

Business Conduct & Ethical Standards

for faculty and staff



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Nothing in this booklet is meant to alter the existing rights and standards of conduct of faculty members, staff, or students.

INTRODUCTION

The University of Miami is a large, diverse, and complex organization linking thousands of individuals and entities in missions of education, research, patient care, and community service. A paramount commitment to ethical standards of practice is essential to both the spirit of our institution and its practical operations.

Such a commitment serves a variety of useful functions. By articulating core values and policies that shape both daily and long-term operations, the University conveys what kind of employer, business affiliate, and neighbor it seeks to be.

This handbook outlines University guidelines on business conduct, provides questions and answers on each issue covered, and gives direction for handling situations in which policies are not being followed. The handbook also references relevant policies where applicable. However, please note that the guidelines in this booklet are not comprehensive, and the complete policies should be reviewed.

University policies are available online at www.miami.edu/policies_procedures covering the following areas:

- Business Services (including bookstores, duplicating services, environmental health and safety, food service, general business policies, mail systems, materials management, public safety, purchasing, risk management, and travel)
- Finance (including planning and budgeting, financial accounting and reporting, payroll, non-payroll expenditures, and treasury)
- Human Resources (including employment, affirmative action, wage and salary, pay, benefits, employee relations, and leaves of absence)

- Information Technology (including information systems, which addresses security, access and confidentiality, software copyright, Web policies and electronic mail, and telecommunications)
- Real Estate (including information on leases and sales of property)
- Sponsored Programs (including proposal development and negotiations, award management, cost principles, billing, and reporting)

The *Faculty Manual*, accessible online at www.miami.edu/faculty-senate/FM, provides additional information on important faculty policies related to ethical matters and patent and copyright policy. The Office of Technology Transfer offers information for researchers regarding policies on intellectual property and conflict of interest on its Web site at www.miami.edu/techtransfer.

Policies are important both for what they say and for what they imply—in common occurrences and in situations not yet contemplated. A robust policy stimulates best practices in clear cases and provides guidance in complex and uncertain cases. The University expects proper business conduct whether a case is complex or easily resolved. The University makes policy changes periodically, and it is the responsibility of staff to review policies online regularly.

For questions regarding items not addressed in this guide, please contact the appropriate office using the phone numbers on pages 31 and 32.

UNIVERSITY OF MIAMI MISSION

The University of Miami's mission is to educate and nurture students, to create knowledge, and to provide service to our community and beyond. Committed to excellence and proud of the diversity of our University family, we strive to develop future leaders of our nation and the world.

CORE VALUES

We are absolutely committed to freedom of inquiry—the freedom to think, to question, to criticize, and to dissent. We will pursue the value of excellence in our research and educational missions with the single-mindedness that only great commitments deserve. We will provide our students with the standards of thought and communication. We also will prepare them for rewarding lifelong careers and will imbue in them a continued and permanent desire for the study of knowledge and the search for truth.



STANDARDS FOR PROFESSIONAL AND PERSONAL CONDUCT

The University of Miami is committed to the highest standards of ethics, honesty, and integrity in pursuit of its mission of education, research, patient care, and public service. These standards apply whether we are working with our students, patients, vendors, or fellow members of the faculty and staff. To this end, various statements in the University's policies and procedures address business ethics, professional and personal conduct, performance, and accountability. A summary of the various statements is reflected below.

All members of the University community are expected to adhere to the following basic values:

- **Honesty and Integrity**—Be truthful in both words and actions in your daily work.
- **Excellence**—We are committed to outstanding performance and service at all times, getting the job done right the first time, in as effective and efficient a manner as possible. We work collaboratively with others, promote personal responsibility and accountability, and aspire to do our jobs better in every dimension each day.
- **Respect**—Recognize each individual's right to quality service, confidentiality, and courtesy. Improve the service you offer by appreciating each person's opinions and ideas.
- **Compassion**—Acknowledge each individual's unique needs and how they may be affected by our decisions. Attempt to resolve problems and complaints in a timely manner.
- **Professionalism**—Perform all duties to the best of your abilities, experience, and training in a prompt and helpful manner that exemplifies teamwork. Assume responsibility for your work.
- **Fairness**—Be fair and objective in all your work.
- **Compliance**—Comply with all applicable laws, regulations, and policies by observing high standards in both personal and professional behavior.

In addition, faculty and staff should follow the rules of conduct in the *Faculty Manual* and the *Human Resources Policies and Procedures Manual*, respectively. Failure to do so may result in disciplinary action, up to and including dismissal.

