.

**d. Terms of Service.** Members will serve a three-year term. Should a Representative leave before the end of his or her three-year term, an Alternate will be instated.

**e. Alternates.** Each faculty body may designate an Alternate Representative. If any elected Council Representative is unable to attend a Council or subcommittee meeting, every effort should be made to send an Alternate Representative as a substitute. Prior notice should be given to the Secretary of the Council. If an Alternate attends a Council or subcommittee meeting as a substitute for a Representative, that Alternate may vote on any matter pending before the Council or subcommittee.

In addition, Alternate Representatives may, at their discretion, attend any meeting of the full Council, provided that prior notice is given to the Secretary. Unless serving as a substitute, Alternate Representatives may not vote on matters pending before the Council. Alternate Representatives may not serve on subcommittees (except as a substitute for a Representative who cannot attend a subcommittee meeting).

**f. Special Invitations.** The Council may invite the President of the University or any other member of the University administration to attend any meeting of the Council and to provide information as requested.

### **iii: ELECTION OF THE COUNCIL**

**a.** Representatives and Alternate Representatives shall be elected by their peers from within their respective schools.

- b.** All members of the full-time faculty regardless of rank are eligible to serve on the Council and vote for Faculty Council Representatives.
- c.** For the purposes of running for Council and for voting, each faculty member with a joint appointment shall have one appointment that is considered primary. This must be agreed to by the faculty member, the appropriate Chairperson, and the Dean.
- d.** Each institution shall hold elections of Faculty Council Representatives in late spring so that the new Council will be seated in September.

#### **iv: OFFICERS**

**a. Description of Officers.** The Faculty Council will have the following officers: Speaker, Vice-Speaker, Secretary, and Parliamentarian.

1. **Speaker.** The Speaker is the principal Executive Officer of the Council. He or she shall convene and conduct the meetings of the Council and perform such duties as the Council may request.
2. **Vice-Speaker.** The Vice-Speaker shall assist the speaker and shall perform the Speaker's duties in the Speaker's absence. He or she shall prepare the minutes of the Faculty Council Executive Committee.
3. **Secretary.** The Secretary shall be responsible for recording Council meetings, maintaining a file of all resolutions adopted by the Council, and conducting the election for new Officers each year. The Secretary shall also obtain from the Vice-Speaker the minutes from Executive Committee meetings and shall keep a file of those minutes.
4. **Parliamentarian.** The Parliamentarian shall be responsible for the conduct of the Council according to Robert's Rules of Order, Revised.

#### **b. Election of Officers.**

1. Election of Officers shall be held at the beginning of the academic year after the construction of the Faculty Council.
2. The Secretary shall be responsible for conducting the election at a meeting of the full Council.
3. Officers must be elected by a majority vote of those Council members who are present at the meeting at which the election is held.

**c. Terms of Service.**

1. Speaker and Vice-Speaker. Each of these Officers will serve a one-year term. To provide ongoing leadership and continuity, the Council will have a progressive nominating process from Vice-Speaker to Speaker.
2. Secretary. The Secretary shall serve a one-year term.
3. Parliamentarian. Because the Parliamentarian holds special knowledge/skill, he or she shall serve a three-year term. The Executive Committee has the power and option to remove the Parliamentarian by majority vote if there is concern about performance during the three-year term.

**v: COUNCIL MEETINGS**

**a. Frequency.** The Council shall meet at least once per semester. The Speaker may call an extraordinary meeting of the Council at his or her discretion. The Speaker must call a meeting within two weeks of a request by (1) the Provost, (2) the majority of the Council Executive Committee, or (3) a petition signed by ten Council Representatives.

**b. Notice.**

1. Written notice of each Faculty Council meeting, stating the date, time and place of the meeting, shall be distributed electronically not less than 14 days before the meeting.
2. Notice of a special meeting shall also state the purpose or purposes for which the meeting is called, and shall indicate that it is being issued by the person or persons calling the meeting.

**c. Rules.**

1. Meetings of the Council shall be conducted by the Speaker of the Council or, in his or her absence, by the Vice-Speaker, in accordance with Robert's Rules of Order, Revised except as otherwise described in these by-laws.
2. Meetings will be conducted in an atmosphere of cooperation, transparency and mutual respect.

3. All statements made during Council meetings are confidential. The Council may vote to waive confidentiality with respect to specific statements or discussions as it deems necessary to enable it to make recommendations to or otherwise advise the President, Provost, or the Board of Trustees. In discussions between Council Representatives and members of their respective faculties, Representatives may share general information about the issues discussed and the general tenor of the discussion, but shall not attribute particular statements to specific individuals.

**d. Attendance.** The Council may invite representatives of the University Administration (the Provost, Vice-Provost, and Deans of the nine Graduate and Undergraduate schools and University Libraries) to attend meetings. There will be no regular student members, but students can request a meeting with the Faculty Council, and the Faculty Council can invite students to attend meetings.

**e. Minutes.**

1. Minutes shall reflect topics of discussion, motions made, and actions taken. Minutes shall be consistent with the confidentiality policy set forth in 5.3C.
2. Minutes of all Council meetings shall be distributed to the President of the University, the Provost, the Deans and all Council Representatives, and made available to all faculty and students by posting on the Faculty Council website.

**f. Quorum.** A quorum is required to commence and proceed with a meeting. A quorum is a majority of the entire Council body, or 50% plus one.

**g. Order of Proceedings.**

1. The first item at all regular meetings shall be a call for the approval of the minutes of the prior Council meeting.
2. The second item on the agenda shall be the Speaker's report in the following order:
  - (A). Unfinished business, which will include a report to the Council on the development of resolutions adopted by the Council;
  - (B). Report on the meetings of the Council Executive Committee that have occurred in the interval following the previous Council meeting;
  - (C). Any issues or problems considered of interest to or significant for the University.

**h. Voting.**

1. Voting shall be by a show of hands of those present. However, if two Council Representatives so request, voting may be done by secret ballot.
2. A motion will carry if it passes by a majority of those present.

**vi: COUNCIL DUTIES & RESPONSIBILITIES****a. The Council shall:**

1. Make recommendations about prioritizing the various issues facing the Yeshiva University faculty;
2. Invite College and Council subcommittees to report to the Council annually;
3. Suggest modifications of a subcommittee's report to the Council (but may not prevent the presentation of a report to the Council);
4. Make recommendations to the Speaker of the Council for confirmation or modification;
5. Counsel the Provost/President on Dean appointments and on Search Committees;
6. Develop the Council agenda meeting derived from all schools and agreed upon by the Faculty Council Executive Committee;
7. Meet at least once each semester.

b. It is the responsibility of each Faculty Council Representative to arrange and promote discussion and feedback within the faculty body of that member. In engaging in such discussion, Representatives shall honor the confidentiality rule in Section 5.3C.

**vii: EXECUTIVE COMMITTEE OF THE FACULTY COUNCIL**

**a. Membership.** The Executive Committee shall include the Speaker, Vice-Speaker, and one Faculty Council Representative from each undergraduate and graduate faculty body not already represented by the Speaker or Vice-Speaker. Each faculty body may decide how to elect or appoint its Executive Committee Member.

**b. Duties.** The Faculty Council Executive Committee shall:

1. Invite agenda items from Council Representatives;
2. Make agenda recommendations to the Speaker of the Council for confirmation or modification;
3. Serve as a Standing Committee for review of the content and proceedings of the Council meetings;
4. Ensure that the agenda is derived from all participating schools;
5. Meet at least twice each semester.

**d. Meetings.**

**1. Notice.** Written notice of each Executive Committee meeting shall be given not less than seven days before the meeting. Written notice shall include the date, time, and location of the meeting. The Speaker may schedule meetings of the Executive Committee at his or her discretion.

**2. Procedures.** The Speaker shall conduct Executive Committee meetings in accordance with Robert's Rules of Order, Revised except as otherwise described in these by-laws. If the Speaker is absent, the Vice-Speaker shall conduct the meetings.

## **IV. FACULTY APPOINTMENTS**

### **A. Structure of the Faculty**

**The faculty of Yeshiva University include the following groups:**

- i. Tenure Track faculty (including faculty with tenure)
- ii. Faculty not on the Tenure Track, including:
  - a. Full-time Non-Tenure Track faculty
  - b. Research faculty
  - c. Visiting faculty
  - d. Adjunct faculty

### **B. Full and Part-Time Appointments**

- i. Faculty appointments are made by the Provost on behalf of the President upon recommendation of the head of the academic unit<sup>1</sup> in which the faculty member is to have his or her primary appointment. While there may be “secondary appointments,” making the talents of an individual available to more than one academic unit, in most cases a faculty member’s primary appointment is to one academic unit, in which he or she, if holding a tenure track appointment, is expected to fulfill his or her service on faculty committees and other such faculty obligations. The letter of appointment provided to faculty members shall state rank, salary, and general duties. It shall also specify the length of time of the appointment. Full-time appointments are generally for one or more academic years although they may be made for a calendar year or for a semester or session. Full-time appointments are for two semesters’ (fall and spring) teaching each year unless the letter of appointment specifically provides otherwise. Full-time appointments of a lesser duration generally anticipate academic service for the full period of the appointment.

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<sup>1</sup> An “academic unit” is a college, school, institute, or similar academic entity that is degree-granting.

- ii. Faculty appointments will usually be made after consultation with faculty in the units involved in accordance with the procedures developed by those units and approved by the Provost on behalf of the President. The President may propose persons of significant achievement for appointment as University Professors to any academic unit in the University. A University Professor may teach at any academic unit with the approval of the faculty and head of that academic unit.
- iii. Part-time tenure track and part-time tenured positions are permitted by these rules. Any faculty member on tenure track or holding a tenured appointment may request a part-time appointment. Such a part-time tenured or tenure track appointment shall be granted only with the approval of the Provost and the head of the academic unit in which the faculty member has his or her primary appointment. The letter informing the faculty member that his or her request for part-time status has been granted shall state the proportionate reduction of salary and ordinary teaching load appropriate for the specific part-time appointment, the reduction, if any, of service on faculty committees and other such normal faculty obligations, and, for non-tenured tenure track faculty members, the amount of time by which the normal time for tenure consideration has been lengthened.
- iv. Full-time and part-time non-tenure track positions are permitted by these rules subject to the provisions of subsections VI. B. i. and B. ii.
- v. Tenure track faculty members shall be advised in writing at the time of initial appointment of the substantive standards and procedures generally employed in decisions affecting renewal and tenure.
- vi. With the exception of tenured faculty, every person with a full-time, tenure track appointment for two or more years shall be informed in writing before the expiration of such appointment of the renewal or non-renewal of the appointment and, in the event of renewal, of all matters relative to eligibility for the acquisition of tenure. Full-time tenure track faculty members whose appointments are not renewed shall be informed in writing within two weeks of the reasons for non-renewal and the procedures for requesting review within two weeks of receiving written reasons for the non-renewal decision.

- vii. Tenure track appointments will normally be for two or three years, subject to renewal. Written notice that a tenure track appointment of two years or more is not to be renewed shall be provided to the faculty member one year in advance of the non-renewal of appointment. If notice of non-renewal is given in the final year of a multi-year contract, the faculty member shall be offered an additional one-year terminal contract. Faculty members with multi-year tenure track appointments shall be subject to annual review.
- viii. A faculty member with a full-time non-tenure track appointment for two or more years shall be provided notice of non-renewal one year before the expiration of appointment. The notice of non-renewal shall include the reasons for non-renewal and the procedures for requesting within thirty days a review of the non-renewal decision. If the notice of non-renewal is given in the final year of a multi-year contract, the faculty member will be offered an additional one-year terminal contract.

### **C. Faculty Duties**

- i. The University expects that its full-time faculty members shall devote themselves full-time to the service of the University.
- ii. The head<sup>2</sup> of each academic unit shall propose for its faculty, in consultation with faculty, regulations defining full-time faculty load in consonance with the unit's needs and consistent with university standards. These regulations shall be effective upon approval by the Provost on behalf of the President.
- iii. The head of each academic unit may propose regulations that shall permit full-time faculty members to accept work beyond the full-time load. These regulations shall be effective upon approval by the President or the Provost on behalf of the President within the following guidelines:

- a. **Assignments within the University**

When work beyond the normal load is under consideration, preference shall be given, in consonance with the policy

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<sup>2</sup> The term "head" shall be understood to refer to the head of the academic unit, whether designated as "dean" or by some other title.

stated in subsection IV. B. i. above, to additional assignments in the academic units of the University. Any such arrangement shall be made with the consent of the faculty member and advance approval of the heads of all academic units involved and of the Provost on behalf of the President.

**b. Commitments outside the University**

During the academic year, full-time faculty members may not devote more than 20% of their time to outside consultations or assignments without the express written approval of the Provost on behalf of the President.

**D. Faculty Ranks and Promotions – Tenure Track**

- iv. Academic ranks for tenure track faculty members at the University are:
  - a. Assistant Professor
  - b. Associate Professor
  - c. Professor

Where appropriate, ranks may be designated part-time.

- V.** The President may confer upon a faculty member a title such as “University Professor” or “Distinguished Professor” denoting special recognition of scholarly, artistic or academic achievement. A University Professor may teach at any academic unit with the approval of the faculty and head of that academic unit.
- VI.** Each academic unit of the University shall state in writing its requirements for each faculty rank and its criteria for promotion in rank.
- VII.** Each academic unit shall provide for faculty participation in the formulation and in the continual reevaluation of these requirements and criteria.

- VIII. These requirements and criteria shall be circulated among all members of the faculty of that academic unit and shall become effective when approved by the Provost on behalf of the President.
- IX. Each academic unit shall include in its requirements and criteria for promotion in rank a statement of the normal time for service in each rank, taking into account the policy stated in Section F. ii. (Eligibility for tenure) below. Each academic unit shall consider a faculty member for promotion in rank at least once every six years.
- X. A recommendation for promotion shall be made by the academic unit in which the faculty member has his or her primary appointment. The Provost on behalf of the President shall exercise independent judgment and either accept or reject the recommendation. A faculty member who is denied promotion or has not received timely consideration for promotion by his or her academic unit may appeal to the Provost on behalf of the President for consideration. If an appeal is made and is unsuccessful, no further appeal for action by the Provost on behalf of the President may be made for at least two years from the date of any previous appeal.

#### **E. Faculty Ranks and Promotions – Faculty not on the Tenure Track**

##### **i. Full-Time Non-Tenure Track Faculty**

Full-time non-tenure track faculty have primary responsibility in teaching and service. Faculty members in these positions are expected to stay current in their field, but there is not an expectation of substantial continuing scholarly accomplishment. Appointments are made by the Provost upon the recommendation of the Dean. Different titles may be used for these faculty positions as illustrated below. The titles should allow for advancement in rank paralleling the tenure track faculty levels.

##### **a. First level: Instructor, Instructional Assistant Professor, Clinical Assistant Professor**

To be appointed to this rank, an individual should possess

an advanced degree in the relevant area or specific, relevant professional experience. Contracts are for one or two years and may be renewed following a review of performance. The maximum time in rank is 6 years. If the faculty member is not promoted to the next rank by the end of this period, s/he will not be reappointed.

**b. Second level: Lecturer, Instructional Associate Professor, Clinical Associate Professor**

To be appointed to this rank, an individual should generally have at least 5 years experience at the previous rank at Yeshiva University, substantial teaching experience elsewhere, or a substantial record of discipline specific experience. Contracts are generally for an initial three year appointment. Upon successful review and evaluation of performance, the contract may be renewed for a 3-5 year term. There is no limit to the number of reappointments at this rank.

**c. Third level: Senior Lecturer, Instructional Professor, Clinical Professor**

To be appointed to this rank, an individual should generally have at least 10 years of experience in the full-time non-tenure track ranks at Yeshiva University, extensive teaching experience elsewhere, or a record of extraordinary accomplishment in the discipline. Appointments are generally for a 5 year term, but shorter appointments are appropriate if this is the first appointment at Yeshiva University. The appointment may be renewed for additional 5 year terms following a full performance review.

**ii. Research Faculty**

Research faculty have as their primary responsibility the conduct of research, and only incidental responsibility for teaching and service. Research faculty may be appointed at the ranks of:

- a. Research Fellow
- b. Research Assistant Professor

- c. Research Associate Professor
- d. Research Professor

Each unit appointing faculty to the Research Faculty ranks will establish criteria for each rank and for promotion within these ranks.

### iii. **Visiting Faculty**

Visiting faculty appointments may be made by the Provost upon the recommendation of the Dean(s) of one or more college(s). A visiting faculty member will have an administrative home in one of the colleges. Visiting faculty appointments may be made at any academic rank.

- a. Visiting faculty appointments are typically one semester or one year appointments. They may be renewed for up to two years in total.
- b. Visiting faculty members should have permanent positions elsewhere or be between permanent positions.
- c. Visiting faculty are generally tenure track (or tenured) faculty from other institutions or are individuals with high-level discipline specific experience.
- d. Visiting faculty will generally be appointed at the same level as in their home institution, or as appropriate for their level of experience if not from an academic institution.
- e. A visiting faculty appointment may be converted to a permanent faculty appointment through an open search process.

### iv. **Adjunct Faculty**

Adjunct faculty appointments may be made by the Dean of a college at any academic rank. An adjunct faculty member may be appointed by more than one college, subject to the following:

- a. An adjunct faculty member may normally teach no more than 4 courses in an academic year. Exceptions to this require approval by the Dean(s) of the school(s) in which the adjunct faculty member is teaching.

