

work per week during the academic year, and up to five days per week in the summer. There are normal charges for fringe benefits on all faculty and student salaries using the fringe benefits pool rate.

6. Before being accepted, each consulting contract must be approved by the principal investigator, the department chair, the Dean of Faculty, the Treasurer, and the Vice President for Advancement, or their designees. Contracts that specify research on human subjects, including using Harvey Mudd College students as research subjects, must also be approved by the Institutional Review Board (see section 2.4.2).

## **8.4 PAID NON-TEACHING ASSIGNMENTS**

Faculty members may undertake paid non-teaching assignments on campus during the academic year provided these assignments are externally funded and have the approval of the Dean of Faculty. The time spent on such assignments plus outside consulting should not exceed one day per week.

## **8.5 POLICIES APPLICABLE TO RESEARCH AND CONSULTING**

### **8.5.1 Scientific Conduct**

The definition of inappropriate scientific conduct covers a wide variety of practices, including but not limited to the following: fabrication, falsification, plagiarism, deception, intentional deviation from standard practices involving credit for work performed or not performed, and failure to comply with federal and other requirements affecting specific conduct of research such as the protection of research subjects.

There are certain standards within the scientific community, which are essential to ensure the quality and integrity of research. It is important that new investigators (students, research assistants, and postdoctoral fellows) be introduced to scientific research by experienced members of the college. The guidelines for research conduct include, but are not limited, to the following:

1. Mandatory supervision of each junior investigator (student, research assistant, or postdoctoral fellow) in any research unit. The number of investigators supervised should be small enough to insure adequate control. Supervisors should not place unreasonable expectations on the investigators which could lead to falsification of data.
2. Each investigator must retain the original primary data generated by his or her research unit, and original experimental results should be recorded in an organized form. Primary data should remain in the area assigned to the research unit at all times and should be kept for a reasonable period of time.

3. The senior investigator shall assume responsibility for the integrity of the work done and for the integrity of the way it is reported. Every co-author who has made a contribution to the study and manuscript must have the opportunity to review the manuscript prior to submission for publication.
4. Faculty must disclose in advance any proposed activities that might present a conflict of interest or commitment, including any financial interest. The college will provide a person or persons who can act as adviser as to what constitutes conflict of interest and screen and monitor proposed agreements with industry or outside agencies.

Any member of the college community may bring a complaint of scientific misconduct before the Dean of Faculty. The Dean of Faculty will, in turn, present the complaint to the Faculty Research Committee (excluding the dean, who serves as an ex-officio member on that committee) for review. If the complaint is found to be without substance, the committee will report this finding to the dean and no further action will be taken. If the complaint is considered worthy of further review, the dean will consult with the individual(s) and provide such individual(s) with the opportunity to present an explanation of the matters at issue. In all instances, every attempt will be made to protect the due process rights of the accused and to insure the confidentiality of the review process.

The dean will relay the response of the individual accused of misconduct to the Research Committee, which will decide whether a full investigation and hearing are warranted. In the event of a full investigation and hearing, the college may take interim action against any faculty member to prevent violations of the law; to protect the health, safety and welfare of research subjects, other researchers or bystanders; and to protect property. Normally, any funding agency or journal affected will be notified at the conclusion of the investigation if the occurrence of improper conduct has been determined.

If an investigation is deemed necessary, the chair of the Research Committee shall give the researcher(s) specific notice of the allegations of scientific misconduct against him or her, and of the possible sanctions that might be imposed by the President if the allegations are proven true. In this notice, the chair shall indicate the proposed date, time and place of the hearing before the Hearing Committee. The Hearing Committee shall consist of three faculty members. Faculty members on the Research Committee (other than the chair) will automatically serve on the Hearing Committee; the remaining member(s) shall be elected from the Faculty Executive Committee by the faculty members of the Faculty Executive Committee. An untenured member of the Research Committee or the Faculty Executive Committee may decline a position on the Hearing Committee if he or she feels strongly that his or her professional career may be jeopardized. If possible, the hearing should take place within thirty days from the delivery of the notice. The chair of the Research Committee shall take charge of the investigation on behalf of the complainant and the college. The researcher and the college must notify each other of the identities of the proposed witnesses at least five days prior to the hearing.

The chair of the Hearing Committee, elected by and from the Hearing Committee members, may at his or her discretion permit additional witnesses to testify. Unless both parties waive the requirement, notice of this decision must be given at least five days before the witnesses are called to testify. The purpose of the hearing is to give the researcher and the college the opportunity to present their cases. Both may submit written arguments concerning any related matters, and the chair of the Hearing Committee may request such written arguments. The hearing shall be conducted informally, and technical rules of evidence and procedure shall not apply. Nonetheless, both the researcher and the college may opt to have attorneys present. Both parties must be notified in writing at least five days in advance if an attorney is to be present. The hearing will be closed unless both parties agree that it be open.