CONFLICT OF INTEREST

Conflicts of interest arise in situations in which University personnel might use their positions to obtain private gain for themselves or others, such as those with whom they have family, business, or other ties. Conflicts of interest occur in situations in which a financial or other relationship may compromise, or appear to compromise, an investigator's professional judgment in conducting or reporting research. Similarly, conflicts of interest arise when a financial or other relationship

may compromise, or appear to compromise, a staff member's judgment in arriving at a University-related business decision. Conflicts of interest in business matters and outside consulting matters are covered in applicable policies contained in the *University of Miami Faculty Manual*, the Office of Technology Transfer policy, and the related policies in the *University of Miami Policies and Procedures Manual* (Business Services Policy BSJ025, Sponsored Programs Policy C8, and Human Resources policies on Conflict of Interest and Consulting Activities for employees). Situations that could be viewed as presenting a conflict of interest include the following:

- Significant ownership interests by a University employee in a company that has business relationships with the University
- Use of students or staff in external non-University activities
- Consulting, administrative, board membership, employment, or other financial relationship by the investigator with a company that is sponsoring that individual's research
- Improper transfer of University intellectual property rights
- Inappropriate use of University resources for the development of technologies for a third party
- Development of the same or similar technology for two different commercial entities

To determine whether a conflict actually exists, first ask yourself certain questions. Imagine how each party would react if they knew about a particular situation. Would they object? Would they have questions? Are contracts necessary? If situations like these arise, you should consult with the University Contract and Compliance Committee before becoming involved in a potential conflict. This group will help resolve outstanding issues. Meetings are scheduled every Friday morning at the office of the vice provost for research. (Call 305-243-6415 to place an item on the agenda.)

Principal investigators and other persons responsible for the design, conduct, or reporting of research funded by a governmental agency also are required by government regulations to disclose significant financial interests in entities conducting business with the University.

Investigators must disclose to the vice provost for research and their chairperson all significant financial and non-financial interests that would reasonably appear to affect, influence, or conflict with their research, and all such interests in entities whose financial interests would appear to affect, influence, or conflict with such research. A significant financial interest is anything of monetary value, including salary, consulting fees, tangible property, equity interests, and intellectual property rights. Salary or royalties from the University, income from seminars or from service on advisory committees for nonprofit or public entities, or financial interests in companies or salaries that do not exceed limits imposed by government agencies regarding the ownership in the company are not considered significant financial interests. A non-financial interest includes conflict of

commitment (see Sponsored Programs Policy C8) in which full-time members of the faculty are expected to devote their primary professional loyalty, time, and energy to their teaching, research, administrative responsibilities and, where applicable, to patient care through the University of Miami Medical Group. Outside financial interests and activities should not interfere with the primacy of these commitments.

The vice provost for research will review the disclosures to determine whether an actual or potential conflict of interest exists and what conditions or restrictions should be imposed to manage, reduce, or eliminate potential conflicts of interest.

Prior to expending any funds awarded through a government grant or contract, the University must report to the government agency that the conflict of interest has been managed, reduced, or eliminated.

For further information on this subject, please refer to the *University of Miami Faculty Manual*, the Office of Technology Transfer policy, and the related policies in the *University of Miami Policies and Procedures Manual* (Business Services Policy BSJ025, Sponsored Programs Policy C8, and Human Resources policies on Conflict of Interest and Consulting Activities for employees). See also Gifts and Entertainment, page 9.

Questions and Answers

Q: If I teach and conduct research in organic synthetic chemistry, can I open and own a private business to synthesize new organic chemicals?

A: No. Since the University could do this and organic chemistry is your field of expertise, this is a conflict.

Q: If the University releases an invention, patent application, patent, or other form of intellectual property to me, can I work on it in my laboratory?

A: No. The use of University resources in this case is a conflict.

VENDOR RELATIONS/FAIR TRADE

The University of Miami Purchasing Department is authorized to act for the University in all procurement matters. Except where specifically authorized, faculty, staff, and students are prohibited from making commitments or negotiating on behalf of the University or acting as its agent in procurement or contract matters.

A “vendor” (supplier) is any firm, corporation, company, consultant, or individual with whom the University presently, formerly, or potentially conducts business. Faculty and staff are expected to observe the following rules with regard to vendor relations:

- Strive to obtain the maximum value for each dollar spent by the University.
- Demand honesty in sales representations and proposals, whether offered in verbal or written statements, advertisements, or product samples.
- Make reasonable efforts to arrive at an equitable agreement that is

in the best interest of the University when settling a controversy with a supplier. Refer these matters, resolved and unresolved, to Purchasing.