- b. Adjunct faculty appointments must be reviewed at least once per year.

v. **Secondary Faculty Appointments**

A Secondary Faculty Appointment is an appointment to the faculty of a school or department of an individual holding a primary faculty or administrative appointment elsewhere within Yeshiva University. Secondary appointments should be to the advantage of the individual, her/his primary home (academic or administrative) and the school/department making the secondary appointment. Secondary appointments are not tenure track appointments and cannot lead to tenure.

- a. A secondary appointment can only be made with the agreement of the head (Dean or Chair) of the individual's primary home.
- b. A secondary appointment does not connote any specific time allocation to the programs of the appointing unit.
- c. A secondary appointment should not result in supplemental compensation unless the activities of the secondary appointment are in addition to all required activities of the individual's primary appointment.

**F. Statement of Tenure, Appointment and Review Policies**

i. **Preliminary Statement**

These regulations establishing the Tenure and Appointment Policy for Yeshiva University require the approval of the Board of Trustees, which retains the power to amend or modify these policies using the following procedures:

- a. The faculty of any academic unit may submit proposed amendments or modifications to these policies to the Provost. The Provost shall seek the advice of any academic unit potentially affected by a proposal and shall take into account the interests and concerns of each academic unit before making his or her own recommendation to the President concerning the proposed

amendment or modification for such action as they deem advisable.

- b. The Provost may propose amendments or modifications to these policies to the President and shall submit any such proposal to each academic unit and shall include any comments made by any academic unit along with his or her own recommendation to the President for such action as he or she deems advisable.

All amendments and modifications approved by the Board of Trustees shall have an effective date and shall be included, along with the effective date, in the Faculty Handbook.

## **ii. Eligibility for Tenure**

- a. The rank of Associate Professor or Professor shall be a prerequisite or co-requisite for obtaining tenure.
- b. Normally, faculty members who are in their sixth year of appointment or its equivalent or who have been credited with the equivalent of five years of appointment as of the beginning of the academic year will be eligible for tenure consideration.
- c. A faculty member may apply for and be presented for early tenure consideration if the academic unit in which the faculty member has his or her basic appointment believes the faculty member has met its criteria for tenure.
- d. Leaves of absence, other than the privilege of a sabbatical leave, shall not contribute allowable credit toward tenure unless otherwise provided in the letter granting such leave of absence.

## **iii. Tenure Review**

- a. Each academic unit of the University shall state in writing its standards and procedures for the granting of tenure.
- b. Each academic unit shall provide for faculty participation in the formulation and in the continual reevaluation of these standards and procedures.

- c. These standards and procedures shall be circulated among all members of the faculty of that academic unit and shall become effective when approved by the Provost on behalf of the President.
- d. Tenure-track faculty shall be advised in writing at the time of their initial appointment of these standards and procedures.
- e. A preliminary review is an important precursor to reviews for promotion and tenure. Typically, it shall be conducted during the third year of appointment, thus, after two-and-a-half years in the faculty position. It should precede every tenure review, even if the faculty member has been granted credit-in-rank from a prior faculty position. Should the faculty member have been granted a time extension to or stoppage of the tenure clock, the third-year review will be delayed accordingly. Research leaves do not result in such extensions or delays, and thus would not affect the timing of the third-year review.
- f. A recommendation for the granting or denial of tenure shall be made by the academic unit in which the faculty member has his or her primary appointment. The Provost on behalf of the President shall exercise independent judgment and either accept or reject the recommendation.

#### iv. **Denial of Tenure**

A tenure-track member of the faculty who is denied tenure may challenge that denial within thirty days by making a written request to the Provost for a hearing before the Faculty Review Committee.

#### v. **Post-Tenure Review**

- a. The University has instituted a post-tenure review policy to encourage and assist all members of the University community in their professional growth and to contribute to the University's mission of academic excellence in learning, teaching and research. Post-tenure review is intended to enhance each faculty member's professional development by periodically reviewing his/her recent and proposed academic pursuits, working collaboratively to support these

academic pursuits, and determining ways in which to best match the faculty member's academic interests with the research and instructional needs of the department or unit.

- b. Post-tenure reviews are not intended to reexamine the scholarly or academic merits of the individual faculty member. That assessment was already made at the time of the tenure decision and in connection with pre- and post-tenure promotions. Instead, post-tenure review provides an opportunity for individual faculty members, the department and the unit to compare the current academic interests of each faculty member with the needs of the department and unit as influenced from time to time by shifts in academic scholarship and to present an opportunity to make constructive suggestions in the best interest of the faculty and department alike. The University believes that the combination of tenured appointments, promotion reviews and post-tenure reviews will maximize the opportunity to strengthen the professional growth of the faculty member and further the scholarly mission of the University, ultimately leading to greater faculty satisfaction and productivity and to increased morale.
- c. Any faculty member who believes that s/he has been disserved by the post-tenure review process may make a written request to the Provost within thirty days of the review results for a hearing before the Faculty Review Committee.
- d. The procedure for post-tenure review is as follows:
  1. By September 15, the head of each academic unit will forward to the Provost a list of the tenured faculty members in his or her unit who have not been evaluated for promotion during the past five years and are eligible for post-tenure review.
  2. Each faculty member who is eligible for post-tenure review will be notified by October 1 of the date and time of the review.
  3. Reviews of faculty members who are on leave during a year in which they are eligible for post-tenure review will be deferred until their return from leave,

or, at the discretion of the Provost, upon request of the faculty member the post-tenure review may be advanced to the year prior to the leave.

4. If faculty members are considered for promotion in the same year that they are eligible for post-tenure review, then the promotion evaluation will take precedence and the faculty member will not be eligible for post-tenure review for another five years.
5. The review will take place in a meeting between the faculty member and the head of the academic unit. Prior to the review, each faculty member who is scheduled for post-tenure review will provide the head of the academic unit with a current curriculum vitae and a written five-year plan setting forth the faculty member's goals for teaching and research, descriptions of works in progress and presentations scheduled for the year, and any other information relating to academic endeavors in which the faculty member is currently engaged or planning and that the faculty member would like to reference as part of the review.
6. The head of the academic unit and faculty member will review the information provided by the faculty member (including any scholarship, teaching, and presentations) and examine the relationship of these endeavors to the current unit and departmental needs, as indicated by the chair of the department. The faculty member and head of the academic unit will discuss modifications to the five-year plan that will further the faculty member's professional growth and better align with unit and/or departmental needs.
7. After the review, the head of the academic unit will prepare a summarizing memorandum, including any gap between the faculty member's academic pursuits and the needs of the department or unit and any suggestion of modifications relating thereto. The head of the academic unit will provide the faculty member with a copy of the memorandum. Within thirty days of providing the faculty member with the written memorandum, the head of the academic unit

will forward the memorandum and any response prepared by the faculty member within that thirty-day period to the Provost. Both documents will be placed in the faculty member's personnel file.

**G. Termination of Employment of Faculty Members by Resignation or for Cause or for Disability**

- i. A faculty member shall use his or her best efforts to give notice of resignation or retirement by May 15 of the academic year in which the resignation or retirement is to take effect.
- ii. **Termination of Employment for Cause**
  - a. Grounds for dismissal for cause shall include incompetence, immoral character or conduct unbecoming a teacher, neglect of duty, or personal conduct that significantly impairs the individual's fulfillment of his or her institutional responsibilities.
  - b. When the head of an academic unit or other responsible officer of the University has information about or receives a complaint against a faculty member containing allegations, which, if true, would serve as grounds for dismissal for cause, and he or she deems such information or complaint to be substantial, he or she shall make such further investigation as he or she deems appropriate. Should the head of an academic unit or other responsible officer of the University determine that charges should be brought against the faculty member, he or she shall forward such information to the Provost together with his or her recommendations. Should the Provost determine, after making such further investigation as he or she deems appropriate, that further action is warranted, he or she shall cause to be served upon the faculty member concerned a written statement of the charges against him or her.
  - c. Final action shall be taken on such charges after the expiration of twenty days from the date of service of such written notice of charges upon the faculty member charged, unless, during that time, the faculty member has made a written request to the Provost for a hearing before the Faculty Review Committee.

### **iii. Termination of Employment for Disability**

- a. Termination of employment of a faculty member because of disability shall be based upon medical evidence that the faculty member, even with reasonable accommodation, is no longer able to perform the essential duties of the position. The decision to terminate shall be reached only after the head of the faculty member's academic unit and the Provost have made whatever investigation each deems appropriate and they agree that termination of employment because of disability is appropriate. Before a notice to terminate employment is sent, the faculty member concerned, or someone representing the faculty member, shall be informed of the basis of the proposed action and shall be given an opportunity to present the faculty member's position and to respond to the evidence.
- b. Final action shall be taken on a decision to terminate employment because of disability after the expiration of 20 days from the date of service on the disabled faculty member (or that person's representative) of a notice of the decision to terminate, unless, during that time the faculty member (or that person's representative) has made a written request to the Provost for a hearing before the Faculty Review Committee.

### **iv. Termination of Employment of Non-Tenured Faculty**

- a. The termination or non-renewal of the contract of a faculty member who is not tenured or who holds an appointment other than a tenure track appointment shall follow the procedures stated in Section B., subsections vi, vii and viii of this policy. A faculty member who has received a notice of termination or non-renewal of his or her contract may challenge that termination or non-renewal by making a written request to the Provost for a hearing before the Faculty Review Committee.
- b. A tenure track member of the faculty who is denied tenure may challenge that denial by making a written request to the Provost for a hearing before the Faculty Review Committee within thirty days of receiving the notice of denial of tenure.

### **vi. Termination of Employment of Tenured Faculty**

A tenured faculty member shall not be removed except for cause, disability, financial exigency, or discontinuance of a program. The burden of proof in establishing grounds for dismissal rests upon the University.

**vii. Termination of Employment for Financial Exigency**

- a. When termination of employment is based on a bona fide financial exigency at the University, the Administration shall substantiate that basis. When the Administration anticipates that such action may be necessary, the Provost on behalf of the President shall confer with the head of each affected academic unit and representatives of the faculty governance structure of the academic unit involved prior to any reduction in tenured faculty. The head of the academic unit and the faculty representatives shall review proposed termination decisions and shall confirm that a financial exigency within the institution as a whole exists or is imminent and that all feasible alternatives to termination of appointments have been pursued.
- b. In the event of unit or program reorganization that permanently eliminates the position held by the faculty member, the following procedures shall apply: non-tenured personnel of such unit shall be separated from the University before any tenured position shall be affected; tenured faculty members shall be separated in inverse order of their rank; in the event of such departmental reorganization, a tenured faculty member shall be first reassigned to new duties if practicable in the opinion of the Provost on behalf of the President.
- c. A tenured faculty member who suffers loss of employment because of financial exigency shall be considered to be on leave with pay for one year from loss of the tenured position and without pay for one additional year.
- d. The question of whether the termination of employment for financial exigency was based upon valid educational considerations and the existence and extent of the financial exigency may be challenged by one or more of the affected faculty members making a written request within 30 days to the Provost for a hearing before the Faculty Review Committee.

**viii. Termination of Employment Due To Discontinuance of Program or Department**

- a. Termination of tenured faculty positions may occur as a result of the formal discontinuance of a program or department of instruction. The decision to discontinue a program or department shall be based upon educational considerations. The Provost shall include faculty governance regarding such discontinuance decisions, which shall not be based upon cyclical or temporary variations in enrollment.
- b. Every effort shall be made to place faculty members from discontinued programs into other suitable positions. Appropriate training for the new position shall be provided over an appropriate period of time.
- c. In the event no position is available, equitable severance pay shall be provided to the terminated faculty member.
- d. The question of whether the discontinuation of the program or department was based upon valid educational considerations may be challenged by one or more of the affected faculty members by making a written request to the Provost for a hearing before the Faculty Review Committee.

**H. Faculty Review**

- i. Termination of Employment or Imposition of Severe Sanctions for Cause and Termination of Employment for Disability, Financial Exigency, or Discontinuance of Program
  - a. In order to encourage non-litigious resolution, the affected faculty member is encouraged, before making a formal appeal for a hearing to the Provost, to hold informal conversation with the head or heads, in order, of a unit (Chair, Division Head, Dean). If the faculty member wishes to pursue a hearing, she or he will request convening of the Faculty Review Committee within 30 days of a termination notice.

- b. The Faculty Review Committee shall be convened by the Provost within 30 days of receipt of a request of appeal by an affected faculty member, unless the faculty member requests a delay.
- c. The Faculty Review Committee is an elected, standing committee of the university with rotating membership. The Faculty Review Committee shall be composed of five tenured faculty members, and three tenured alternates, all elected by the (elected) Faculty Council. The Provost shall share the proposed committee membership with the affected faculty member and afford him or her the opportunity for two peremptory challenges of the committee membership.
- d. The membership of The Faculty Review Committee serves specific and staggered terms. In the first year of election the two faculty members with the most votes will serve for three years. The three faculty members with the next highest number of votes will serve two years. The next three faculty members with the highest number of votes will serve for one year as first, second and third alternates. After the first year, elections will be held in May for the following year(s) and all members will serve three years. The clock begins and ends June 30 for committee membership, except for hearings which are in progress at that time, for which the prior committee will continue to function, instead of being replaced by the new committee. Members of the Faculty Review Committee may run for and be elected to multiple terms, but with a limit of two consecutive terms. The committee elects its own chair for the year to come in the first week of classes. The chair runs hearings.
- e. Alternates will be called in order, as needed, under three specific conditions. If one of the five members of the committee becomes unable to serve due to illness, a leave, retirement, change of contract, or any other issue which affects a full year of service, an alternate, in order, steps in. *A faculty member in the same department as the affected faculty member will recuse himself or herself from the hearing.* In that case, an alternate steps in.

Finally, if peremptory challenges are made by the affected faculty member, an alternate steps in.

- f. In every case brought before the Faculty Review Committee the University has the burden of establishing the adequacy of cause.
- g. Pending a final decision by the Faculty Review Committee, the faculty member may be suspended only if immediate harm to the faculty member or others is threatened by continuance and after the Administration has consulted with the appropriate faculty body at the faculty member's school. Salary shall continue during the period of suspension.
- h. The Faculty Review Committee, with the consent of the parties concerned, may hold joint prehearing meetings with the parties in order to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate prehearing objectives as shall make the hearing fair, effective and expeditious.
- i. Written service of notice of the hearing shall be made at least 20 days prior to the hearing. The notice of hearing shall state with specificity the issues to be decided by the Faculty Review Committee. The faculty member may waive a hearing or may respond to any or all of the issues in writing before the hearing. If the faculty member waives the hearing but denies the existence of a factual basis for the issues, the Faculty Review Committee shall evaluate all available evidence and rest its recommendation upon clear and convincing evidence in the record considered as a whole.
- j. Hearings are closed to the public.
- k. During the hearing, the faculty member shall be permitted to have an academic advisor as well as counsel of the faculty member's choice. If the faculty member requests to have counsel present, the Administration shall be represented by the University's General Counsel's Office.

- l. The Faculty Review Committee shall grant adjournments to enable either party to investigate evidence. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The faculty member and administration shall have the right to confront and cross-examine all witnesses. The Faculty Review Committee shall not be bound by strict rules of legal evidence and may admit any evidence which it deems of probative value in determining the issues involved. The findings of fact and the decision shall be based solely on the hearing record, and shall be by majority vote.
- m. A verbatim record of the hearing shall be taken and a transcript shall be provided to the faculty member, without cost, upon request.
- n. The parties shall avoid public statements and publicity about the case until the proceedings have been completed.
- o. If the Faculty Review Committee concludes that adequate cause for dismissal has not been established by the evidence in the record it will so report to the President. If the President rejects the report, the President will state the reasons for doing so, in writing, to the Faculty Review Committee and to the faculty member and provide an opportunity for response before transmitting the case to the Board of Trustees. If the Faculty Review Committee concludes that adequate cause for a dismissal has been established but that an academic penalty less than dismissal would be more appropriate, it will so recommend with supporting reasons.
- p. With the exception of dismissal or sanctions related to moral turpitude, the University shall provide the faculty member one year's annual salary as severance pay.

**ii. Adverse Reappointment and Tenure Decisions**

- a. In the event of a decision not to renew an appointment, the faculty member shall be informed of the decision and, upon request within two weeks, be advised in writing of the reasons that contributed to that decision. The faculty member shall also have the opportunity to request within 30 days of receipt of these written reasons reconsideration by the decision making body.
- b. If the involved faculty member believes that the decision was based upon inadequate consideration or that the decision violated academic freedom or resulted from illegal prejudice, the faculty member may request within 30 days that the Faculty Review Committee be convened.
- c. In the appeal of an adverse decision on reappointment brought before the Faculty Review Committee, the burden of proof will rest with the complainant.
- d. The Faculty Review Committee will not substitute its judgment on the merits of the faculty body that made the initial recommendation or decision.
- e. If the Faculty Review Committee determines that the challenged decision was based upon inadequate consideration or that the decision violated academic freedom or resulted from illegal prejudice, the President shall determine the appropriate remedial action.

## V. LEAVES OF ABSENCE

Leaves of absence covered by this policy include vacation, illness (disability), family leave, sabbatical leave, pre-tenure research leave, military service, jury duty and leave of absence without pay.

With the exception of a leave required by law, leaves of absence, whether salaried or unpaid, must be approved in advance by the Provost or his designee. Arrangements must be made by the relevant Dean to provide for the absent faculty member's teaching, research, and administrative responsibilities. This policy pertains only to faculty in the employ of Yeshiva University, except as noted below, who at the time they apply for a leave of absence have held a faculty appointment at the University for no less than six months and were actively employed at the University immediately prior to the time a leave is requested. During an unsalaried leave of absence, the University accepts no responsibility for fringe benefits, including medical coverage, unless otherwise noted below or required by law. A faculty member may be eligible for certain medical coverage at his/her own expense under the provisions of COBRA, and appropriate arrangements should be made with the University Benefits Office to obtain such coverage. Time spent on an unsalaried leave is not considered time worked for any purpose, such as the accrual of time for eligibility for sabbatical leave or vacation.