Subject to the standards of fairness, the Hearing Committee shall consider the existing record in the case together with the oral, written or other evidence admitted. The researcher and the college may introduce witnesses who may be questioned by members of the Hearing Committee and by the researcher, the college and/or their representatives (such as legal counsel). The burden of proof is on the college to establish its allegations by clear and convincing evidence.

Unless the Hearing Committee gives notice that a delay is possible, the report will be sent to the President within thirty days of the final completion of all hearings in the case. In its report, the committee will recommend to the President either that there are no grounds for sanctions, or that certain sanctions should be imposed, or that one or more of several alternative sanctions should be considered. Such sanctions include, but are not limited to, dismissal from any or all positions within the college, withholding of research funds, temporary or permanent suspension from any or all research, and written or oral reprimands. Committee recommendations must be accompanied by specific findings of fact and explanations of the recommendation of sanctions. A copy of the report must be sent to the researcher or his or her representative or counsel at the time that it is transmitted to the President.

The President shall consider the recommendations of the Hearing Committee in making a final decision on whether sanctions should be imposed on the researcher, and if so, what those sanctions should be. If possible, the President's decision should be made and transmitted to the researcher and the Committee within ten days of receiving the Committee's report.

## **8.5.2 Intellectual Property**

### **8.5.2.1 Ownership of Intellectual Property**

All faculty members and students of Harvey Mudd College have full ownership of any intellectual property that they produce during the course of their involvement with the college, except when external sponsorship of the work requires the assignment elsewhere,

as in clinic projects, and/or the individual(s) and the college have entered into specific written agreements to the contrary.

Written agreements assigning ownership of the intellectual property of the college may be required when the college is sponsoring the work directly, through release time or faculty research grants for example, or when the college is providing facilities or equipment specially acquired, altered, or assigned for the purpose of carrying out the work. The request for sponsorship, either internal or external, or the need to acquire or use special facilities will typically invoke a review of the possible need for a written agreement. The Dean of Faculty will oversee the review and, in collaboration with the Office of Business Affairs and the President's Office, will execute written agreements when appropriate and according to the spending limitation authorization policy as adopted by the Board of Trustees. When such an agreement is executed, all resulting royalty and license revenue, net of directly attributable development and promotion costs, will be shared 50 percent by the author(s)/inventor(s) and 50 percent by the college, unless otherwise stipulated. Should the participants in the work wish to appeal the dean's proposed agreement, a hearing board composed of the President, the Chair of the Faculty, and the Treasurer will hear the appeal.

When there is a written agreement, or upon the request of the author(s)/inventor(s), the college may choose to employ its best efforts, either directly or through an agent such as a publisher or the Research Corporation, to protect the intellectual property through copyright or patent and to develop its full revenue potential.

Unless otherwise stipulated in the agreement, the college may employ such property on a royalty-free basis during the development process, but the author(s)/inventor(s) will receive their full share of royalty revenue from college use once the property becomes a commercial product.

If there is a written agreement, but the college declines to exercise its option to protect the property and to initiate the development of its revenue potential within the time frame stipulated within the agreement, ownership shall revert to the author(s)/inventor(s), and the faculty or students involved are encouraged to protect and develop their property themselves.

#### **8.5.2.2 Procedures**

If the college chooses to pursue the patentability of intellectual property, it may do so by employing its own lawyers or through the services of Research Corporation for Science Advancement (RCSA):

<http://www.rescorp.org/>

In the latter case the college has entered into an agreement with RCSA to provide management services for intellectual property so as to assist employees with their inventions. Basically, the agreement provides that employees may submit their inventions

to RCSA for evaluation. If the evaluation is favorable, RCSA will enter into a letter agreement with the inventor. RCSA, at its own expense, will file patent applications covering the invention and will use its best efforts to introduce the invention into public use and to secure a reasonable revenue therefrom by issuing licenses or otherwise. Under the terms of the agreement, RCSA will pay to the college the first 15 percent of the gross revenue it receives from the invention. After the deduction of certain RCSA expenses, the remainder of the revenue will be divided equally between RCSA and the college.