- Avoid activities that would give the appearance of preferential treatment toward any vendor.
- Make all purchases through an approved procurement process, including purchase requisition, online purchasing, and procurement card.
- Ensure that all contracts have the review and signature of an authorized officer. Contact Purchasing for a list of these individuals.
- Make sure that all vendors have a Vendor Application on file with Purchasing. Vendor applications are available at www.miami.edu/purchasing.

The University of Miami Purchasing Department generally follows the National Association of Educational Procurement Code of Ethics in its relations with vendors. You can visit the association’s Web site at www.naepnet.org.

Vendors are expected to observe the following in their relations with the University:

- Conduct business in an atmosphere of good faith.
- Be honest in representing the company’s products.
- Report to the executive director of internal audit any solicitation or stipulation by a University employee seeking gifts, entertainment, favors, personal property, services, kickbacks, etc., for personal gain as a requirement for doing business with the University. Failure of a vendor to report the solicitation or stipulation may result in termination of current contracts and orders as well as jeopardize future business with the University.

Questions and Answers

Q: Who is an approved vendor?

A: An approved vendor is a company that has submitted a University of Miami Vendor Application and the required insurance documentation to the Purchasing Department. This information is verified and entered into the University’s online vendor database, and the company is assigned a vendor number. The approval and assignment of a vendor number does not ensure that a purchase order will follow; rather, it implies that the vendor is eligible to do business with the University because it meets University requirements.

Q: How do I find an approved vendor?

A: Purchasing maintains a list of approved vendors online in the University’s vendor database system. Contact Purchasing to check a vendor’s status.

Q: A family friend is involved in the sale of an item that the University frequently purchases from another vendor. Could I ask the Purchasing Department to consider switching vendors?

A: Purchasing is always willing to consider adding vendors to its list. You may feel free to submit this vendor’s name to the department for future consideration. (University employees are required to disclose vendors, who also are relatives, to Purchasing.)

Q: What if a vendor is a member of my family?

A: As a general rule, the University does not do business with companies owned by its faculty, staff, or employees. You can, however, contact Purchasing or Business Services for a review of the situation.

Q: A vendor asks to know what another vendor has bid or the price of its product or service. Can I tell one vendor another vendor's bid or prices?

A: No. Vendor information and pricing is confidential and should not be discussed. The University is not required to disclose this information. Requests of this nature should be referred to the director of purchasing.

Q: A department needs equipment, supplies, or service. May I commit the University to purchasing the item or service from a certain company prior to obtaining the required bids?

A: No. Only the Purchasing Department is authorized to commit the University in procurement matters. The University has set bid limits designed to keep the playing field fair. Purchasing is available to assist you with the bidding process.

Q: My department has an immediate need for a piece of equipment that will enable research, classes, or business to continue. Should I place the order over the phone in order to expedite the delivery or service completion?

A: No. The University of Miami purchase order contains many terms and conditions that protect the University in case a dispute arises between the requisitioner and vendor. Without a purchase order, the University has no commitment to pay the bill, leaving the requisitioner potentially responsible for payment. Contact Purchasing to protect both the University and yourself.

Q: A vendor wants to drop off a piece of equipment for my department to evaluate. Can I accept and use it?

A: Not without contacting Purchasing for instructions. A special document is needed to cover the equipment while it is on campus.

or vendor under any circumstances. “Token or nominal value” has been defined by the University as gifts of less than \$25. While at times it may be difficult to quantify the cost of a gift, it is always important to consider the appearance of impropriety and unfair business practice. During the bidding process it is unacceptable to receive any gifts even if they are of nominal value.

There are times when during the course of business it may be appropriate to conduct business during meals. In such instances, the meal should be for a specific business purpose. One should avoid frequent meals with the same supplier.

If you have any doubt or need help in determining if something is nominal or an appropriate business meal, please contact the director of Purchasing at 305-284-8233.

Questions and Answers

Q: A vendor providing products or service to my department treats me to sporting events three or four times a year. Is this appropriate?

A: No. A one-time nominal or token gift of tickets is acceptable, but continued gifts would exceed prudent business practices. Since the value and repetitive nature of the gift is significant and could influence your business decisions, you should not accept future gifts/invitations.

Q: While attending a vendor presentation, I was offered some promotional items. Is this acceptable?