### **Vacation**

Most faculty members of the Manhattan Campuses are on 9-month contracts paid over 12 months. These faculty members are not entitled to any vacation other than University holidays during the academic year. During the remainder of the year, they have no duties assigned. Faculty members on 12-month contracts are allowed one month of paid vacation each full academic year of service. Vacation time must be scheduled by the faculty member and approved by the department chair at a time compatible with the operating responsibilities of the department. All vacation entitlement must be used within each fiscal year and cannot be extended to a subsequent fiscal year without the written authorization of the appropriate Dean.

### **Temporary Disability Leave (Illness of Employee)**

In the event of a short-term, nonrecurring illness or disability that renders a faculty member temporarily unable to work (including pregnancy), the faculty member is eligible for continuation of existing salary (and benefits).

For total continuous disability that exceeds six months' duration see the Yeshiva University policy for Long-Term Disability. When practicable, the faculty member is to notify the chairperson of his department that a temporary disability leave is necessary, and is expected to cooperate with the department to the fullest degree possible in arranging for the temporary transfer of responsibilities during the period of leave. Certification of illness or disability may be required for any absence.

## **Family Leave**

In accordance with the Family and Medical Leave Act of 1993 (FMLA), effective August 5, 1993, a faculty member employed by the University for at least 12 months may be eligible for up to a total of 12 weeks of unpaid leave during any 12 month period for the birth or adoption of a child or for a serious health condition affecting a family member (spouse, child, or parent) or the individual faculty member. Where the necessity of leave is foreseeable, the faculty member is required to provide the University with at least 30 days' notice, or as much notice as is practicable. If the leave is for planned medical treatment, the faculty member is required to make reasonable efforts to schedule the treatment so as not to disrupt unduly the University's operations. The University may require medical certification to confirm the need for a leave for a serious health condition of a family member or of the individual faculty member. Preexisting health benefits will be maintained during the leave, subject to the University's right to recover the health care premiums it paid during the leave period if the faculty member fails to return. The foregoing shall be interpreted in keeping with the FMLA and the regulations issued pursuant thereto.

Paid leave may be granted on a case by case basis at the discretion of the Provost. Any decisions on whether to grant paid leave will be made in keeping with all applicable laws.

## **Sabbatical Leave**

The purpose of sabbatical leave is to provide an opportunity for faculty members to engage in scholarly, creative, research, or other academic activities that will enhance the faculty member's further contributions to the University.

Sabbatical leave may be granted to faculty members on the payroll of Yeshiva University in every seventh year of their continuous fulltime service. Sabbatical leave privileges apply only to individuals of the rank Assistant Professor or above. The period of service is to be calculated

from the time of his/her first appointment to the faculty with a minimum rank of Instructor. Compensation during the sabbatical leave is either at the rate of the full annual salary for a six-month leave or at the rate of half the annual salary for a twelve-month leave. Full fringe benefits, including medical benefits, continue during sabbatical leave.

Sabbatical leave is granted only after consultation with and approval by the Dean of the School or College in which the faculty member holds primary appointment. The granting of sabbatical leave is predicated also upon the ability of the School or College to arrange appropriate coverage of teaching and administrative responsibilities usually performed by the faculty member. Final approval for sabbatical leave is required in writing from the Provost.

Sabbatical leave may not be used to assume another full-time paid position elsewhere. In order to fulfill the purpose of sabbatical leave, it is expected that the recipient will continue his/her service at Yeshiva University following his/her return for a period equal to that of the sabbatical leave. If a faculty member fails to return to Yeshiva University for a period at least this long, s/he must reimburse Yeshiva University for any salary and benefits received during the sabbatical leave. This expectation would be waived only for reasons of health, disability, or other unusual circumstances.

In the case of individuals granted sabbatical leave and receiving salary from a grant, effort should be made to continue the grant salary during the sabbatical leave, particularly in instances where the leave is to be spent in research activities supported by the grant. In all cases, salary to be paid by Yeshiva University during sabbatical leave is the responsibility of, and is to be budgeted by, the unit in which the faculty member holds primary appointment.

No compensation is to be paid in lieu of taking a sabbatical leave.

### **Pre-Tenure Research Leave**

Faculty members of the Manhattan Campuses, who are appointed to a second multi-year pre-tenure term, are eligible for a one-semester leave prior to being considered for tenure. The purpose of this leave is to afford the faculty member an intensive period of work on his/her research and to enhance the opportunity for publication of scholarly work prior to the tenure decision. The faculty member will receive full pay and benefits during the pre-tenure research leave and must continue to serve the University for one-semester following the leave.

## **Military Service or Training**

Unpaid leaves for military service or training shall be provided in accordance with applicable law.

## **Jury Duty**

Leaves for jury duty shall be granted as required by applicable law. Faculty should request to be deferred until their educational schedule permits jury service. Verification of jury service should be retained and must be produced if requested. Faculty on jury duty will receive full salary and benefits.

## **Unpaid Leave**

An unpaid leave of up to 12 months duration may be granted in exceptional circumstances when, in the discretion of the Provost, granting such leave serves the interest of the University. Such leave must be recommended by the chairperson of the department and approved in writing by the Dean.

## VI. NON-DISCRIMINATION, AFFIRMATIVE ACTION AND UNLAWFUL WORKPLACE HARASSMENT

Yeshiva University has established procedures consistent with its commitment to affirmative action and equal opportunity in conjunction with its “Procedures Regarding Complaints of Unlawful Harassment.” A copy of the Procedures is attached and can be accessed at [www.yu.edu/humanresources](http://www.yu.edu/humanresources) under “Diversity & Affirmative Action.” The University is committed to nondiscrimination and equality of opportunity in employment as well as maintaining a policy of zero tolerance with respect to unlawful harassment in all spheres of academic life.

All University-wide policies and procedures with regard to illegal harassment and Affirmative Action have been established, both as a visible and formal expression of institutional policy and as a legal obligation under applicable law. This policy is designed to ensure that recruitment, hiring, training, promotion, and all other personnel actions (including but not limited to any actions relating to compensation or benefits, and termination) and programs are administered without regard to race, religion, creed, color, national origin or ancestry, ethnicity, sex or gender, sexual or gender identity, sexual orientation or expression, age, physical or mental disability, veteran or disabled veteran status, marital status, pregnancy, childbirth, or citizenship status, (or other characteristics protected under applicable federal, state or local law) as those terms are used in the law. In addition, this policy is designed to maintain a work and academic environment free of harassment and intimidation in keeping with the standard set forth by the Equal Employment Opportunity Commission.

### **Procedures Regarding Complaints of Unlawful Harassment**

Yeshiva University is committed to maintaining an environment for learning and teaching that is free of unlawful harassment. The University has adopted a policy of zero tolerance with respect to unlawful harassment as being antithetical both to the academic values of the University and the need for a work environment that is free from even the appearance of unlawful harassment or coercion. Unlawful harassment in any form is a violation of University policy.

## A. Definitions

### Unlawful Harassment

Unlawful harassment includes harassment based on race, religion, color, creed, age, national origin or ancestry, sex, marital status, physical or mental disability, sexual orientation, or any other basis made unlawful by any applicable law, ordinance, or regulation.

Unlawful harassment may be found in a single episode, as well as in persistent behavior. Sexual harassment is a form of unlawful harassment.

#### i. Sexual Harassment

The Equal Employment Opportunity Commission (EEOC) has developed guidelines that define and describe sexual harassment: "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success,
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals, or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working environment."

Although it may sometimes be unclear where sexual slurs, insults, or even unwelcome sexual jokes actually fall within the definition of sexual harassment, it is clear that such conduct may contribute to a hostile working and learning environment and is unacceptable at Yeshiva. In addition to behaviors that may constitute sexual harassment, consensual sexual relationships between two individuals in a supervisory relationship (e.g., faculty members and their trainees or supervisors and their employees) represent inappropriate

conduct to the extent that even though characterized by mutual consent they may raise ethical concerns due to the potential for sexual exploitation by one of the parties or the possibility of the objectivity of the faculty member or supervisor being compromised.

## **B. Examples**

### **i. Sexual Harassment**

Within the context of the above definition, examples of verbal or physical conduct which may constitute sexual harassment include, but are not limited to:

- a. Verbal comments of an overtly sexual nature, whether in the form of jokes, innuendoes, slurs, or other statements,
- b. The use of sexual teaching materials or comments of a sexual nature not relevant to the material being taught or any other academic purpose,
- c. Remarks of a sexual nature about a person's clothing or body,
- d. Remarks speculating about sexual orientation, activity or previous sexual experiences,
- e. Verbal harassment or abuse of a sexual nature,
- f. Failure to provide equal consideration, acknowledgement or access to educational or professional opportunities on the basis of gender,
- g. The display of sexually offensive photographs, drawings, graffiti, computer graphics or programs when sexual content is not justified by an academic purpose,
- h. Non-verbal behaviors of a sexually degrading or offensive nature, such as gesturing, leering or staring,
- i. Unnecessary or unwanted touching, hugging, or brushing against a person's body,

- j. Requests, demands or persistent pressure for sexual favors, particularly when accompanied by offers of rewards or threats of retaliation concerning work, grades, promotions or tenure,
- k. Sexual assault, including rape.

## ii. **Other Types of Unlawful Harassment**

Within the context of the definition above, the following are examples of behaviors which may constitute unlawful harassment on the basis of the protected classes listed in Section A. above.

- a. Epithets,
- b. Slurs,
- c. Negative stereotyping,
- d. Intimidating or hostile acts,
- e. Denigrating jokes,
- f. Display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group,
- g. Failure to provide equal consideration, acknowledgement or access to educational or professional opportunities.

## **C. General Procedures and Guidelines**

Anyone who becomes aware of a complaint of unlawful harassment is obligated to report such complaint to the Office of Diversity & Affirmative Action or a member of the Panel on Unlawful Harassment.

A complaint may be brought either to the Office of Diversity & Affirmative Action or to a member of the Panel on Unlawful Harassment (see E. below) for assistance in understanding available options for dealing with the problem. The complainant will be immediately advised of the policies and procedures of the school for

dealing with unlawful harassment, as described herein, and may choose to proceed with the informal approach (see F. below) or file a formal complaint (see G below). The treatment of complaints will be guided by the following principles intended to protect the rights of all persons concerned.

- i. Every effort will be made, consistent with the need to discharge the University's legal responsibilities, to respect the wishes of the complainant regarding further investigation. A complaint will not be pursued without the complainant's explicit authorization unless the University is legally obligated to do so or it judges the allegations to be serious enough to warrant further action.
- ii. Any attempt to penalize a complainant for initiating a good faith complaint through any form of retaliation is strictly prohibited and will be treated as a separate incident subject to review (see H. below). However, when a complaint is determined to have been initiated in bad faith and/or on a knowingly false basis, such action may be the basis for appropriate disciplinary action against the complainant.
- iii. A complaint should be filed promptly after the alleged incident. Complainants should recognize that as time goes by an investigation becomes more difficult. Memories may become unreliable, and information and witnesses may become unavailable. Promptness in filing complaints is therefore encouraged as it may be essential to proper and fair resolution.
- iv. The procedures outlined in this policy do not apply when a party seeks resolution of a complaint in a court or administrative agency.

#### **D. Office of Diversity & Affirmative Action**

##### **i. Role in Informal Complaints**

Members of the University community may seek advice from the Office of Diversity & Affirmative Action on alternative methods of resolving perceived acts of unlawful harassment. The Office of Diversity & Affirmative Action may provide such advice in an informal manner unless the allegations are serious enough to warrant further action.

ii. **Role in Formal Complaints**

Formal complaints of harassment that may result in disciplinary action must be directed to the Office of Diversity & Affirmative Action. Upon receipt of a formal complaint, the Diversity & Affirmative Action Officer (AAO) will commence an investigation. When the Diversity & AAO judges it to be appropriate, he/she will contact a member of the staff of the Provost and Senior Vice President for Academic Affairs to participate in the investigation in accordance with the procedures outlined in Section G. below. The Provost and Senior Vice President for Academic Affairs will participate in investigations concerning faculty, and the University Dean of Students will participate in investigations concerning students.

In the event that a Hearing Board is appointed (see G. iii. below), the Diversity & AAO will serve as staff to that Board.

iii. **Contact Information**

The Office of Diversity & Affirmative Action is located on the Einstein Campus, 1300 Morris Park Avenue, Belfer Educational Center for Health Sciences, Room 1206, Bronx New York 10461 at the Resnick Campus, Phone: (718) 430-3771, Fax: (718) 430-8783.

**E. The Panel on Unlawful Harassment**

i. **The Charge**

The Panel is appointed by the President and charged to provide advice about possible courses of action available to any member of the University community who feels personally pressured or uncomfortable because of behavior that is perceived as unlawful harassment (see A. above). If the person wishes to pursue an informal resolution of the complaint, a Panel Member can provide a non-adversarial setting in which the problem can be considered or solved through confidential counseling and, when appropriate and acceptable to both parties, mediation between the complainant and the alleged harasser. In the course of such activity, the Panel Member may also assist by clarifying misunderstandings and helping to assure that situations do not occur in the future that may be construed as unlawful harassment.

**ii. Jurisdiction**

Within the principles set forth in Section F. below, Panel Members may receive complaints of perceived unlawful harassment against a faculty member, student, or fellow member of the staff of Yeshiva in which the complainant seeks advice about a problem or assistance in resolving the situation. All employees of other institutions are subject to the policies of their respective employer institutions, which retain primary authority and responsibility in this area. In cases involving accusations against employees or agents of another entity or institution, the University may precede as it deems appropriate consistent with the facts and circumstances involved, including notifying appropriate institutional authorities of the alleged harassment.

**iii. Composition of the Panel**

The Panel will consist of members of the University community, designated by the President periodically. These appointments will be guided by considerations of continuity, experience and sensitivity to the concerns of those most likely to be affected by unlawful harassment.

**F. Informal Resolution**

- i. Wherever appropriate, mediation and conciliation will be emphasized as the courses of choice. Discreet inquiry, persuasion and trust will be stressed in dealing with complaints that are brought for consideration. Confidentiality will be respected unless otherwise required by law as determined by counsel for the University. When a complainant wishes a matter to be informally pursued, the Panel Member will hold his or her files and notes in a confidential manner to the extent permitted by law.
- ii. The Panel Member may recommend or facilitate informal means of addressing the issues, such as:
  - a. Informal, private direct discussion between the complainant and the accused.

- b. Informal direct discussion between the complainant and the accused in the presence of the Panel Member who received the complaint.
  - c. Informal discussion with the accused and a Panel Member.
  - d. Request for additional education for the area or department to which the complaint relates.
- iii. A complainant may wish to remain unidentified to the respondent but request assistance in informing the latter that a problem has been raised concerning his/her conduct. Under such circumstances, the respondent may be advised as to the existence of a complaint without identifying the complainant unless otherwise required by law as determined by counsel for the University.
- iv. The complainant may replace his/her informal complaint with a formal complaint. The formal complaint must be made to the Office of Diversity & Affirmative Action (see G. below).
- v. The accused may decline to participate in the informal process and may insist that a formal complaint be filed if the matter is to be pursued. No negative implication may be inferred from such a request.
- vi. Where a Panel Member is unable or unwilling to undertake the review of a complaint, such as where there is a conflict of interest, the complainant may select another Panel Member.
- vii. Where acceptable to both parties to the complaint, the Panel Member involved may request that an additional Panel Member and/or the Diversity & AAO be present for the discussions.

## **G. Formal Review**

### **i. Filing of Formal Complaint**

An individual who wishes to initiate a formal complaint as described herein must file a complaint of unlawful harassment with the Office of Diversity & Affirmative Action, preferably in writing, stating the nature of the alleged harassment, the individual(s) accused and the relief requested. It is recognized that there may be times when individuals, for various reasons, will want to protect their own identities and yet initiate formal action against someone who they believe has subjected them to unlawful harassment. While this desire may be understandable, fairness generally requires that the complainant identify herself or himself in a complaint before the initiation of any investigation. When a person wishes to postpone for a limited period of time, rather than to refuse such identification, for cogent reasons (e.g., until after a promotions review or until the end of a course), the request will generally be honored and the complaint investigated after the complainant identifies herself or himself. If the person making the complaint withdraws it before such identification, no further action will be taken and no formal record kept, unless the University is legally obligated to do so or the allegations are serious enough to warrant further action.

### **ii. Procedures and Investigation**

- a. The Diversity & AAO will provide the complainant with a copy of these guidelines and advise the complainant to provide, generally within ten working days<sup>3</sup> of the Diversity & AAO's request, a description of the incident, preferably in writing, all of the facts that bear on the allegation of unlawful harassment, including specific details of all aspects of the accusations in the complaint, the names of possible witnesses, and the nature and description of possible evidence. The complainant is to share with the

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<sup>3</sup> The time periods referred to throughout this document may be extended as determined by the Diversity & AAO or the Hearing Board, for such reasons as the unavailability of witnesses, school vacations, etc.

Diversity & AAO any supplemental information that subsequently becomes available.