Unless other arrangements are agreed upon by the college and the inventor, all revenue received by the college from RCSA will be distributed as follows:

- Full reimbursement is made to the college of any identifiable expenses incurred in creating the intellectual property (unless prior agreement to the contrary has been reached);
- Of the remainder, 70 percent is paid to the person or persons developing the patent or copyright, 20 percent to the college, and 10 percent to the college department or departments of such person or persons.

Employees desiring further details on the arrangement with RCSA may secure copies of the agreement from the Dean of Faculty.

### **8.5.3 Financial Disclosure Policy**

#### **8.5.3.1 Definition and Terms of Disclosure for Principal Investigators Submitting Proposals to the National Science Foundation**

A conflict of interest may take various forms, but it certainly arises when an investigator is or may be in a position to influence such operations as the business of the college, research activities, or other decisions in ways that could lead to any form of personal gain for the investigator and/or any member of the investigator's family (spouse and/or dependent children). A financial disclosure is required to reveal all significant financial interests of an investigator (and his/her spouse and dependent children) that would reasonably appear to be directly and significantly affected by research or educational activities funded or proposed for funding by the National Science Foundation. The term "significant financial interests" encompasses any item of monetary value, including but not limited to salaries and payments for services (e.g., consulting fees, honoraria); equity interests (e.g., stocks, stock options, ownership interests); and intellectual property rights (e.g., patents, copyrights, royalties). Income from public or nonprofit institutions for seminars, lectures, and/or service on advisory or review committees is excluded from disclosure. Financial interests in business enterprises are also excluded if the composite value of such interests for the investigator, spouse, and dependent children is less than \$5000 or represents less than a 5 percent ownership. This statement of financial disclosure is to be completed by all investigators of research projects funded or proposed

for funding by the National Science Foundation. It is available from the Office of the Dean of Faculty or on the college website:

<http://www.hmc.edu/about/administrativeoffices/deanoffaculty1/fnb1/organdinfo1/findiscform/findisc.html>

The term “investigator” is interpreted to mean a principal investigator, co-principal investigator, or any other employee of Harvey Mudd College responsible for the design, conduct, and/or reporting of research or educational activities funded or proposed for funding by the National Science Foundation.

### **8.5.3.2 Procedures for Financial Disclosure**

A statement of financial interests is to be submitted to the Dean of Faculty at the time of submission of a proposal for funding to the National Science Foundation, on an annual basis upon award of funding, and at the completion of the project. The Office of the Dean of Faculty will call for annual updates as required. Financial disclosures should also be updated as new significant financial interests are obtained. As potential or actual conflicts of interest arise, the Dean of Faculty will determine the conditions or restrictions to be imposed to manage, reduce, or eliminate actual or potential conflicts of interest, including one or more of the following:

- Making public disclosures of the significant financial interests;
- Monitoring of the research activities by independent reviewers;
- Modifying the research plan or disqualifying the investigator(s) from participation in the portion of the NSF-funded research that would be affected by the significant financial interests;
- Securing the divestiture of the significant financial interests or a severance of the relationships that create actual or potential conflicts.

If the Dean of Faculty determines that the institution of conditions or restrictions on the investigators would be ineffective or inequitable, or if they would have a negative impact of scientific progress, technology transfer, or public health and welfare, then the dean may allow the research to proceed without imposing such conditions or restrictions on the investigators. Failure to disclose financial interests that would reasonably appear to be directly and significantly affected by the research or educational activities funded or proposed for funding by the National Science Foundation or to comply with imposed restrictions would lead to a review and possible sanctions as outlined in the Faculty Notebook (see section 8.5.1). The National Science Foundation will be informed of all instances in which the institution finds that it is unable to satisfactorily manage an actual or potential conflict of interest. Records of all financial disclosures and of all actions taken to resolve actual or potential conflicts of interest will be maintained until at least three years after the later of the termination or completion of the award to which they relate or after the resolution of any government action involving those records.

#### **8.5.3.3 The Responsibilities of the Dean of Faculty**

The Dean of Faculty is identified as the responsible official for overseeing institutional policies regarding the college's Principal Investigator Financial Disclosure Policy. The Dean shall:

- Certify, as required, that the institution has implemented a written and enforced conflict of interests policy that is consistent with NSF policies;
- Secure and review financial disclosures at the time that proposals are submitted to the NSF;
- Certify that, to the best of his/her knowledge, all financial disclosures required by that conflict of interest policy have been made;
- Resolve actual or potential conflicts in accordance with the college's policies or inform the National Science Foundation of conflicts that are not resolved to the satisfaction of the institution;
- Maintain records until at least three years after the later of the termination or completion of the award to which they relate or after the resolution of any government action involving those records;
- Call for the annual update of disclosures.