A: Yes. It is considered permissible to accept “giveaways” of promotional items such as pens, calendars, caps, and similar items that are offered by vendors at trade shows. In contrast, it should be an easy decision not to accept an item of substantial value such as a TV set, a \$50 dollar gift certificate, or a trip to Bermuda.

Q: A vendor working with the University has offered to let me stay at his vacation home (or company apartment) on Cape Cod for the weekend. Should I accept the invitation?

A: No. This gift would not be considered a token or nominal one. Acceptance would give the appearance of impropriety, and it would be poor business practice for you to accept this type of invitation.

GIFTS AND ENTERTAINMENT

Gifts made to University faculty, staff, and employees may be in the form of entertainment, social invitations, sporting events, favors, personal property, services, food, or discounts. Gifts from vendors, contractors, or anyone conducting business with the University of Miami are usually offered as a gesture of goodwill or appreciation, often during the holiday season. Faculty, staff, and employees should be aware that these gifts may be given with the intent to influence a business decision and may create a conflict of interest. The person responsible for any business relationship has the obligation to handle gifts properly and in compliance with University policy.

For further information on this subject, please refer to the *University of Miami Policies and Procedures Manual* (Business Services Policy BSO25 and Human Resources policies on Conflict of Interest and Consulting Activities for employees) and the *Faculty Manual*.

Faculty, staff, and employees (and family members) may not accept gifts of more than token or nominal value from any University supplier

GIFTS FROM UM TO THIRD PARTIES

The University, in fulfilling its mission of public and community service, donates time and talents to organizations affiliated with the University. While the practice is not encouraged, donation of cash and other tangible assets may be appropriate under certain circumstances. Any gifts or donations to third parties must be approved by a vice president of the University, regardless of the amount or value of the donation. In addition, the gift or donation must be charged to a University unrestricted account. See University Policy B022 in the Financial Accounting policies section.

MISUSE OF UNIVERSITY ASSETS

University assets, such as cash, receivables, equipment, and buildings, must be properly safeguarded from loss and misuse. This responsibility rests with every employee, at all levels and in every department. Because the overwhelming majority of University personnel have the utmost concern for these assets, fraudulent situations are often either not detected or viewed as “administrative errors,” particularly when coworkers of long association are involved.

Fraud is defined as “an act of deceiving or misrepresenting in order to secure unfair or unlawful gain.” Embezzlement or misappropriation is defined as “an act of appropriating dishonestly for one’s own use property entrusted to one’s care.”

Fraud and embezzlement have many different manifestations. Practices that may constitute fraud or embezzlement include: untruthful financial reporting; expense report falsification by submitting receipts that could result in double reimbursements, receipts for personal expenses, or receipts for expenses that were not incurred; dishonest or false worker’s compensation claims or insurance claims; kickbacks; bid rigging; misuse of University checks, credit cards, procurement cards (Pcards), or computers; misappropriation of cash; use of University equipment for personal purposes; and misuse of sponsored grant funds.

Fraud depletes the University and the department involved of vital resources. Every member of the University community, regardless of position, is expected to assist in preventing or identifying fraud.

If you are aware of or suspect fraud, theft, embezzlement, or misuse of University assets, you should immediately report the situation to your supervisor, chairperson, or dean, as well as to the executive director of Internal Audit (305-284-2605) or to the controller (305-284-4877). You may also call the Compliance Hotline at 866-YOURCALL. All calls will be treated confidentially.

Although University management prefers that sources identify themselves when reporting suspicion of fraud, anonymous fraud allegations will be considered when supported by reasonable facts and circumstances. Such allegations should be mailed to the executive director of Internal Audit, room 314, Max Orovitz Building, Coral Gables campus, locator code 1436. (Mark the envelope “confidential.”)

Questions and Answers

Q: What should I do if I notice that a coworker is ordering goods for personal use and charging them to a departmental account?

A: The misuse of University assets for personal gain is prohibited and constitutes fraud. You should report your suspicions to your supervisor, chairperson, or dean as well as to the Internal Audit department or the controller for investigation and follow-up.

Q: I noticed a fellow employee submitting false receipts for business travel. What should I do?

A: Report it to your supervisor, chairperson, or dean as well as to the Internal Audit department or to the controller for investigation and follow-up.

Q: I have a strong suspicion that fraudulent activity is taking place in my department. I would like to see it stopped but don’t want to get involved.

How do I proceed?