- b. Upon receipt of a formal complaint, the Diversity & AAO will explain that the University will attempt to ascertain whether the allegation of unlawful harassment is valid. Where the Diversity & AAO judges appropriate, the Diversity & AAO may at any time invite both the complainant and the respondent to consider agreement to a proposed settlement.
- c. If the facts of the incident were provided in writing within 10 working days of the Diversity & AAO's request, the Diversity & AAO will ask the respondent to the complaint to respond to the accusations, preferably in writing. Such response may include any and all possible evidence including the names of witnesses. The respondent will share with the Diversity & AAO any supplemental data that subsequently becomes available.
- d. Both parties will be advised by the Diversity & AAO that every effort will be made by the University to ensure confidentiality and that communications about this complaint will be limited to those who the Diversity & AAO believe have a genuine need to know.
- e. The Diversity & AAO will endeavor, as promptly as feasible, to interview relevant witnesses who have been named by the complainant and/or the respondent and locate and review evidence cited by either.
- f. In addition to the witnesses and evidence suggested by the two parties, the Diversity & AAO will also consider other witnesses and evidence that may have bearing on the complaint, including but not limited to the following:
  1. Corroborative evidence from persons other than named witnesses who may have relevant information;
  2. Evidence that either party may harbor hostility toward the other for unrelated reasons;
  3. The timing of the complaint;

4. Any previous history of involvement by the complainant or respondent in unlawful harassment complaints.
- g. The Diversity & AAO will seek to conclude the investigation within 45 working days of the time the formal complaint was first filed with the University.
  - h. At the conclusion of the Diversity & AAO's investigation, the Diversity & AAO will verbally advise the complainant and the respondent of the tentative findings of the investigation and will reiterate that such tentative findings are to remain confidential.
  - i. Written Report of the Office of Diversity & Affirmative Action
    1. The Office of Diversity & Affirmative Action shall issue a Report which may include recommended disciplinary action.
    2. The Report will generally include: (a) the complaint and response; (b) the facts as found by the Diversity & AAO and the determination of whether unlawful harassment has taken place along with any other conclusions drawn from the facts; (c) a summary of the testimony that was heard in closed session and relied upon in reaching the conclusion(s); and, (d) what actions, if any, are recommended.
    3. A copy of the Report will be provided to both parties who, within 10 working days of receipt, may submit their comments to the Diversity & AAO. The comments may also include the identification of ameliorating circumstances.
    4. Promptly after the deadline for comments has passed the Diversity & AAO will refer the Report (and all attachments thereto) along with all comments received to the appropriate responsible party (see below).

- j. Findings and recommendations concerning students will be referred to the University Dean of Students for further adjudication in accordance with the Student Discipline Procedures.
- k. Findings and recommendations regarding all non-faculty and non-represented employees will be referred to the Chief Human Resources Officer for further disposition.
- l. Findings and recommendations regarding represented employees will be subject to the provisions of the appropriate collective bargaining agreement.
- m. In the event the respondent is a faculty member, within 10 working days of being advised of the tentative conclusion of the Diversity & AAO's investigation, unless a mutually acceptable resolution has been achieved, either party may present a request in writing to the Provost for a hearing before a Hearing Board (see below). If no such request for a hearing is received within the allotted time, the Diversity & AAO will complete a written Report which will be forwarded to the Provost for further disposition.

### iii. **The Hearing Board**

#### a. **Composition**

In cases involving harassment by a Faculty Member, if either party to the dispute or the Office of Diversity & Affirmative Action requests a hearing, the Provost will appoint a five member Hearing Board that will include at least one member of the faculty and at least one person from the same category as the complainant (e.g., faculty member, employee, student, etc.). The Provost will appoint one member of the Hearing Board to serve as Chairperson. The complainant and the respondent will be advised of the names of the proposed members of the Hearing Board. Each will have the right, within 10 working days after being advised of these names, to challenge the participation of an individual based on conflict of interest or bias. If the challenge is accepted by the Provost, an alternate Hearing Board member will be selected by the Provost.

**b. Proceedings**

1. Both the complainant and the respondent may be accompanied by counsel (or a non-attorney representative) of their choice who may attend the hearing(s) but may not participate in the discussion or question witnesses.
2. At such hearing(s), the Diversity & AAO, serving as staff to the Hearing Board, will organize and seek to expedite the hearing. In that regard, the Diversity & AAO will present the Hearing Board with a description of evidence and a list of individuals whose testimony the Diversity & AAO considers relevant to the investigation. The complainant and the respondent will be asked to supplement the evidence and witnesses suggested by the Diversity & AAO.
3. The Hearing Board will seek to obtain the testimony of individuals suggested by the complainant and the respondent as well as that of any other individual(s) suggested by the Diversity & AAO whose testimony it deems relevant. Both the complainant and the respondent may, as the Hearing Board determines, question adverse witnesses directly or submit questions to be asked on their behalf by the Hearing Board. However, the Hearing Board does not have the ability to compel testimony.
4. It is noted that these proceedings are not those of a court of law, and the Hearing Board is not bound by strict rules of evidence. It will at all times seek to protect the rights of both parties, and to maintain the confidentiality of the proceedings to the fullest degree possible.
5. A representative of the University Counsel's Office will attend all meetings of the Hearing Board and provide direction on all legal matters to ensure that University requirements for due process and other legal obligations are met, and to protect the interests of the University. This representative will not serve as an advocate for either the complainant or respondent.

6. The Hearing Board is expected to complete the hearing(s) within 60 working days from the date the Board was appointed.
7. A recording or stenographic record will be made of the hearing(s) and provided to the complainant and the respondent. At the conclusion of the hearing(s), the Hearing Board may allow both parties a set time for submission of summary statements of their positions.

**c. Written Report of the Hearing Board**

1. The Hearing Board shall issue a Report which may include recommended disciplinary action.
2. The Report will generally include: (a) the complaint and response; (b) the facts as found by the Hearing Board, and their determination of whether unlawful harassment has taken place along with any other conclusions drawn from the facts; (c) the testimony that was heard in closed session and relied upon in reaching the conclusion(s); and (d) what actions, if any, are recommended that the Provost undertake.
3. A copy of the Report will be provided to both parties who, within 10 working days of receipt, may submit their comments to the Hearing Board. The comments may also include the identification of ameliorating circumstances.
4. Promptly after the deadline for comments has passed the Board will refer to the Provost its Report (and all attachments thereto) along with all comments received.
5. The Provost must receive a written report about each formal complaint that is lodged regardless of whether or not unlawful harassment was determined to have taken place and whether or not sanctions have been recommended.

**d. Decision by the Provost**

In a case involving a faculty respondent, the Provost will review the Report and comments received. The Provost may request further investigation or supplemental information from the Diversity & AAO or the Hearing Board as the case may be. In such cases, further investigation will be completed within the time set by the Provost. Upon receiving all such data as the Provost considers relevant, the Provost will issue the decision of the University regarding the complaint.

The procedures described herein shall supersede Article III of the Yeshiva University Faculty Handbook for the Manhattan Campuses.

In the event that the Provost believes that it is appropriate to do so, the Provost, to the extent practicable, will implement actions to restore the reputation of the respondent. If the Hearing Board judges that the allegation was not made in good faith or was made with malicious intent, the Hearing Board is to make recommendations to the Provost which may include disciplinary action against those responsible.

**e. Appeal of the Provost's Decision**

In a case involving a faculty respondent, a final appeal of the Provost's decision may be made to the President. The appeal must be made in writing no later than 30 days after the Provost's decision. The President or his designee will review all relevant data and may consult with the Provost and the Office of the General Counsel in reaching a decision. The President will decide the appeal within 45 days after the appeal is filed. The decision of the President is final.

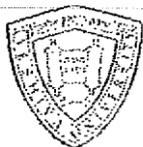
## **H. Protection from Retaliation**

The University will take all reasonable action to protect from retaliation or reprisal all individuals who in good faith filed a formal or informal complaint and/or were involved in the investigation of a complaint. It is noted that even if a complaint is not sustained, no individual should be subject to retaliation so long as the filing of the complaint and testimony in support thereon were in good faith. Should this principle be violated, upon submission of a complaint of retaliation, the Diversity & AAO will review the facts and recommend action to the appropriate Vice President.

## **I. Re-evaluation**

The University reserves the right to review and change these procedures periodically. Proposed changes will be recommended to the Vice President for University Life who will review them with University Counsel. These Policies and Procedures are available to the entire faculty, staff and student body of Yeshiva University, either on the YU website or from various campus offices including the Office of Diversity & Affirmative Action and the Human Resources Department.

## VII. Letter from the President Regarding Ethics and Integrity



YESHIVA UNIVERSITY

OFFICE OF THE PRESIDENT

Dear Yeshiva Community,

Ethics and integrity are among the core values of Yeshiva University. We expect our faculty and staff to fulfill their duties with integrity and in full compliance with regulations, legislation and the University's own operating policies and procedures. It is in that light that we have established a Compliance Hotline as an additional method for reporting violations of policy, improper conduct and compliance concerns.

This reporting program may be used to share a variety of ethics, integrity and compliance issues. Your input may provide the information necessary to investigate and remedy a potentially damaging situation to the University and your fellow employees. Such situations may pertain to:

- Diversity, Equal Opportunity, or Respect in the Workplace
- Environment, Health, or Safety
- Financial and Business Integrity
- Misuse or Misappropriation of University Assets or Information
- Academic Issues
- Medical and Health Violations

In most cases, speaking directly to your supervisor or to a member of our Human Resources staff remains the best way to address these concerns and is encouraged before submitting a report. In situations where you are unable to use these established venues, or wish to remain anonymous, the Compliance Hotline is an alternative option for reporting your concerns.

Please be assured that, whether you choose to remain anonymous or to provide contact information, your case will be treated confidentially and handled promptly. The University will take every step necessary to protect those who report in good faith against retaliatory action.

The Hotline will be managed by an independent third party, Global Compliance, and forwarded to the Director of Internal Audit.

You can submit a report by calling our toll free hotline at 866-447-5052 or via the web at [www.yu.edu/compliance](http://www.yu.edu/compliance).

Our students, faculty, staff and the community we serve are entitled to nothing less than an institution that meets the highest standards of integrity required by law and demanded by our tradition. Thank you for your help in enabling us to meet that commitment.

Richard M. Joel  
President

## VIII. POLICY ON ACADEMIC FREEDOM

An essential condition of education is the free and unhampered discovery and communication of the truth. Every member of the Yeshiva University community has the right and duty to participate freely in the lawful search for and communication of the truth. Each faculty member is free to adopt methods and techniques and to communicate freely with the academic community and the public. It is the policy of Yeshiva University to encourage full freedom of teaching, discussing, researching and publishing and to protect any member of the instructional staff, whether tenured or non-tenured, against pressures and influences from within and without the University which would restrict the exercise of academic freedom.

## **IX. INSTRUCTIONAL PROGRAM POLICIES**

Instruction is the most fundamental of the educational responsibilities of the University. The University's primary mission is to foster the achievement of knowledge and skills in its students. Research is of value in its own right, but it also contributes to excellence in our students' learning. Service activities within the wider community also complement the education of students and constitute essential parts of the University's academic program.

### **A. Freedom of Inquiry and Expression**

Members of the University Community are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means including any means of peaceful assembly or advocacy that do not infringe upon the rights or freedoms of others.

Members of the University Community are allowed to invite, hear, and see speakers, creative performers and artistic presentations of their own choosing. Guest appearances must not interfere with the University's regular instructional, research, and service programs. Except for ceremonial occasions, invited speakers and art presenters should be prepared for a reasonable public discussion of their expressed views.

Invited speakers and art presenters are accorded the full courtesy and protection appropriate to a university community. Individuals or groups who engage in actions designed to obstruct or in any way to prevent the speaker from speaking and the art presenter from presenting or displaying any form of artistic expression are subject to discipline and to financial responsibility in the event of damage to property or person.

The institutional control of campus facilities is not to be used as a device of censorship. Sponsorship of guest speakers and art presenters does not imply approval or endorsement of the views expressed, either by the sponsoring unit or the University.

## **B. Holding Classes**

It is expected that all classes will meet as scheduled. Meeting with scheduled classes is each faculty member's first responsibility and is not to be compromised by other professional obligations. In the event of illness, the chairperson (or dean) should be notified in advance of the class so alternative arrangements can be made. Authorization to miss classes for any other reason must be obtained in advance from the department chairperson (or dean).

## **C. Inclement Weather**

It is the policy of the University to remain open except under the most extreme weather conditions. The decision to cancel classes due to extreme weather conditions rests with the Provost.

Faculty and students are not expected to take unnecessary risks to meet their teaching and learning obligations due to inclement weather. When classes have not been cancelled, it is a matter of personal judgment to determine if traveling to campus is hazardous. Faculty should notify their department offices when weather precludes them from meeting their teaching obligations. Similarly, students should notify their professors when inclement weather precludes them from class attendance. In such cases, students should be allowed to make up missed class time and, whenever possible, canceled classes should be rescheduled.

## **D. Academic Integrity and Student Dishonesty**

Academic integrity is a fundamental responsibility of all members of the University community. Faculty and students are expected to be honest and forthright in their academic endeavors. To falsify the results of one's research, steal the words or ideas of another, cheat on an examination or allow another to commit an act of academic dishonesty corrupts the essential process by which knowledge is advanced.

It is essential that every faculty member becomes familiar with the academic integrity policies and procedures in his/her academic unit and that all faculty members make it clear to students that academic dishonesty will not be tolerated. A brief discussion at the beginning of each term should affirm the importance of academic integrity and indicate that the instructor is aware of and sensitive to the problems

of academic dishonesty, is willing to clarify as carefully as possible what constitutes plagiarism, and will take action not only to prevent cheating but to bring charges against students suspected of violations. Alternative seating and/or alternative form examinations should be used for all classes when examinations or tests are given (especially recommended are alternately colored examination papers or alternately colored answer sheets to discourage or prevent surreptitious exchange of forms). Proctors should be properly trained and supervised whenever they are employed in monitoring an examination.

## **E. Class Syllabi, Meetings and Attendance**

Course content and expectations should be clearly stated in a syllabus made available to the students, on paper or electronically, at the outset of the course. In addition to the class schedule and assignments, the syllabus should include the date of the final exam and should address grading, attendance expectations and academic integrity. The syllabus should be viewed as the contract between the faculty member and the class, and any deviations from that contract must be formally communicated (i.e., in writing) in a clear and timely way.

Class lists are distributed at the beginning of each term by the Registrar's Office. Students should not attend a class for which they are not registered, and faculty should verify that those attending their class are on the most current list. Responsibility for registration lies solely with the student, but faculty should make them aware when they are not registered and not entitled to attend. Faculty must also inform the Registrar's Office of any deviations between those attending the class and those on the official class list.

Student attendance as a grading factor is a matter left to the discretion of the faculty, but students must be clearly informed of attendance policy in each course. Regardless of the attendance policy an individual instructor adopts, there are certain situations that should be considered "excused" absences including certain medical ones, religious holidays, and participation in conflicting University events (with faculty approval). Severe weather may cause an instructor or student to be absent if in their personal judgment traveling to campus is hazardous. In this event, faculty should notify their departmental offices when weather precludes them from meeting their teaching obligations, and students should notify their

professors when weather precludes them from class attendance. In such cases, students should be allowed to make up missed class time and, whenever possible, canceled classes should be rescheduled.

## **F. Examinations and Tests**

Faculty should exercise academic judgment in determining appropriate methods of evaluation in courses. However, the University sets the academic calendar and includes an examination week as the final week in a semester. Except in unusual circumstances, faculty are expected to use the examination week for evaluation purposes and give the final examination in a course during that week according to the printed schedule issued by the Registrar's Office. Courses following very different instructional and evaluation formats (e.g., clinical experience, individual research, laboratory or student teaching) will not be restricted in this regard. If unusual circumstances exist, the department chair or dean will be informed of the method and timing of the final course assessment. Because the University does not operate with a formal honor system, faculty are responsible for proper monitoring of examinations and tests.

To minimize conflicts for students with other scheduled University courses and activities, a required examination, test or quiz (excluding make-up examinations for individuals and regularly scheduled final examinations) may be given only during regularly scheduled class or laboratory hours associated with that course. The sole exception is in the case of common examinations given for multi-section courses when these various sections have different scheduled meeting times. Final exams should not be given during the last week of any regular semester, nor on posted "reading days," but should be administered during the exam period scheduled by the Registrar's Office.

At the end of each term, grade rosters will be provided for all students in the class, and faculty are expected to report final grades in accordance with guidelines established by the Registrar's Office. Currently, the guidelines call for grades to be submitted 72 hours after the final exam.

## **G. Grade Grievance and Other Related Academic Complaints**

Yeshiva University is committed to a policy of addressing all student grievances in a fair and expeditious manner. A student who wishes to contest a grade or other action of the administration or of an individual faculty member should first discuss the matter with the instructor of the course or other individual involved. If the student feels the issue or concern is unresolved following this discussion, s/he should discuss the issue with the appropriate Department Chair or Area Head, who will attempt to resolve the grievance. If the issue cannot be resolved at this level, the student may submit a written grievance to the appropriate school grievance committee (each school/college will identify the appropriate committee to hear student grievances).

The Committee will interview the student, who may present any documentation or statements to support her/his position. The Committee may consider additional documents or interview others who have relevant information to present. They will make a decision within 10 days and convey it to the designated administrator, who will notify the student in writing. The student may appeal the Committee's decision to the Dean of college or school in writing within 10 days of notification. The Dean may accept, modify or overturn the Committee's decision and will notify the student in writing within 10 days. The Dean's determination will be final.

## **H. Advisement and Registration**

Faculty are expected to participate as assigned in academic advisement and registration, including senior checkout and degree clearance. While the responsibility for course selection rests with the student, faculty advisers should be familiar with University course and degree requirements and should be able to provide accurate information and thoughtful advice. Faculty are encouraged to meet with their advisees at least once a semester to mentor on academic success and education objectives, assist in course selection for the next term and assess progress toward the degree.

## **I. Office Hours of Faculty**

The posting of office and teaching hours by faculty members is a courtesy as well as a necessary convenience for students. It is

expected that faculty will post and keep a reasonable number of office hours each week.

#### **J. Attendance at Convocations and Commencement Exercises**

Faculty members are expected to attend the formal exercises of the University such as Convocations and Commencement. They should inform their dean's office of their intent to attend or not to attend these exercises. The Office of Communications and Public Affairs will assist faculty in the rental of caps and gowns.

#### **K. Policy for Copyright and Fair Use in Instruction**

All faculty must fully comply with all restrictions on the use of copyrighted material. This requirement applies to every type of use of such material, including publishing and reproduction by traditional means as well as the Internet. Any questions regarding the use of copyrighted material should be directed to the Office of the General Counsel before the material is used.

#### **L. Guidelines for Use of Videoconferencing in Undergraduate Courses**

Using videoconferencing to connect classrooms on the Wilf and Beren Campuses may sometimes be an appropriate mechanism for offering courses to students on both campuses. The following guidelines should be followed in determining whether the use of videoconferencing is appropriate and in using it.

##### **i. Course Characteristics**

- a. A course for which enrollment is small on (one or) both campuses, and to which only one faculty member can be assigned.
- b. A guest lecturer in a course being taught on both campuses at the same time.
- c. A research seminar in which students share results.
- d. A graduate course open to undergraduate students.

## ii. Guidelines for Transmission

- a. Students at each campus should have access to all slides, handouts, etc. If possible, split screen technology should be used to enable students at the remote site to see both the instructor and the board or computer projection.
- b. Students at each campus should have the benefit of a live faculty member either on alternate class sessions or according to some other reasonable schedule.
- c. Images displayed at each site of students at the other site should be small and should not comprise the entire projection screen.
- d. Any such arrangement should be undertaken with sensitivity toward the objective of maintaining a separate gender learning environment in accordance with Yeshiva University's traditional values and in careful consultation, as appropriate, with the office of the Dean of RIETS.

## **X. RESEARCH PROGRAM POLICIES**

Yeshiva University encourages its faculty to engage in a broad range of scholarly activity and scientific research. Research may involve human subjects, animals, the use of radioactive and other potentially hazardous materials including infectious agents, patients and records at affiliated and non-affiliated institutions, and access to national and international databases.

These activities, whether funded by outside agencies and organizations (governmental and private, commercial and not-for-profit) or internal sources, are closely regulated by rules that have been imposed by federal and local governments, as well as by the University. All research activity must be in conformity with the policies of any agency from which funding is being requested. Equally important are those regulations concerned with ethical performance, protection of human subjects, proper use of experimental animals, and conflict of interest in research.

The details of these regulations are too complex to be encompassed within this handbook, but the following sections provide general guidance and reference to more specific instructions.

### **A. General Policy for Research Grants**

A principal investigator on a grant application must be a member of the faculty at Yeshiva University holding the rank of Instructor, Assistant Professor, Associate Professor, or Professor. All applications must be approved by the Office of the Provost before submission to a granting agency or private entity. To obtain such approval, the application will have to have been reviewed and approved by the Principal Investigator(s)'s Department Chairperson and Dean(s), as well as by the various departments or committees concerned with chemical and biological hazards, human subjects, animal use, facilities, and relations with industry and finance. Such review and approval will indicate to the Provost that appropriate space and facilities are available to perform the proposed research and that the application conforms to governmental and University regulations. A printed form, the Internal Face Sheet (GA Form 6741), will be provided by Grant Accounting (1108 Belfer on the AECOM campus, ext. 3711) or the faculty's departmental administrator. This Face Sheet will guide faculty in the approval process and must accompany the submitted application. It lists the departments (such

as the Animal Institute, Committee on Clinical Investigations, Environmental Health and Safety, and Facilities Management) that must approve the application if their services or approval are required to carry out the proposed research and a time schedule that should be followed. Additionally, it provides specific instructions for inter-institutional applications. Department administrators are familiar with this process and will assist the investigator with the preparation of a grant application.

All applications for funding from outside sources must be approved by the Office of Grant Accounting, room 1108 Belfer (AECOM), ext. 3711. The application budget should be prepared carefully and provide for sufficient funds to cover the costs incurred in the purchase and care of animals to be used, engineering services required for renovations, and other institutional expenses. Special care should be taken to assure that the percentage of an investigator's time and salary that is to be charged to the project is consistent with the percentage of effort allotted to that project.

## **B. Human Subjects**

All research involving human subjects conducted at Yeshiva University or funded through Yeshiva University sources must be approved by the Albert Einstein College of Medicine Committee on Clinical Investigations (CCI). Review by the CCI is very thorough, and applications coming before the full Committee must be submitted at least 12 working days prior to the meeting. Detailed information and applications for CCI approval with complete instructions are available from the CCI office at room 1002 Belfer (AECOM), ext. 2237, or on the web at [www.einstein.yu.edu/cci/](http://www.einstein.yu.edu/cci/).

## **C. Animals in Research**

The care and use of animals is governed by the NIH Policy on Humane Care and Use of Laboratory Animals, as well as other Federal, State and City regulations. To ensure that research at Yeshiva University conforms to these regulations, the Institute for Animal Studies and the Animal Institute Care and Use Committee (AICUC) provide investigators with a detailed *Guide for Review and Approval of Animal Use*. By following the instructions in this Guide, the Principal Investigator will be able to meet these requirements and obtain approval from the AICUC for research using animals. The

Guide and detailed information can be obtained from the Institute for Animal Studies, room 1005 Ullmann (AECOM), ext. 3571.

Review by the AICUC is very thorough and covers every aspect of newly designed protocols related to animals, including experimental design and appropriate number of animals. Consequently, such protocols must be submitted for review at least 30 days prior to submission of an application.

#### **D. Chemical, Radioactive, Biological, and Other Hazards in Research**

The Environmental Health and Safety Department (EH&S) is responsible for maintaining a safe work environment at the University. EH&S must approve all research applications that utilize hazardous materials (e.g., chemicals, biohazards, and radionuclides). The activities of EH&S are carefully supervised by four faculty committees. These are the Institutional Biohazards Committee, Chemical Hazards Committee, Non-Human Use Radiation Safety Committee and the Human Use Radiation Safety Committee. The EH&S department and the faculty safety committees insure that activities involving hazardous materials are conducted safely and in conformance with Federal, State and City regulations. For further information, including specific regulations and dates of workshops concerned with safety, contact EH&S in room 800 Forchheimer (AECOM), ext. 4150.

#### **E. Renovations and Structural Changes**

All research projects that will require laboratory and office renovations or structural changes must be approved by the Department Chairman and submitted to the Dean who will confer with Facilities Services prior to submission to the funding agency. As it is not possible to make such alterations on short notice, advance planning and budgeting are essential.

#### **F. Sponsored Research Agreements**

All agreements with industry and foundations must be negotiated by the Office of Biotechnology at AECOM and approved by the Provost. This negotiation includes overhead costs. Federally funded research agreements are processed through Grant Accounting, which has standard contracts and subcontracts concerning NIH-funded grants.

## **G. Conflicts of Interest**

To ensure that research at Yeshiva University will not be influenced by a relationship between the investigator and a commercial enterprise, the University has adopted a Conflict of Interest Policy that requires disclosure by the faculty to the Provost of all such relationships. This policy can be found in Chapter XI of this Handbook.

## **H. Patents and Copyrights**

All faculty members, trainees, students and staff are subject to the University's Policy on Patents and Licensing Agreements. Faculty members and trainees receive a copy of this Policy and are required to sign an agreement accepting its provisions. The Policy, which was written to conform to NIH regulations, mandates that all inventions that are related to work at the University must be disclosed to the Patent Committee and assigned to Yeshiva University. If the University decides to patent and/or license the invention, two-thirds of the net income from such inventions are returned to the inventor in the form of both direct remuneration and research support. A copy of the Patent Policy can be found in Chapter XII of this Handbook.

## XI. CONFLICTS OF INTEREST

### A. Introduction

It is necessary for those involved in teaching and research to structure their relationships with commercial and other outside activities and entities to conform with their responsibilities to Yeshiva University. It is a major intent of this policy to prepare faculty members to recognize and avoid situations that constitute conflicts of interest.

An integral part of the policy is the requirement that faculty members employed by Yeshiva University disclose for review by YU any activity or association that might constitute a conflict of interest. These activities include any outside business relationship that is both relevant to the individual's academic or employment activities and that may create a financial gain for that individual or his family. By virtue of the requirement for full disclosure and review of possible conflict of interest situations, this policy will provide assurance to the faculty, the University and the public that such outside business relationships have been examined and will be conducted in a manner consistent with institutional and public values and policies.

### B. Jurisdiction

The general principles and objectives of YU's conflict of interest policy govern all programs conducted at YU, sponsored by YU using the YU name, or utilizing any YU facilities. The reporting and disclosure requirements of this policy apply to all faculty, key research personnel and trainees employed by YU.

### C. Definitions

**Significant Financial Interest** means anything of monetary value, including but not limited to salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

- i. Salary, royalties, or other remuneration from Yeshiva University;
- ii. Any ownership interests in the institution if the institution is an applicant under the SBIR Program;
- iii. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- iv. Income from service on advisory committees or review panels for public or nonprofit entities;
- v. An equity interest that when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity; or
- vi. Salary, royalties or other payments that when aggregated for the Investigator and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.

#### **D. Committee on Conflict of Interest**

All potential conflicts of interest at Yeshiva University will be reviewed by a standing committee of AECOM known as the Committee on Conflict of Interest, composed of a balanced representation of the AECOM clinical and pre-clinical faculties and faculty representing other YU Schools and Colleges as needed.

The Committee on Conflict of Interest will appoint a Screening Subcommittee to promptly review all cases of potential conflict of interest forwarded to it. Within 7 days of the receipt of a potential conflict of interest, the Screening Subcommittee will discuss the

potential conflict with the involved person and will make recommendations to the Conflict of Interest Committee as to whether an impermissible conflict exists, together with a recommendation as to what monitoring or other actions are appropriate to remove or adequately mitigate it. The Committee on Conflict of Interest will provide the involved individual with a written explanation and justification of the basis for its recommendations. The person involved will be granted the opportunity to respond either in person and/or in writing to the issues raised by the Screening Subcommittee. The involved person may request that the findings and recommendations of the Screening Subcommittee be reviewed by the entire Committee on Conflict of Interest.

Upon receipt of the decision of the Conflict of Interest Committee, the individual involved may, within thirty (30) days, submit new and relevant information that could affect the decision rendered and may request reconsideration of the decision by the Committee. The Committee should provide a prompt and thorough review of such documentation and decide whether the initial decision should be implemented or whether modification is warranted.

The Committee on Conflict of Interest will report its findings to the Dean(s) of the appropriate College(s) and the Provost. If findings of a potential conflict of interest are related to human subject research, the Screening Subcommittee on Conflict of Interest should consult with legal counsel to see what steps, if any, are required to manage, reduce or eliminate the conflict. When such findings are reported to the Committee on Clinical Investigations (CCI), the CCI is responsible for implementing the recommendations of the Committee on Conflict of Interest. (Should the CCI disagree with the recommendations, it may submit its findings and request reconsideration by the Committee on Conflict of Interest.) The CCI shall refer the report of the Committee on Conflict of Interest to its Subcommittee on Conflict of Interest that shall meet to determine parameters for disclosure to subjects, protocol amendments, or such other modifications.

## E. Reporting and Disclosure

All individuals subject to this policy are required to complete a Conflict of Interest Disclosure Form:

- i. At time of initial appointment to Yeshiva University;
- ii. Subsequent to initial appointment whenever circumstances arise that may either (a) constitute a new conflict of interest, or (b) change the facts applicable to a previously disclosed potential conflict. Such a report must be filed within 30 days;
- iii. Upon submission of human subject research protocols for review and approval by the Committee on Clinical Investigations; and
- iv. Periodically thereafter as determined from time to time by the Provost.

All individuals subject to this policy are also required to attest to no reportable conflict of interest (or to report a potential conflict of interest at such time), upon:

- i. Submission of a human subject research protocol Progress Report for review and approval by the Committee on Clinical Investigations;
- ii. Submission of grant application to the Office of Grant Accounting;
- iii. Appointment as a member of the Committee on Clinical Investigations; and
- iv. Submission of a contract for industry-sponsored research.

If the potential conflict of interest relates to research activities, all involved individuals must report as follows:

- i. Individuals must complete a Committee on Conflict of Interest Disclosure Form whenever they have an interest in any research or its sponsor that meets or exceeds the definition of a financial interest and must describe the nature of that interest.
- ii. Individuals must disclose financial interests as required by the funding or reviewing agency or other governmental agencies. This includes compliance with PHS and FDA requirements.

- iii. Investigators must disclose recruitment bonuses paid for human subject research participants or for reaching an accrual goal within a specific time frame and must be offered a finder's fee for referral of potential research subjects.
- iv. Deans should inform the Committee on Conflict of Interest if the college/school or a faculty/staff member has a financial interest of which they are aware (as defined above) in the outcome of any departmental or institutional research.
- v. Financial interests of the institution, known to faculty/staff conducting or planning research, or known by the administrative member of the Committee must also be disclosed to the Committee on Conflict of Interest.

During the course of the research study, new information that falls within the reporting requirements of this policy must be disclosed to the Committee on Conflict of Interest in a timely manner.

All reports of potential conflicts of interest will be forwarded to the Chairman of the Screening Subcommittee. All material will be forwarded to the Screening Subcommittee on Conflict of Interest, which will evaluate the data and submit its recommendations to the full Conflict of Interest Committee. When the Conflict of Interest Committee determines that any reported activity is restricted or prohibited, the individual(s) must promptly comply with any directives for monitoring, modifying or terminating such activity. Even where a conflict of interest situation is deemed allowable, the conflict may need to be disclosed to government or private agencies that are sponsoring or considering sponsoring the research. It may also be necessary to disclose the conflict of interest to journals, professional meetings, or other public settings in which results relevant to the conflict are presented. In addition, if any reported activity is related to human subject research protocol, disclosures to potential subjects must be made in accordance with directives from the Committee on Clinical Investigations.

- vi. For any interest that the Institution identifies as conflicting subsequent to the Institution's initial report under the award, a report will be made to the PHS Awarding Component and the conflicting interest managed, reduced, or eliminated, at least on an interim basis, within sixty days of that identification.

- vii. If the failure of an Investigator to comply with the conflict of interest policy of the Institution has biased the design, conduct, or reporting of the PHS-funded research, the Institution must promptly notify the PHS Awarding Component of the corrective action taken or to be taken. The PHS Awarding Component will consider the situation and take appropriate action, or refer the matter to the Institution for further action, which may include directions to the Institution on how to maintain appropriate objectivity in the funded project.
- viii. The Conflict of Interest Committee will maintain records of all financial disclosures and all actions taken by the Institution with respect to each conflict of interest for at least three years from the date of submission of the final expenditures report or, where applicable, from other dates specified in 45 CFR 74.53(b) for different situations.

#### **F. Role Of The Committee On Clinical Investigations (CCI)**

- i. A CCI member with a conflict of interest associated with a specific study, investigator, or its sponsor shall not participate in review and approval of that study except to provide information as requested by the CCI.
- ii. The CCI shall be cognizant of the source of funding and funding arrangement for each protocol.
- iii. When a potential conflict of interest not previously disclosed is identified by the CCI, the CCI shall request that the Investigator complete a Conflict of Interest Disclosure Form for submission to the Committee on Conflict of Interest Screening Subcommittee. At such time, a review of the institution's or investigator's financial relationship to the Sponsor of a specific trial should be promptly conducted to determine whether the trial should be permitted to be carried out at AECOM and under what guidelines. Until the propriety of the financial relationship is reviewed, the investigator shall abide by directives of the CCI concerning continuation of the research protocol.
- iv. The CCI shall carefully consider the specific mechanisms, guidelines, or restrictions proposed by the Committee on Conflict of Interest to minimize the potential adverse consequences of the conflict and protect the interests of the research subjects. In general, if there are any significant conflict of interest issues on the part of the Investigator as determined

by the Committee on Conflict of Interest, he or she should not be directly engaged in aspects of the trial that could be influenced inappropriately by that conflict. These could include: the design of the trial, monitoring the trial, obtaining the informed consent, adverse event reporting, and analyzing the data. In all cases, good judgment, openness of process, and reliance upon objective third party oversight can effectively minimize the potential for harm to subjects and safeguard the integrity of the research. All efforts should be made to insure that the research project is carried out within the framework of this policy.

- v. As part of the informed consent process, potential human research subjects must, when required by the CCI, be informed about financial conflicts of interest in language that conveys the nature of the conflict and facilitates comprehension. In general, financial interests that could affect, or be perceived as affecting, the conduct of human research should be disclosed to potential subjects.
- vi. The language used to describe conflicts of interest to research participants should be designed to inform subjects without creating a barrier to research.
- vii. Disclosure should be provided under a newly created section of the informed consent form entitled "Conflict of Interest," which will be drafted and approved by the CCI.
- viii. Financial conflicts of interest should be disclosed to subjects, as determined by the CCI, in the circumstances listed below. (The threshold in determining whether a financial interest exists of sufficient magnitude to warrant disclosure will be determined by the CCI and the Committee on Conflict of Interest on an individual basis for each protocol.)
- ix. The CCI or the Committee on Conflict of Interest may require that one or more of the following be disclosed to subjects:
  - a. The study is sponsored by the manufacturer of the drug or device under investigation;
  - b. The medical school/medical center holds a financial interest in the drug or device company and could benefit from the study findings or in the drug or device under investigation;
  - c. Investigators or their family members (spouse or dependent children) have a significant financial interest in the drug or device company and could benefit from the study findings; and

- d. The investigators or their spouses or minor children have a significant financial interest in the particular drug or device under investigation.