A: All honest allegations of fraud or embezzlement should be reported in order for University staff to investigate and correct the problem. The University encourages all faculty and staff to call Internal Audit when there is strong suspicion of wrongdoing; while the University prefers that complainants identify themselves, you may submit the information anonymously to the Internal Audit department (by telephone or mail) or call the Compliance Hotline at 866-YOURCALL.

PROPER ACCOUNTING

University of Miami faculty and staff must assume responsibility for safeguarding and preserving University assets and resources. The following policy statements pertain to all University business activity and are applicable to all faculty and staff:

- All revenues generated by University activities and all expenditures for compensation, goods, and services must be recorded and the transactions accounted for in the University’s Financial Record System (FRS).

- FRS consists of the general ledger and all subsidiary systems (manual and automated) that serve as a basis for input to FRS. Subsystems include payroll/human resources, accounts receivable, accounts payable, check requisitions, advancement (gifts), purchasing, budget, sponsored programs, telecommunications, work order system, computer billing, EDI (electronic payments), parking, and postage/duplicating, as well as online and paper transactions. All transactions, whether recorded directly into the general ledger or entered through a subsystem, should be recorded in a way that allows financial statements to be prepared in conformance with Generally Accepted Accounting Principles (GAAP).

The University’s associate vice president and controller is the primary person responsible for the maintenance and integrity of the University’s financial records and statements and should be consulted on any matters relating to accounting policies and procedures. The University’s associate vice president for budget and planning is the primary person responsible for budget monitoring. Divisional chief financial officers must maintain a close business relationship with the associate VP and controller and the associate VP for budget and planning. This business relationship is further explained in Policy B001—Liaison Relationship, in the Finance section of the *University of Miami Policies and Procedures Manual*.

- All financial transactions must be timely and accurately recorded

and must clearly identify the business nature of the transaction. Specific guidance pertaining to the timely posting of transactions for month-end is published in the FRS online system. In addition, a fiscal year-end schedule is provided in a memorandum to all departments from the controller's office each spring.

- All transactions, whether recorded directly into the general ledger or indirectly from a subsystem, and any supporting documentation must be complete, accurate, and verifiable. Payments made on behalf of the University or reimbursements to faculty and staff must be made for the purpose described in the supporting documents.

- The use of University funds or assets for any unlawful or improper purpose is prohibited. For further guidance on the permissibility of particular expenses, please refer to the *Policies and Procedures Manual*, Finance section and Sponsored Programs section, available on the Internet at www.miami.edu/policies_procedures.

- Bank accounts are established when approved by the Board of Trustees. No unrecorded or undisclosed bank accounts can be established by individual schools, departments, units, or others acting on their behalf to fund, or to assist in funding, any University activity. See Policy E035 in the Finance section of the *Policies and Procedures Manual*.

- No checks payable to the University of Miami should be held in a faculty or staff member's desk, filing cabinet, or any other storage for any period of time. All checks must be transmitted promptly to the appropriate office on each campus responsible for depositing the checks. University policy requires the use of the sponsored lock box bank account for all sponsored checks. See Sponsored Programs Policy H4.

- Each account in FRS has been assigned to a responsible person. Every employee responsible for an account must:

- a) ensure that monthly reports of account activity are reviewed to determine that all transactions are accurate and complete.
- b) verify that all revenue entries are correct.
- c) verify that all entries made to each account have been properly allocated, representing expenses for activities that pertain to the purpose of the account.
- d) take appropriate and timely action to correct any improper charges to an account by generating correcting entries to the account and obtaining necessary approvals. The Office of the Controller, including General Accounting, Financial Reporting, Sponsored Programs, Property Accounting, and Cost Studies, can assist departmental personnel in correcting the errors.

- e) ensure that all charges made to sponsored accounts are appropriate and allowable under the sponsor's regulations.

- Sponsored accounts are subject to rules and regulations that vary depending on the awarding agency. Each responsible person should be familiar with the agency guidelines and the Sponsored Programs section of the *Policies and Procedures Manual*. The Sponsored Programs office

has the expertise to help you process transactions for sponsored accounts and should be consulted when necessary.

- Contracts on behalf of the University must be signed by employees authorized to do so by the Board of Trustees. Those include the president, the executive vice president and provost, and the senior vice president for business and finance. Signatory authority has been delegated as follows:

- a) Non-sponsored contracts must bear the signature of the vice president for business services or his or her designee.

- b) Sponsored grants and contracts must bear the signature of the vice provost for research, the associate VP and controller, the directors of the Research Pre-Award offices, or the directors of the Sponsored Programs office.

Questions regarding contracts prior to signature should be forwarded to the General Counsel's office.

- Only authorized University officers may dispose of assets, as covered in the Office of Business Services Policy BSF-035 at www.miami.edu/policies_procedures/General-Business/PDF-Policies/BSF-035.pdf, Financial Policy B047—Sale and Disposition of Equipment. Faculty and staff lack authority to dispose of equipment. University equipment valued at \$2,500 or higher and no longer needed must be transferred to the Surplus Property office for either redistribution to the University or sale. Please call Surplus Property at 305-243-9696 for proper procedures regarding disposal of all surplus property.

Questions and Answers

Q: I am responsible for an account; however, time constraints prevent me from reviewing account activity in detail and on a timely basis. May I assign this task to a staff member?

A: Yes, it is acceptable to assign the task. You do, however, remain responsible for ensuring that the person is fully trained to perform the task, performs the task assigned on a timely basis, and informs you of errors or omissions so that you can take appropriate corrective action.

Q: I need to process a transaction to a sponsored account after the end date of the award. Is this permissible?

A: It is permissible as long as the date of service is before the end date of the award and the transaction is processed no later than 45 days (this could be earlier, depending on the award-specific terms) after the end of the award. The Sponsored Programs office must complete a financial report and submit it to the sponsoring agency, in most cases, no later than 90 days after the end of the award.

Q: I have to correct an entry to a sponsored account. How much time do I have?

A: Government regulations allow 90 days to correct a transaction from the day it is processed in FRS. Sponsored transactions that must be corrected after 90 days require a letter of justification. This letter should be addressed

to the Sponsored Programs office, Expenditure Control section, and should state that the correction is required in order to correct the error. The letter also should provide a valid explanation as to why the correction is past the 90-day period and steps taken to ensure timely corrections going forward. Only valid justifications will be approved and processed by the Sponsored Programs office.

Q: I received a sponsored program-related check in my office. What should I do?

A: Take the check to the Sponsored Programs office on one of the three campuses for timely processing. Obtain the sponsored programs lock box address, and inform the sponsoring agency that future checks must be sent to the lock box.

OWNERSHIP OF INTELLECTUAL PROPERTY

Intellectual property is a broad term that refers to creations of the mind: an invention, discovery, trade secret, know-how, design, process, method, scientific discovery, literary work, artistic work or performance, computer program, trademark, or commercial name.

This type of property includes property protected by patent, copyright, or trademark, including: inventions, trademarks, industrial designs, compositions of matter, devices, products, methods, constructs, processes and patentable computer programs (software or algorithms); and property protected by copyright, which includes: literary and artistic works such as novels, books, educational materials, software, poems, plays, films, musical works, drawings, paintings, photographs, sculptures, courseware, multi-media, rich media, and architectural designs.

The University is an institution dedicated to education, research, and patient care. As a result, the efforts of its employees and students generate many intellectual, literary, and artistic creations. Who owns the rights to these creations—the employee or student or the University?

Ownership of intellectual property developed by employees or students of the University usually resides with the University, unless otherwise specified. All University employees and students are obligated to assign ownership of all discoveries or inventions to the University, as stated in the *Faculty Manual, Student Handbook* (Undergraduate and Graduate Bulletins), and Sponsored Policy C7. In addition, new employees sign an agreement to this effect upon employment. Under certain limited conditions, as determined by the Patent and Copyright Committee, ownership rights of a discovery or invention may be transferred to the inventor or inventors. Ownership of intellectual property developed by faculty will be determined pursuant to the provisions of the Patent and Copyright Policy of the *Faculty Manual*.

Copyrightable materials (literary or artistic works) developed by faculty are the property of the author, unless they result from a project assigned by the University as part of his or her regular duties and a prior

written agreement exists. In the case of software, copyrights reside with the University if the software was developed by staff as part of their normal duties or if the University has committed substantial resources to the development of that software. Patentable software algorithms are owned by the University. In cases where ownership of copyrightable materials is questioned, the Patent and Copyright Committee will make a determination.

The complete policies governing disclosure and ownership rights of intellectual property can be found in the *Faculty Manual, Student Handbook*, and Sponsored Programs Policy C7.

Questions and Answers

Q: If I teach and conduct research in a well-defined field like chemistry and I invent a new chemical entity in my home laboratory, do I own it? What if I invent this in my car on the way home, while on vacation, during a sabbatical leave, during a scientific conference out of town, or during a consulting assignment?