## **G. Sanctions for Non-Compliance**

Yeshiva University expects all individual faculty members, trainees and key personnel of research teams to fully comply with this policy. A knowing or deliberate breach of policy, including failure to file or to knowingly file an incomplete, erroneous or misleading disclosure form, or failure to comply promptly with prescribed monitoring, modification or termination requirements will subject the involved faculty member to possible sanctions. In such instances where the continuance of the individual in his duties threatens immediate harm to himself or others, or may cause irreparable damage to the University, a person against whom written charges have been made may be suspended from all or some duties by the Provost pending final action on such charges. In the case of a faculty member, such suspension could be with salary pending final action upon such charges. The Committee on Conflict of Interest is charged with the responsibility of reviewing all instances of non-compliance with this policy and to recommend appropriate sanctions to the Provost. Included in possible sanctions are the following:

- i. Formal admonition and possible inclusion in the individual's file of a letter indicating that the individual's good standing has been called into question;
- ii. Ineligibility of the individual to apply for grants or sponsored research agreements, to seek Committee on Clinical Investigation (CCI) approval, to conduct animal or other research, or to supervise students;
- iii. Notice to appropriate parties (including government agencies or otherwise) of the conflict of interest activity found to exist;
- iv. Dismissal from Yeshiva University.

## G. Non-Retaliation

No individual will be subjected to retaliation by Yeshiva University, or by individuals under its direction or control, for good faith reporting of any actual or perceived violation of the requirements in this policy.

## H. Conflict of Interest Form

The **Conflict of Interest Form** is in PDF format on the web at [http://www.einstein.yu.edu/home/policies2/conflict\\_of\\_interest.htm#ConflictofInterestForm](http://www.einstein.yu.edu/home/policies2/conflict_of_interest.htm#ConflictofInterestForm). PDF forms require ADOBE ACROBAT READER. If you do not have it loaded or need to upgrade to the latest version, just click and download it now, it is very quick and easy.

## **XII. PATENTS, LICENSING AND INTELLECTUAL PROPERTY**

### **A. General Policy**

- i. Yeshiva University encourages and supports research and the publication and use of results. YU recognizes that research conducted by its faculty, technical staff and students may lead to inventions and discoveries by inventor(s) (hereinafter referred to as "Inventor"), which should be patented or licensed for one or more of the following reasons:
  - a. To serve the public interest;
  - b. To comply with the requirements of sponsored research grants, fellowship awards and contracts for research;
  - c. To promote the development of useful drugs, processes and devices which would not be developed without patent protection;
  - d. To encourage invention and insure rewards for the Inventor as herein provided; and
  - e. To support facilities and the research and education programs of YU by means of a share of income derived from the commercial licensing of inventions and patents.
  
- ii. The Yeshiva University Patent Policy is intended to be consistent with these principles and purposes and not to fetter scientific endeavor or inhibit pursuit of further related research.
  
- iii. Whenever used in this Patent Policy, the provisions relating to patents and patent royalties shall, whether specifically mentioned or not, also apply to the commercial licensing and the royalties obtained from it for inventions which are not patented but which have commercial value or special technology or special art.

## **B. Disclosure of Invention to Yeshiva University**

- i. Faculty, staff, students and visiting faculty are required to report all inventions to the Provost and/or the Committee on Patents that have resulted from research supported entirely or partly by YU resources as soon as possible after conception or first actual reduction to practice. Such reports, submitted using the Yeshiva University Invention Disclosure Form, shall be made descriptive enough for the invention to be understood and evaluated for possible filing of a patent application or the development of a commercial licensing agreement.
- ii. In the case of supported research, the Committee on Patents must be advised of any invention disclosure requirements of the granting or sponsoring agency.
- iii. It will be the responsibility of the Provost, with the advice of the Committee on Patents and/or the Office of Biotechnology, to determine if YU is interested in pursuing a patent for any invention disclosure. Sections C. through J. will detail what will apply until YU declines to patent.

## **C. Ownership of Patents and Intellectual Property**

- i. Patent rights, copyrights, computer programs, software, databases, testing procedures, tangible research materials and all other intellectual property, whether patentable or not (hereinafter collectively referred to as "Intellectual Property"), resulting from research carried on by faculty members, technical staff members or students and supported entirely or partly by Yeshiva University resources shall be assigned to and owned by Yeshiva University. YU shall pay to the Inventor a fixed proportion of the financial returns from the licensing or exploitation of such Intellectual Property in accordance with the provisions of Section F. below.
- ii. Intellectual Property resulting from research carried on by a student in fulfillment of course requirements or other requirements for a degree or in connection with a formal training program, including the preparation of a thesis or dissertation, shall be construed as using YU resources and shall be subject to the provisions of Section C. i. above.

- iii. Ownership of Intellectual Property resulting from research performed by a visiting faculty member and supported entirely or partly by YU resources shall be determined on a case-by-case basis.
- iv. Intellectual Property resulting from inventions and discoveries made by members of the faculty, the technical staff or students in connection with government-sponsored research contracts, grants, fellowships or other such arrangements, shall be controlled by the terms of those arrangements. Faculty or staff members accepting government-sponsored research shall execute such agreements as will enable YU to meet its obligations to the sponsoring agencies.
- v. If Intellectual Property results from such research grants or contracts from non-government sources, such Intellectual Property shall be subject to the terms of Section C. i. above, unless the terms of the grant or contract pertaining to the above research are in conflict with Section C. i., in which case the terms of the grant or contract shall govern.
- vi. Copyrightable works that are not within the scope of employment and are not created using YU resources, such as scholarly works and books, shall be owned by the author.

#### **D. Management of Patents**

Yeshiva University shall have the responsibility for the management of patent applications and patents. All determinations and actions concerning the management of patent applications and patents shall remain with YU.

#### **E. Licenses**

Licenses for commercial development of Intellectual Property shall be sought to ensure that useful inventions can be made available, under reasonable terms, in products or services beneficial to the public. In cases involving substantial developmental expenditures by a licensee, or for other special reasons, an exclusive license may be given, subject to the terms of any applicable grant or contract. All such licensing agreements shall be negotiated by Albert Einstein College of Medicine's Office of Biotechnology and approved and executed by an appropriate officer of Einstein.

## F. Distribution of Income

Income will refer to all consideration (e.g. monetary, non-monetary and equity) derived by Yeshiva University from Intellectual Property.

- i. If income is received from the licensing of Intellectual Property by YU to a third party, YU will pay and reward the Inventor within 90 days of its receipt of such income in accordance with the provisions below.
- ii. YU will first deduct all direct assignable expenses incurred in connection with the filing, prosecution and maintenance of any relevant patents and the negotiation of the contract for the licensing of the Intellectual Property (including but not limited to specialized attorney's fees). These expenses shall be determined by YU's sole but reasonable discretion. After deduction of direct assignable expenses, fifteen percent (15%) of the remaining income will be allocated to the Office of Biotechnology to defray the operating costs of the Office. The remaining net income will be distributed in the following manner:
  - a. One-third will be allocated to the Inventor or his/her estate and/or heirs. All payments due to an Inventor under this policy will be transmitted via a separate payment outside of the payroll system. Fringe benefits will therefore not be applicable to such payments. These payments will be reported annually to the individual and to the Internal Revenue Service on Form 1099 or on such other forms as may be required periodically by the Internal Revenue Service. In the event that an Inventor leaves Yeshiva University, the Inventor shall be responsible for providing forwarding addresses to YU.
  - b. One-third will be allocated to a research account maintained by Yeshiva University on behalf of any Inventor with a primary appointment to YU for support of the Inventor's academic/research pursuits. Such income will be considered incremental funding for the Inventor. In the event that an Inventor leaves YU, the research account will revert to YU, and the status of the income in the account and any future income will be determined by the Provost. The Inventor's research allocation as described above, and

the indirect costs to be assessed on this portion of the distribution for each license are as follows:

1. The first \$30,000 of cumulative income will be free of indirect costs.
  2. The second \$30,000 will be subject to indirect costs at one-half the prevailing institutional rate.
  3. Cumulative income in excess of \$60,000 will be subject to indirect costs at the prevailing institutional rate.
- c. One-third will be allocated to the unrestricted funds of Yeshiva University to be used by the University in the pursuit of its education, research and clinical missions.
- iii. Exception to the method of income distribution described above will be made in the case of Intellectual Property resulting from sponsored research if the terms of the agreement between Yeshiva University and the sponsor do not permit such a distribution. In that event, the terms of the agreement with the sponsor will govern. This exception will apply to funding from both governmental and non-governmental sources.
- iv. If there is more than one Inventor of Intellectual Property, the Inventors shall meet and decide among themselves their respective shares of any income to be distributed to the Inventors pursuant to Section F. ii. above. The Inventors shall then inform the Office of Biotechnology of their agreement in a written statement signed by all of the Inventors. In the case of a dispute among the Inventors regarding their respective shares, it shall be resolved by the Provost. Mechanisms of dispute resolution may include, but are not limited to, mediation, arbitration or other services performed by the Committee on Patents. Any recommendations or decisions made as a result of mediation, arbitration or by the Committee on Patents will be subject to review and approval by the Provost and his decision shall be final. All expenses incurred by YU in connection with resolving the dispute will be deducted as an additional direct assignable expense prior to income distribution. No income shall be distributed to the Inventors until an agreement on the Inventors respective shares is submitted to the Office of Biotechnology or until any dispute between the Inventors regarding their respective shares is resolved.

- v. Any equity that Yeshiva University receives as consideration under a license agreement will be held and managed by YU. YU shall liquidate such equity by sale in the public market upon the first available liquidity event. Once the equity is liquidated, the proceeds will be distributed as cash according to the method in Section F. ii. above. It is not the intent of Einstein to hold equity for the purposes of maximizing profits.

## **G. Publication**

The right to publish the results of sponsored research where Intellectual Property may be involved shall be subject to the following conditions:

- i. YU shall not bar or prohibit publication of disclosures and inventions on which patent applications have been filed.
- ii. As soon as it is possible to do so, an Inventor has the obligation to file an Invention Disclosure Statement with YU. This statement must be submitted simultaneously or prior to the submission of a paper for publication and will disclose the Intellectual Property. In all events, the Inventor shall disclose his invention to YU a minimum of 90 days in advance of any printed or oral public disclosure so that an application for a patent may be prepared and filed prior to any such public disclosure.
- iii. YU will, if requested or required by agreement, supply a sponsor with a copy of the proposed publication prior to publication.

## **H. Committee on Patents**

The Dean of the Albert Einstein College of Medicine will appoint a Committee on Patents and such other committees as are deemed appropriate to implement YU's patent and licensing agreement policies. Among the responsibilities of the Committee(s) will be the following:

- i. To recommend to the Dean of AECOM and/or the Provost of Yeshiva University which Intellectual Property should be processed in accordance with the applicable sections of this Policy on Patents and Licensing Agreements, including Section J. Recommendations shall be made by the Committee(s) within 90 days after Intellectual Property is brought to the Committee(s) notice.
- ii. To determine, when necessary, whether Intellectual Property developed by a member of the faculty, technical staff or student resulted from research supported in whole or in part by YU resources or whether such Intellectual Property was unrelated to YU activities and resources.
- iii. To make general recommendations regarding proposals to patent Intellectual Property as it relates to YU's mission.
- iv. To act in an advisory capacity to the Provost with regard to patents assigned to YU or in which YU has a claim or interest.
- v. To assist the Provost in resolving disputes arising from patent and licensing matters, including any disputes arising under Section F., in accordance with this Policy on Patents and Licensing Agreements.

## **I. Agreement with Yeshiva University**

A form of agreement with Yeshiva University shall be signed and entered into by all faculty, students and research staff acknowledging that they have received and read a copy of this Official Policy on Patents and Licensing Agreements and agree to abide thereby. Such personnel will agree further to disclose in writing promptly to YU any Intellectual Property made by such personnel and to assign to YU the entire right, title and interest in and thereto as required and defined in this Policy on Patents and Licensing Agreements.

## J. Where Yeshiva University Declines to Patent

- i. Upon disclosure of Intellectual Property to YU, it will be the responsibility of the Provost to determine if YU will decline to pursue a patent. The Provost shall notify the Inventor in writing of this decision within 90 days of disclosure. If the Provost declines pursuit of a patent, the option to pursue a patent reverts to the Inventor.
- ii. If at any time during the patent application process YU decides to discontinue pursuit of the application, the Provost shall notify the Inventor in writing within 15 days of this decision. The option to pursue a patent shall then revert to the Inventor. All information held by YU that is pertinent to the patent application will be made available to the Inventor.
- iii. If YU decides to decline or discontinue pursuit of a patent on any Intellectual Property, YU shall retain ownership of such Intellectual Property and any patent or application thereon. If the Inventor decides to pursue patent protection at his/her own expense, the Inventor shall:
  - a. Promptly notify YU in writing of his/her intent to pursue patent protection;
  - b. Assign ownership of the Intellectual Property to YU;
  - c. Obligate patent counsel to copy YU on all communications with the United States Patent and Trademark Office; and
  - d. Refer all third-party interest in the Intellectual Property directly to YU for licensing.
- iv. If income is derived from a patent declined by Einstein, it will be distributed as follows:

After reimbursement to the Inventor and then YU of direct assignable expenses incurred, fifteen percent (15%) of the remaining income will be allocated to the Office of Biotechnology to defray the operating costs of the Office. The remaining net income will be distributed in the following manner:

- a. The first \$15,000 will be allocated exclusively to the Inventor or his/her estate and/or heirs;

- b. Two-thirds of the additional income will be allocated to the Inventor or his/her estate and/or heirs;
- c. The remaining one-third of income will be allocated to YU.

#### **K. Management of Licenses**

Management of all licensing agreements for Intellectual Property owned by YU, remains with YU.

## **XIII. SCIENTIFIC MISCONDUCT**

### **Purpose**

This policy affirms the commitment of Yeshiva University to require and maintain the highest standards of ethical performance on the part of all members of the Yeshiva University community. It establishes procedures for the prompt, thorough and fair investigation of allegations of research misconduct in regard to research for which Yeshiva University assumed legal and financial accountability for the funds and/or for the performance of the activities. This policy states the mechanisms through which such investigations will be carried out and reported. It provides procedures for enforcing high standards of ethical performance within the University as well as complying with governmental regulations regarding research misconduct.

### **A. Scope**

This policy defines the mechanisms for investigating all allegations of scientific misconduct involving research under the aegis of Yeshiva University as herein defined. The procedures set up in this policy are to be invoked in response to any and all such allegations of research misconduct.

#### **i. Scientific Misconduct**

- a. Scientific Misconduct includes fabrication, falsification or plagiarism in proposing, performing or reviewing research or reporting research results.
- b. Fabrication is making up data or results and recording or reporting them.
- c. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results so as to inaccurately represent the research in the research record.
- d. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

## ii. **Findings of Scientific Misconduct**

A finding of scientific misconduct requires that:

- a. There be a significant departure from accepted practices of the relevant research community;
- b. The misconduct be committed intentionally, or knowingly, or recklessly; and
- c. The allegation be proven by a preponderance of evidence.

Scientific Misconduct does not include honest error or differences of opinion.

## **C. Procedures for Dealing with Allegations of Scientific Misconduct**

All allegations of scientific misconduct are to be reported to the Dean of the school of the accused and the Provost. The Provost will promptly forward each such allegation to the Ethical Screening Committee located at the Albert Einstein College of Medicine of Yeshiva University (referred to in Section C. ii.). Unless such allegation is deemed by the Ethical Screening Committee to be frivolous or trivial (see Section C. ii. b.), the Committee will promptly refer the allegation to the Committee on Ethical Research Performance located at the Albert Einstein College of Medicine (CERP) for non-formal inquiry into the substance of the allegation (see Section C. iii. et seq). The CERP will determine from its inquiry whether the allegation requires a formal investigation. If such an investigation is deemed necessary by the CERP, it will be carried out by an Investigative Committee (referred to in Section C. iv.) following the procedures set forth in Section C. iv. a. In the case of research supported by government funds, the procedures set out in this policy are intended to conform to the requirements for investigating and reporting possible misconduct in science involving such government funded research as stated in Subpart A of Part 50, Title 42, Subchapter D of the Code of Federal Regulations.

### i. **Allegations**

It is the responsibility of all members of the University community to report any perceived research misconduct to the Dean of their school and the Provost. Allegations can be made

anonymously but must be sufficiently specific to provide a factual basis for investigation. A copy of the allegation (or a write-up giving the substance of the allegation) must be given to the accused by the CERP forthwith. The CERP will take any necessary steps to preserve the evidence needed to inquire into an allegation.

ii. **Ethical Screening Committee**

The Ethical Screening Committee shall review all allegations of scientific misconduct presented to the Provost to determine if they fall within the purview of this policy and are not of a frivolous or trivial nature. This preliminary examination of allegations shall be conducted promptly and ordinarily completed within 5 days.

- a. A determination that an allegation of scientific misconduct does not fall within the purview of this policy or is frivolous or trivial and does not warrant inquiry requires a unanimous finding by the Ethical Screening Committee.
- b. If the Committee decides that the allegation of scientific misconduct falls within the purview of this policy and is not frivolous or trivial, the Committee must promptly notify the accused of the substance of the allegations in writing. S/he must also be advised of her/his rights and obligations under the investigative procedures defined below. The accused must be advised of the right to obtain counsel after being notified that an allegation has been made and that her/his exercise of this right shall not affect her/his faculty or employment status or impair her/his right to a full hearing under the investigative procedures described herein.

iii. **Committee on Ethical Research Performance and the Investigative Committee**

The Committee on Ethical Research Performance (CERP) is charged with the non-formal inquiry into all allegations of scientific misconduct referred to it by the Provost after review by the Ethical Screening Committee in accordance with this policy and as required by governmental regulations. The CERP is responsible for determining whether an allegation of scientific misconduct requires a formal investigation. The Committee shall make its determination no later than 60

calendar days from the time the allegation was first received by the Provost, unless the Provost agrees with the CERP that the circumstances of the allegation and the necessary inquiry require a longer period.

- a. Should a member of the CERP have any conflict of interest regarding a specific allegation, that member shall not participate in any aspect of the inquiry into that allegation.

Additional ad hoc members to serve on the CERP in regard to a specific allegation of scientific misconduct may be appointed. The selection of ad hoc members will be made with due consideration for the required expertise and to avoid possible conflicts of interest. Ad hoc members will serve for the duration of a specific inquiry or investigation.

The CERP's findings are to be presented in a written report to the Provost which shall set forth what evidence was reviewed, summarize relevant interviews and include the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of the inquiry. If the individual comments on such a report, such comments shall be appended.

At such time as the CERP determines it to be necessary to conduct a formal investigation of possible research misconduct involving research supported by government funds, the President or his designated representative shall so notify the Director of the Office of Research Integrity (ORI), indicating the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the PHS application or grant number(s) involved and such other information as may be pertinent. However, the President or his designated representative is responsible for notifying the ORI and the funding agency if it is ascertained at any stage of the inquiry or investigation that any of the following conditions exist.

1. There is a public health or safety hazard involved;

2. There is an immediate need to protect Federal funds or equipment;
  3. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
  4. It is probable that the alleged incident will be reported publicly;
  5. There is a reasonable indication of possible criminal or civil law violation. In such instances, the President or his designated representative must inform ORI within 24 hours of obtaining that information;
  6. If research activities should be suspended;
  7. If the research community or public should be informed.
- b. Where the CERP has determined that an allegation of research misconduct requires a formal investigation, that investigation will be conducted by the Investigative Committee. The funding agent must be notified of such decisions. Members of the Investigative Committee shall be selected by the CERP at a duly called meeting for that purpose. Up to three additional ad hoc members of that Committee may be appointed. If an accused is not a faculty member, an additional ad hoc member shall be appointed from the peer group (e.g., student, employee) of the accused. All members will be subject to the rules stated in Section C. iii. a. regarding conflict of interest.
- c. The University shall provide the CERP and the Investigative Committee with such administrative and secretarial support as is required to carry out their functions and shall reimburse members of such committees for any necessary expenses incurred during the course of carrying out the investigations provided for in this policy. Counsel designated by the institution shall serve in an advisory capacity to the CERP and the

Investigative Committee to assure that institutional obligations are carried out and appropriate laws and procedures are followed.

- d. The institution will defend the members of the CERP and the Investigative Committee against any legal actions brought against them resulting from their good faith actions consistent with applicable laws, regulations and this policy. This pertains as long as their actions were within the scope of their responsibilities and in connection with pursuing inquiries or investigations of allegations as members of the CERP or the Investigative Committee respectively. The institution will hold such individuals harmless and indemnify them for any liability resulting there from.
  
- e. When an allegation is found to be without substance, the CERP must still endeavor to determine whether the allegation was made in good faith. If the committee decides that the allegation was made in good faith but does not involve research misconduct, the CERP shall make recommendations to the Dean as to how to restore the reputations of all concerned. If the CERP judges that the allegation was not made in good faith or was made with malicious intent, the CERP is to recommend to the Provost a course of action which may include referral of the actions of the accuser for disciplinary consideration.

#### iv. **Investigative Procedures**

##### a. **Investigation Into an Allegation of Research Misconduct**

Within 30 days of any determination by the CERP that an allegation of research misconduct requires formal investigation, the Investigative Committee shall undertake formal investigation into the substance of the allegation and any additional issues of possible research misconduct raised by the CERP's inquiry. This inquiry must be conducted thoroughly but expeditiously, adhering to the requirements of the PHS and its ORI in cases involving Research Misconduct in regard to research supported by government funds.

The Investigative Committee shall act to obtain whatever testimony and documentary evidence it requires to evaluate the substance of the alleged misconduct and any circumstances that materially bear on the allegation. The Investigative Committee is not bound by strict rules of evidence. The accuser, if known, will be asked to testify and present evidence, represented by counsel if he desires. Testimony and evidence may also be presented by witnesses called by the Investigative Committee. The accused must be given the opportunity to testify and may be represented by his counsel. The accused will be entitled to present witnesses on his own behalf and to know of and have an opportunity to respond to the substance of all allegations against him. The accused will have the opportunity to confront and cross examine any individual who has specifically charged him with research misconduct (if the identity of the accuser is known) and any other witnesses. All testimony to the Investigative Committee is to be recorded verbatim with a copy made available to the accused.

All records, including testimony and documentation, are confidential files that will be maintained by the institution for at least three years after the completion of the investigation. The institution shall provide such records or copies thereof to competent governmental authorities as required by applicable law or regulation and to otherwise fulfill institutional responsibilities.

Efforts shall be made by the members of the Ethical Screening Committee, the CERP and the Investigative Committee to preserve the confidentiality of the proceedings and to protect the rights and reputation of all individuals who may be involved in any way in the investigation. The Investigative Committee shall also make recommendations concerning the actions it considers appropriate to assure the integrity of the research work in question and the reputation and rights of all concerned.

b. **Report of the Investigation**

The Investigative Committee shall provide a written report of the investigation that states the original allegation, the potential research misconduct found by the CERP to require investigation, a full description of the examined and a complete summary of the substance of the relevant interviews. The specific charges and findings arising from the investigation that are the basis for any recommendations for disciplinary action by the Investigative Committee must be fully and clearly described, together with the recommended actions. This report shall be completed no later than 65 calendar days following initiation of the inquiry by the Investigative Committee unless the Investigative Committee requests and the Provost agrees that the report cannot be completed by then due to unavoidable delays.

If the Investigative Committee has concluded on the basis of its investigation that research misconduct has occurred, the specific charges, evidence and findings, including those that form the basis for any proposed disciplinary action, must be presented to the accused in writing before such findings are reported and before any recommendation for disciplinary action is made. The accused must be given a period of 30 days during which he may prepare a written response and present additional evidence and witnesses to the Investigative Committee that are relevant to the findings and/or recommendations of the Investigative Committee. The Investigative Committee shall reconvene within that period to receive such additional evidence suggested by the accused and any further evidence the Investigative Committee deems appropriate to its consideration of such new evidence.

The report, the appended response by the accused, the results of additional investigation by the Investigative Committee and the Committee's recommendations will be forwarded to the Provost within 100 calendar days of the initiation of the investigation unless an extension is requested and granted by the Provost. The Provost may request further investigation by the Investigative Committee, which shall be carried out as expeditiously as possible. In any event, a final report will be provided to

the Provost by the Investigative Committee within 110 calendar days of the initiation of the investigation. The Provost shall send the Final Report of the Investigative Committee, copies of any supporting documentation that the Provost deemed appropriate or was requested by the President and the Provost's comments and recommendations to the President of the University for decision by the President on behalf of the institution. If research that was supported by government funds was involved, a final report will be submitted by the institution to the ORI within 120 calendar days of the initiation of the investigation. The report must describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings and the evidentiary basis for the findings, the actual text or an accurate summary of the views of any individual(s) who submitted relevant testimony as well as the individual found to have engaged in misconduct, and a description of any sanctions to be taken by the institution. No recommendation for disciplinary action based on the research misconduct alleged to have occurred may be made that is not based on these formal written charges. The accused, the accuser, the CERP and the Investigative Committee shall be provided copies of all such reports. If the accused is found not to have committed misconduct, the Investigative Committee shall recommend appropriate steps designed to restore the reputation of the accused including proper notification to the ORI.

v. **Extended Investigation**

In cases of alleged misconduct that require a more extensive investigation than can be completed in this 120 day period, the Investigative Committee shall submit a report to the Provost prior to the 120 days including a request for an extension and a statement of the reasons that further investigation requiring time beyond this 120 day period is required. This report shall be provided to the Provost to enable an institutional request of the ORI for an extension of time to complete the investigation. The procedures to be followed during an extended investigation are the same as described in Section C. iv. a. and the report thereof as in Section C. iv. b.

## **D. Actions**

A report of any investigation of research misconduct will be reviewed by the Provost and forwarded to the President of the University together with any additional comments or recommendations the Provost may consider appropriate. The Institution will report the investigative findings and recommendations to all appropriate governmental bodies in accordance with applicable laws or regulations. The Provost shall take administrative actions approved by the President of the University and otherwise deemed necessary to remedy the effects of any research misconduct that the investigation has revealed or to prevent its future occurrence. With respect to actions regarding research misconduct affecting a member of the faculty, the procedures described herein shall supersede Sections 5.03 and 5.04 of the Rules and Regulations Providing for a System of Appointments, Titles and Compensation Arrangements of the Albert Einstein College of Medicine of Yeshiva University. In such instances where continuance of the individual in his duties threatens immediate harm to himself or to others or may cause irreparable damage to the College of Medicine, a person against whom written charges have been made may be suspended from his duties by the Provost pending final action on such charges. In the case of a faculty member, such suspension by the Provost would be with salary pending final action upon such charges.

This policy also encompasses investigation and reporting of allegations of research misconduct involving students and non-faculty employees of the College. However, disciplinary actions resulting from such investigations may be dealt with in the disciplinary process applicable to the group involved (e.g., student disciplinary procedures or grievance and arbitration machinery of employee collective bargaining agreements).

## **E. Support Of Ethical Research Performance**

It shall be the responsibility of all members of the Yeshiva University community to actively foster ethical practices in the conduct of research.

## **XIV. USE OF COPYRIGHTED MATERIAL**

Every employee of Yeshiva University must fully comply with all restrictions on the use of copyrighted material in any activity related to his or her employment or while using University owned or furnished computer equipment and/or computer networks. This requirement applies to every type of usage of such material including but not limited to publishing and reproduction by traditional means and the use of the Internet and the World Wide Web.

While copyrighted material may sometimes be used without permission, such circumstances are very limited. The most common method of compliance is to request and obtain permission of the copyright owner to use the copyrighted material. The Penalties for unauthorized use of copyrighted material (“infringement”) can be substantial and may result in personal liability to the unauthorized user.

Any questions regarding the use of copyrighted material should be directed to the office of the University’s General Counsel before the material is used.

In keeping with longstanding academic custom, barring certain exceptions, faculty members are free to copyright their lecture notes, manuscripts and other writings developed from their scholarly activities, even though performed as part of their regular duties in the University. Copyright may be secured in the name of the individual faculty member or, by special arrangement, in the name of the University. Royalties normally accrue to the author, but in certain cases, royalties are assigned by the copyright holder in whole or in part to the support of the scholarly program of a particular department or school. The principle exceptions to this permissive policy relate to 1) programs financed by grants or governed by contracts imposing express obligations upon the University; 2) materials created with the use of University resources beyond the level commonly provided to faculty; and 3) materials created or commissioned for use by the University.

## **XV. SMOKING**

In order to provide employees, students and others with a smoke-free environment, and to comply with the Smoke-Free Air Act and Clean Indoor Air Act as enacted by the City of New York and the New York State Public Health Law Article 13-E as enacted by the State of New York, it is the policy of Yeshiva University to prohibit smoking in all Yeshiva buildings and facilities, including private offices.

In accordance with the law, any individual can voice objections to smoke that gathers in any smoke-free area without fear of retaliation of any sort. Conflicts among employees should be brought to the attention of Human Resources. Conflicts among students should be referred to the Office of Student Affairs.

## **XVI. POLICY ON A DRUG FREE WORKPLACE**

- A.** In compliance with effective federal law and consistent with the institution's commitment to a drug-free work environment, the following policy applies to all employees of the institution with particular emphasis to all employees engaged in the performance of any federal grant or contract involving the institution:
- i. Drug abuse in the workplace (which includes the unlawful manufacture, possession, distribution, dispensation or use of controlled or prohibited drugs in the workplace other than for legally sanctioned purposes) is strictly prohibited. Violations will result in appropriate disciplinary action up to and including termination of employment, referral for criminal prosecution wherever warranted and reporting to appropriate regulatory agencies to the full degree required.
  - ii. Any employee involved in a federal grant or contract is legally obligated to notify the university personnel director or his designee of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The institution will then notify the granting or contracting agencies involved within ten days after receiving such notice of drug statute conviction. Within 30 days of such notification, the institution will take appropriate personnel action up to and including termination. In appropriate situations, the institution may, among other sanctions, require employees convicted of criminal drug statute violations in the workplace to satisfactorily participate in a drug rehabilitation program.
  - iii. As part of the institution's required drug-free awareness program, it is reiterated, as employees should already be aware, that drug abuse in the work place is dangerous and harmful to the abuser, to other employees and to the institution's obligations to carry out its responsibilities, including those pursuant to federal grants and contracts.

- iv. Employees in need of assistance regarding drug abuse may be eligible to participate in drug counseling and/or drug rehabilitation programs available in the community. Information concerning some of these programs is available from the university personnel director.
  - v. All employees engaged in the performance of a federal grant or contract are further advised that their full compliance with the requirements set forth in this statement is a specific condition of their employment under any federal grant or contract involving the institution as a whole.
- B. Yeshiva University Program Pursuant To the Drugs Free Schools and Communities Act Amendments of 1989**

*To All Students and Employees of Yeshiva University:*

*The United States Department of Education has issued regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989. These regulations require that institutions of higher education promulgate and annually distribute standards of conduct prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol at any of their facilities or in connection with any of their activities by their students, faculty, staff and others on their payroll (the employees). The regulations also require that each institution provide various related information, more fully described below, as part of their program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.*

*Yeshiva University Standards of Conduct on illicit drugs and alcohol are outlined below in Section B. i. Information on University sanctions for violation of these standards is also outlined in Section B. i. Information on criminal sanctions for the illegal possession, use or distribution of illicit drugs and alcohol is outlined in Section B. ii. Information on the health risks associated with the use of illicit drugs and the abuse of alcohol is outlined in Section B. iii. Information on available counseling is*

*outlined in Section B. iv. We urge your careful attention to this important information.*

## **Standards of Conduct**

The following are Yeshiva University's Standards of Conduct on Illicit Drugs and Alcohol for students and employees:

### **a. Illicit Drugs**

The University adheres to the following Standard concerning the unlawful possession, use or distribution of illicit drugs:

The unlawful possession, use or distribution of illicit drugs at any facility of the University or in connection with any activity sponsored by or under the control or supervision of the University shall subject the student or employee of the University to appropriate disciplinary action by the University and referral by the University for criminal prosecution by appropriate governmental authorities. In addition, being under the influence of illicit drugs (other than lawfully prescribed drugs) during working hours, when classes are in session or while engaged in activities sponsored by or under the control or supervision of the University shall also subject the student or employee to disciplinary action. In the case of students, such disciplinary action may include suspension or expulsion. In the case of employees, such disciplinary action may include suspension or discharge. Criminal sanctions for the unlawful possession, use or distribution of illicit drugs are discussed in Section B. ii. and detailed in Appendices A and B2.

### **b. Alcohol**

1. Persons under the age of 21 years are prohibited from possessing any alcoholic beverage on Yeshiva University premises or at any event sponsored by the University or by a University organization. Whether the event is held at the University or not it is the policy of Yeshiva University to prohibit the serving of alcoholic beverages to persons who cannot establish that they are 21 years of age or older.

2. Undergraduate students, regardless of age, are prohibited from consuming alcoholic beverages on University premises or at University events. Undergraduate students, regardless of age, are also subject to any further applicable restrictions of their individual school or residence facilities concerning alcoholic beverages.
3. All students, including undergraduate, graduate and professional students are prohibited from being under the influence of alcohol while engaged in academic or professional activities sponsored by, under the control of, or supervised by the University.
4. Employees are prohibited from being under the influence of alcohol during working hours or while engaged in activities sponsored by, under the control of, or supervised by the University. Employees are also prohibited from bringing beverages into or consuming alcoholic beverages on University premises or at activities sponsored by, under the control of, or supervised by the University.
5. A limited exception exists only in regard to the non-intoxicating consumption of alcoholic beverages at events sponsored by the University or any of its recognized departments or divisions to which an employee, who is 21 years of age or older, is expressly invited.

Upon finding evidence of violation of the Standards of Conduct on Alcohol by any student, the University will take appropriate action which may include suspension or expulsion and, where appropriate, referral for prosecution. In case of employees, such disciplinary action may include suspension or dismissal, and where appropriate, referral for prosecution.

## ii. **Information on Legal Sanctions**

The possession, use or distribution of illicit drugs, depending on the nature of the crime, contains penalties up to imprisonment for life.

Federal penalties for illegal possession of a controlled substance and a description of Federal Trafficking (i.e., distribution) penalties

for substances covered by the Federal Controlled Substances Act are attached as Appendix A. Examples of New York State and New York City provisions are contained in Appendix B.

Criminal penalties and sanctions may also result from the misuse of alcoholic beverages. For example:

- a. A person under the age of 21 who possesses alcoholic beverages with intent to consume is subject to a \$50 fine and/or completion of an alcohol awareness program.
- b. A person under 21 who presents falsified proof of age when purchasing or attempting to purchase alcoholic beverages commits a criminal violation and can be fined up to \$100 and be required to perform community service not exceeding thirty hours.
- c. A person who drives while intoxicated commits a criminal misdemeanor that is punishable by up to one year imprisonment and up to a \$1,000 fine, plus revocations of that person's driver's license for six months.
- d. New York law prohibits consumption of an alcoholic beverage or possession with intent to drink an open container containing an alcoholic beverage in any public place except where a permit has been obtained. The possible penalty is a \$25 fine or 5 days imprisonment.