A: The University owns the intellectual property in each case. The Patent and Copyright Policy will explain the invention disclosure process, which is the next step.

Q: Can I ever own software that I develop?

A: Yes. Software developed by faculty or students is usually the property of the author, provided it is not patentable and does not fall under one of the exceptions noted in the *Faculty Manual*. In addition, in the case of an invention or discovery, the Patent and Copyright Committee may release the property to you if the University cannot commercialize it effectively or if the invention meets certain other requirements as outlined in the Patent and Copyright Policy.

Q: Who gets the proceeds of my invention?

A: Once University expenses have been recovered, the net proceeds are split three ways: one-third to the inventor(s), one-third to the Department, and one-third to the University.

BILLING COMPLIANCE PLAN

The University intends that professional and hospital billing procedures comply with applicable federal and state laws and regulations. To this end, the University of Miami Miller School of Medicine has a Billing Compliance Plan. The director of Billing Compliance is responsible for training of physicians, administrators, and billing personnel and ongoing review of billing and documentation as well as the overall compliance effort. Employees can report any activity they believe to be in violation of University billing policies to the director of compliance by contacting the Billing Compliance Help Line at 305-243-HELP or toll-free at 877-415-HELP. Callers may remain anonymous.

FALSE CLAIMS ACT AND WHISTLEBLOWER PROTECTION

The False Claims Act (FCA) imposes liability on any person who knowingly presents a false or fraudulent claim for payment or approval, or who knowingly makes or uses a false record or statement to get a false or fraudulent claim approved or to avoid or decrease an obligation to pay or transmit money or property to the government. Penalties include a fine of up to \$10,000 plus three times the amount of damages sustained by the government. In addition to its substantive provisions, the FCA provides that private parties may bring an action on behalf of the United States as a qui tam relator and may share in the proceeds of the settlement. The FCA provides protection to qui tam relators who are retaliated against for bringing an action under the Act. See the policy located at www.med.miami.edu/hr as well as the Whistleblower Protection Statement found at www.miami.edu/hr.

INFORMATION TECHNOLOGY RESPONSIBLE USE POLICY

Access to the University's computing and network facilities and services is a privilege granted by the University to authorized users, including, but not limited to, faculty, scientific and technical staff, administrative staff, students, guest investigators, and visiting professors. Proper use of the University computing and network facilities and services involves only those activities performed in support of the University's contractual and/or operational requirements or related to its academic mission. Commercial use of those facilities and services, except for authorized University business, is prohibited. Reselling of network services using the University of Miami resources is not permitted. All users must comply with the following rules:

- The University of Miami computing and network facilities and services shall not be used
 - a) to violate the terms of federal, state, and private grants and contracts awarded to the University community
 - b) to access computer accounts and/or electronic identification addresses without authorization
 - c) to obtain passwords without the consent of owners or to divulge any confidential information or passwords to any third parties
 - d) to gain access to any computer, or information contained therein, without authorization
 - e) to intentionally perform acts that interfere with the normal operation of computers, terminals, peripherals, or networks
 - f) to knowingly install on any computer system or network, or to give to another user, a program designed to damage or render unusable (i.e., viruses) a computer system or network
 - g) to circumvent system security schemes without authorization
 - h) to knowingly violate terms of software licensing agreements or copyright laws

- i) to breach another user's account and/or electronic identification address
 - j) to monitor or tamper with other users' communications, including reading, copying, changing, or deleting users' file software without explicit consent of the owner or authorized University personnel (i.e., system administrator/data custodian)
 - k) to transmit obscene data
 - l) to take or disclose data without authorization
 - m) to conduct any activity considered illegal under federal or state law or that violates University policy
 - n) to obtain illegal access to University computing or network facilities by engaging in activities such as wiretapping, packet snooping, or the unauthorized use of computer and network equipment, network connections, diskettes, or other computer media and data communications.
 - The University electronic mail system shall not be used to send (upload) or store copyrighted materials, trade secrets, or proprietary financial information without authorization, unless the usage falls within the "fair use" provisions of the Copyright Act (see Copyright Infringement section of this handbook). In addition, it shall not be used for illegal purposes such as playing practical jokes; intentionally breaking security; sending chain letters, or abusive, harassing, or offensive material; or deliberately interfering with the work of others.
 - Authorized system users and restricted access users
 - a) may not disclose their account access code (password) to anyone
 - b) must follow security guidelines relating to use of the system, including changing passwords on a regular basis
 - c) must make every reasonable effort to prevent the viewing of information by unauthorized parties
 - d) must be particularly aware of privacy issues when dealing with student information (Unauthorized disclosure may violate federal law, including Family Education Rights and Privacy Act, i.e., "Buckley Amendment.")
 - e) must sign a Computer Access Authorization Form at the time of applying for an access code
 - f) are responsible for all utilization of any computer and network account including Internet address issued to him or her
 - g) may not share use of passwords, even with the University's Information Technology staff
 - h) must choose passwords that comply with guidelines for effective password protection.
- For further guidance, please see Information Technology Policies A040—Software Copyright Protection, A045—Computer Access and Confidentiality, A046—Use of University Computing Facilities, A050—Systems Administrator Policy, A053—Policy Relating to Employee E-Mail, A055—Use of Electronic Communications, A060—Acceptable Use of Info Tech Resources by Students and A065 Peer-To-Peer Policy.