These are only examples of the penalties that can be assessed against an individual for the unlawful possession, use and distribution of alcoholic beverages and illicit drugs. It is the University's policy to discourage violations of Federal, State and City laws by its students and employees and will assist in the prosecution by the relevant governmental authorities by cooperating fully with them.

### iii. **Health Risks Associated With Illicit Drug and Alcohol Use**

### **a. Health Risks of Alcohol Abuse**

The following is a summary derived from governmental studies of the health risks of alcohol:

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence, and sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage of vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome who are born with irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **b. Health Risks of Illicit Drugs**

A summary of the health risks associated with the use of illicit drugs from a Department of Justice publication entitled *Drugs of Abuse* is attached as Appendix C.

## **iv. Counseling and Similar Problems**

Detoxification, outpatient and inpatient rehabilitation, and reentry programs are available in New York City and elsewhere.

Persons concerned about substance abuse or alcohol problems are invited to call the numbers listed below for information, confidential

referrals and assistance. These are just a sampling of assistance available throughout New York City.

- a. **Alcoholics Anonymous** – 212-6471680
- b. **Al-Anon** – 212-941-0094
- c. **Narcotics Anonymous** – 212-929-6262
- d. **Naranon** – 631-582-6465
- e. **Alcohol and Substance Abuse Hotline** – 800-522-5353
- f. **Department Substance Treatment Routing Center** – 800-662-HELP
- g. **Alcoholism Council-Fellowship Center** – 212-252-7022

The Albert Einstein College of Medicine of Yeshiva University operates a substance abuse treatment center. Its focus is the treatment of opioid dependence (narcotics addiction) through the methadone maintenance modality. For more information call (718) 409-9450 between the hours of 9:00 a.m. and 5:00 p.m.

Employees in need of assistance regarding drug or alcohol abuse may be eligible to participate in counseling and/or rehabilitation programs in the community. Information regarding some of these programs is available by calling (718) 430-2552.

Students in need of assistance regarding drug and alcohol problems may be able to obtain confidential counseling, a referral for counseling or a referral to appropriate outside agencies through appropriate University offices. Such offices include:

- a. For undergraduate students, the University's Office of Student Services (212) 960-5330,
- b. For Cardozo Law School students, the Office of Student Affairs (212) 790-0313,
- c. For medical students, Sue Golding students, post-doctoral fellows and Research Associates, Merit Behavioral Care (800) 626-3643,

- d. Students at the Ferkauf Graduate School of Psychology, Wurzweiler School of Social Work and other graduate schools may also obtain a referral for counseling or a referral to appropriate outside agencies by contacting the Ferkauf Psychological Services Center at (718) 430-5238.

v. **Conclusion**

Yeshiva University, as a matter of institutional policy and as required by law, is committed to the prevention of the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

In that regard, Yeshiva will conduct a biennial review of its program to:

- a. Determine its effectiveness and implement changes to the program if needed; and
- b. Ensure that the disciplinary sanctions described herein are consistently enforced.

If you have any questions regarding this program or require assistance related to the provisions of this program, you may wish to call the Office of Affirmative Action at (718) 430-2552.

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## APPENDIX A

### FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

#### 21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both.

- a. 1<sup>st</sup> conviction and the amount of crack possessed exceeds 5 grams.
- b. 2<sup>nd</sup> conviction and the amount of crack possessed exceeds 3 grams.
- c. 3<sup>rd</sup> or subsequent conviction and the amount of crack possessed exceeds 1 gram.

#### **21 U.S.C. 853(a) (2) and 881(a) (7)**

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment (see special sentencing provisions re: crack).

#### **21 U.S.C. 881(a) (4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

#### Miscellaneous

Revocation of certain Federal Licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of Individual Federal agencies.

NOTE: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

## APPENDIX B

Examples of penalties under the New York State Penal Law include:

- a. The criminal possession of four or more ounces of cocaine is a class A-1 felony, punishable by a minimum of 15-25 years, and a maximum of life in prison.
- b. The sale of one-half ounce or more of cocaine is a class A-2 felony, punishable by a minimum of 3-8 years and four months and a maximum of life in prison.
- c. The criminal possession of one-quarter ounce or more of marijuana is a class D felony, punishable by up to 7 years in prison.
- d. The sale of more than 25 grams (to four ounces) of marijuana is a class E felony punishable by up to 4 years in prison.

It is important to be aware that in New York a gift of drugs is treated as a sale.

New York City law provides that an individual convicted of a felony for possession or sale of a controlled substance can be liable to the City for a civil penalty of up to \$100,000 for each count of an indictment which resulted in a conviction under the penal law.

### FOOTNOTES:

1. Illicit drugs are those controlled substances covered by either the Federal or New York States Controlled Substances Act, including Narcotics (e.g., opium, morphine, codeine, heroine, hydromorphone, meperidine); depressants (e.g., chloral hydrate, barbituates, benzodiazepines, methaqualone, glutethimide); stimulants (e.g., cocaine, amphetamines, phenmetrazine, methylphenidate); hallucinogens (e.g., marijuana, tetrahydrocannabinol, hashish, hashish oil).
2. This program is intended to supplement and not limit the University's Drug-Free Workplace Policy, which imposes additional requirements regarding illicit drugs for employees who are engaged in the performance of federal grants or various federal contracts. Any person who potentially may be affected by that policy or other interested persons who wish to see a copy of Yeshiva's Drug-Free workshop Policy should contact (718) 430-2552.
3. From: What Works: Schools Without Drugs (1989 Edition), a Department of Education Publication.

**APPENDIX B.2**

**Federal Trafficking Penalties**

(As of January 1, 1996)

Controlled Substances Act Schedule	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	Quantity	Drug	Quantity	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense
<b>I and II</b>	<ul style="list-style-type: none"> <li>•Not less than 5 years. No more than 40 years.</li> <li>•If death or serious injury, no less than 20 years or more than life.</li> <li>•Fine of not more than \$2 million individual, \$5 million other than individual.</li> </ul>	<ul style="list-style-type: none"> <li>•Not less than 10 years. Not more than life.</li> <li>•If death or serious injury, not less than life.</li> <li>•Fine of not more than \$4 million individual \$10 million other than individual</li> </ul>	10-99 gm pure or 100-999 gm mixture	Methamphetamine	100 gm or more pure of 1 kg or more mixture	<ul style="list-style-type: none"> <li>•Not less than 10 years Not more than life</li> <li>•If death or serious injury, not less than 20 years or more than life</li> <li>•Fine of not more than \$4 million individual, \$10 million other than individual than individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not less than 20 years Not more than life</li> <li>•If death or serious injury, not less than life</li> <li>•Fine of not more than \$8 million individual, \$20 million other</li> </ul>
			100-999 gm mixture	Heroin	1 kg or more mixture		
			500-4,999 gm mixture	Cocaine	5 kg or more mixture		
			5-49 gm mixture	Cocaine Base	50 gm or more mixture		
			10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture		
			1-9 gm mixture	LSD	10 gm or more mixture		
			40-399 gm mixture	Fentanyl	400 gm or more mixture		
10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture					

\* The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance=s medical use, potential abuse, and safety or dependence liability.

**Federal Trafficking Penalties**

(As of January 1, 1996)

Controlled Substances Act Schedule	Drug	Quantity	1st Offense	2nd Offense
<b>I and II</b>	Others (law does not include marijuana, hashish, or has oil).	Any	<ul style="list-style-type: none"> <li>•Not more than 20 years</li> <li>•If death or serious injury, not less than life</li> <li>•Fine \$1 million individual, \$5 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not more than 30 years</li> <li>•If death or serious injury, life</li> <li>• Fine \$2 million individual, \$10 million not individual</li> </ul>
<b>III</b>	All (Included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol and some barbiturates).	Any	<ul style="list-style-type: none"> <li>•Not more than 5 years</li> <li>•Fine not more than \$250,000 individual, \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not more than 10 years</li> <li>•Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
<b>IV</b>	All (Included in Schedule IV are Darvon, Talwin, Equanil, Valium, and Xanax).	Any	<ul style="list-style-type: none"> <li>•Not more than 3 years</li> <li>•Fine not more than \$250,000 individual, \$1million not individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not more than 6 years</li> <li>•Fine not more than \$500,000 individual, \$2 million not individual</li> </ul>
<b>V</b>	All (Over-the-counter cough medicined with codeine are classified in Schedule V).	Any	<ul style="list-style-type: none"> <li>•Not more than 1 year</li> <li>•Fine not more than \$100,000 individual, \$250,000 not individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not more than 2 years</li> <li>•Fine not more than \$200,000 individual, \$500,000 not individual</li> </ul>

**Federal Trafficking Penalties - Marijuana (includes hashish and hashish oil) (As of January 1, 1996)**

Description	Quantity	1st Offense	2nd Offense
<b>Marijuana</b>	1,000 kg or more mixture, or 1,000 or more plants	<ul style="list-style-type: none"> <li>•Not less than 10 years, not more than life</li> <li>•If death or serious injury, not less than 20 years, not more than life</li> <li>•Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not less than 20 years, not more than life</li> <li>•If death or serious injury, not more than life</li> <li>•Fine not more than \$4 million individual, \$20 other than individual</li> </ul>
<b>Marijuana</b>	100 kg to 999 kg mixture, or 100-999 plants	<ul style="list-style-type: none"> <li>•Not less than 5 years, not more than 40 years</li> <li>•If death or serious injury, not less than 20 years, not more than life</li> <li>•Fine not more than \$2 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not less than 10 years, not more than life</li> <li>•If death or serious injury, not more than life</li> <li>•Fine not more than \$4 million individual, \$10 million other than individual</li> </ul>
<b>Marijuana</b>	50 to 99 kg mixture, or 50 to 99 plants	<ul style="list-style-type: none"> <li>•Not more than 20 years</li> <li>•If death or serious injury, not less than 20 years, not more than life</li> <li>•Fine \$1 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not more than 30 years</li> <li>•If death or serious injury, not more than life</li> <li>•Fine \$2 million individual, \$10 million other than individual</li> </ul>
<b>Marijuana</b>	Less than 50 kg mixture	<ul style="list-style-type: none"> <li>•Not more than 5 years</li> <li>•Fine not more than 250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>•Not more than 10 years</li> <li>•Fine \$500,000 individual, \$2 million other than individual</li> </ul>
<b>Hashish</b>	10 kg or more		
<b>Hashish Oil</b>	1 kg or more		

## APPENDIX C Controlled Substances - Uses & Effects

Drugs/ CSA Schedules	Trade or Other Names	Medical Uses	Dependence		Tolerance	Duration (Hours)	Usual Methods of Administration	Possible Effects	Effects of Overdose	Withdrawal Syndrome	
			Physical	Psychological							
<b>NARCOTICS</b>											
Opium	II III V	Dover's Powder, Paregoric, Parepectoin	Analgesic, antidiarrheal	High	High	Yes	3-6	Oral, smoked			
Morphine	II III	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, antitussive	High	High	Yes	3-6	Oral, smoked, injected			
Codeine	II III V	Tylenol w/ Codeine, Empirin w/ Codeine, Robitussin A-C, Fiorinal w/ Codeine	Analgesic, antitussive	Moderate	Moderate	Yes	3-6	Oral, injected	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Heroin	I	Diacetylmorphine, Horse, Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
Hydromorphone	II	Dilaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
Meperidine (Pethidine)	II	Demerol, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
Methadone	II	Dolophine, Methadone, Methadose	Analgesic	High	High-Low	Yes	12-24	Oral, injected			
Other Narcotics	I II III V	Numorphan, Percodan, Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Talwin2	Analgesic, antidiarrheal, antitussive	High-Low	High-Low	Yes	Variable	Oral, injected			
<b>DEPRESSANTS</b>											
Chloral Hydrate	IV	Noctec	Hypnotic	Moderate	Moderate	Yes	5-8	Oral			
Barbiturates	II III IV	Amytal, Butisol, Fiorial, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital	Anesthetic, anticonvulsant, sedative, hypnotic, veterinary euthanasia agent	High-Moderate	High-Moderate	Yes	1-16	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benzodiazepines	IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxexa, Verstran, Versed, Halcion, Paxipam, Restoril	antianxiety, anticonvulsant, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone	I	Quaalude	Sedative, hypnotic	High	High	Yes	4-8	Oral			
Glutathimide	III	Doriden	Sedative, hypnotic	High	Moderate	Yes	4-8	Oral			
Other Depressants	III IV	Equanil, Miltown, Niludar, Placidyl, Valmid	Antianxiety, sedative, hypnotic	Moderate	Moderate	Yes	4-8	Oral			

**STIMULANTS**

Cocaine	II	Coke, Flake, Snow, Crack	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamines	II	Biphetamine, Delcobese, Desoxyn, Dexedrine, Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected			
Phenmetrazine	II	Preludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
Methyphenidate	II	Ritalin	Attention deficit disorders, narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Other Stimulants	III IV	Adipex, Cylert, Didrex, Ionamin, Melfiat, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2	Weight control	Possible	High	Yes	2-4	Oral, injected			

**HALLUCINOGENS**

LSD	I	Acid, Microdot	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, poor perception of time, and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Mescaline and Peyote	I	Mexc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral			
Amphetamines Variants	I	2,5-DMA, PMA, STP, MDA,MDMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Variable	Oral, injected			
Phencyclidine	II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Phencyclidine Analogues	I	PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Other Hallucinogens	I	Bufotenine, Ibogaine, DMT, DET, Psilocybin, Psilocyn	None	None	Unknown	Possible	Variable	Smoked, oral, injected, sniffed			

**CANNABIS**

Marijuana	I	Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite occasionally reported
Tetrahydrocannabinol	I II	THC, Marinol	Cancer Chemotherapy, antinauseant	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish	I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil	I	Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

## **XVII: GUIDELINES FOR USE OF THE UNIVERSITY NAME**

The name of Yeshiva University or of any of its schools may not be used without prior approval except in the cases of scholarly usage, such as the publication of an article, reading of a scholarly paper, publication of a book and other such academic instances. It is understood that authors will use the term “Yeshiva University,” not the name of his or her division or unit only.

The University’s name or the name of any of its academic units may not be used in any statement or publication implying University approval unless prior approval is granted by the President or the President’s designee. It may not be used to advertise the faculty member’s connection with the University in a business or speculative venture. In the case of a political advertisement paid or contributed to by a member of the faculty, care should be taken that such a publication of one’s connection with the University will not imply University commitment to any political creed, candidate or policy.

University policy prohibits the use of the name Yeshiva University or of any of its schools, departments, programs or activities (e.g., Albert Einstein College of Medicine, Benjamin N. Cardozo School of Law, etc.) for purposes not permitted by institutional policies and procedures stated above. This prohibition includes but is not limited to the unauthorized use by anyone of such name(s) or the address of the University or of any of its schools for purposes of establishing organizations, foundations or corporations, the opening or maintaining of bank accounts, the soliciting of contributions and the filing of any legal document(s), or for any other purpose not expressly permitted.

Individuals may use their faculty titles for identification for scholarly or educational purposes, but such identification may not imply institutional support or endorsement. Use of a faculty title in connection with any political, community or philanthropic activity must clearly indicate that it is solely for identification purposes and does not imply institutional support or endorsement. Use of a faculty title for any commercial purpose is not permitted. A faculty member may *not* use his or her academic title or appointment for purposes of advertising any private professional or commercial activity or practice in newspapers, television and radio, telephone yellow pages or other directories, fund raising journals, etc. Where otherwise allowed, the proper format for use of faculty title is: name, professorial rank, academic/administrative title (if any), department name, relevant school of Yeshiva University.

Clinical activities and services that relate to one or more affiliated University institutions must not use the name of the University in any way that creates the impression that the University and the affiliate(s) constitute the same legal or fiscal entity or that one institution is responsible for the actions of the other. Full and fair disclosure is the objective. Printed materials may *not*, therefore, use the names of any University institution and another institution without prior review and approval by the University.

Individuals who breach these policies subject themselves to possible disciplinary actions by the University and, if the wrongdoing so justifies, to possible civil and/or criminal action (General Business law 135). Since such unauthorized activities are not within the scope of the duties or responsibilities of the faculty and staff, the University will not indemnify such individuals nor provide a legal defense for them against any civil or criminal action that may result.

Any question concerning permitted or unauthorized use should be referred to the Office of the General Counsel of the University.

## **XVIII. EMPLOYMENT ADVERTISING AND USE OF WEB SITES**

The University has had a long-standing policy requiring that the placement of all employment advertising be made through its Human Resources Department at either the Resnick or Main Campus, which shall determine whether the specific content to be placed anywhere, including the web, is appropriate in advance of its placement. A significant reason for this requirement is that the Human Resources Department has responsibility for assuring that the content of the University's advertising is in compliance with all federal, state and city employment laws, as well as applicable contractual commitments with labor unions and with donors, requiring the use of specific nomenclature.

The existence of web sites that allow departments and individuals to post information directly on the web, including employment advertising, creates a dilemma in that applicable regulations apply to all employment advertising mediums including the web.

Failure to place employee advertising through the Human Resources Department and to receive approval may expose the University and/or individuals to personal liability if ad content is not compliant with federal, state or city regulations, or other requirements.

## **XIX. REVISIONS TO THE MANHATTAN CAMPUSES FACULTY HANDBOOK**

The policies in this Handbook may be amended, altered or repealed, or additional policies adopted, upon review by the Faculty Council and approval by the Provost and the President. All faculty are requested to send any suggested modifications of the Handbook to the Provost.