See also Policies B070 and B025—Professional Conduct and Performance in the Human Resources section of the *Policies and Procedures Manual*.

Questions and Answers

Q: Is it really a problem if I do not change my password?

A: You should change your password frequently in order to reduce the potential of security problems. Outsiders could gain access to our systems if they determine an authorized user's password. It is generally recommended that passwords be changed every month.

Q: I am going on vacation and have given my user ID and password to a coworker so that he/she will be able to review my e-mail messages and attend to urgent business. Is this acceptable?

A: Giving another person your password constitutes a violation of University policy. The best solution in cases of absence is to ask your Local Area Network (LAN) administrator to forward your e-mail to someone else's mailbox for review.

WORLD WIDE WEB PAGES

The University recognizes three categories of Web pages, each with its own set of policies: (1) official Web pages that provide information about an official unit of the University; (2) research and instructional Web pages; and (3) personal Web pages developed by students, faculty, and staff that contain nonofficial information about the authors, including their backgrounds, interests, and/or opinions.

Material contained on Web pages must not be for business purposes or for financial gain unrelated to academic and research activities traditionally associated with a university unless otherwise approved or permitted by the president's designee.

Copyright-protected material not belonging to the University of Miami or to a faculty member utilizing his/her own material may not be included on a Web page without the prior written permission of the copyright holder, unless the usage falls within the "fair use" exception of the Copyright Act. See the Ownership of Intellectual Property section of this handbook for further information relating to "fair use." Individuals with questions about the use of copyrighted material for official or research/instruction Web pages should contact the General Counsel's office.

Certain laws and University policies prohibit the publication of specific categories of material. The following must not be included in Web pages themselves or in Web pages accessed via direct links from official Web pages:

- Copyrightable or licensed materials for which the necessary permissions for use have not been obtained
- Material for commercial gain unrelated to the University
- Material that could lead to illegal activities

- Material or speech that is unlawful
- Material that is intended to damage, interfere with, or place an excessive load on a computer system or network

Any advertisements, sponsorship acknowledgments, or links to outside commercial sites appearing on University-related Web pages must be approved in advance by the vice provost for research or his/her designee. In addition, a written contract approved by Business Services and Information Technology must be in effect prior to posting on the Web site. Any revenue received from such activity must be reported to the controller's office for analysis in relation to Unrelated Business Income Tax or, if revenue is from sponsorship or other gift or grant, to University Advancement for recording in the University's gift system. The receiving department should acknowledge all gifts according to policy. Information links to outside sites that are established for the sole purpose of providing a service to audiences are not subject to these reporting requirements unless they are associated with revenue or other forms of compensation, they direct visitors to the site for commercial purposes, and/or they are intended for advertising purposes. Additional information on procedures related to advertising and sponsorship can be found in General Business Policy F055 in the Business Services section of the *Policies and Procedures Manual*.

Links to outside sites from University of Miami Web pages are allowed as long as there is no contract, revenue, or other remuneration to the University, and the purpose is to provide service to users. The following types of links are allowed:

- Links to other universities, other not-for-profits, or government sites
 - Links to sites related to announcements about University of Miami events, grants, etc.
 - Links to sites that provide the ability to download free Web software that is needed to access a University of Miami Web page (e.g., Acrobat Reader, RealPlayer)
 - Links to hotel registration pages for conferences
 - Links to technical support sites
 - Links from faculty pages (only) to publishers of books or other publications of which they are authors
 - Links to outside sites that provide services to users that are directly relevant to the University of Miami Web page from which they are linked
- The following links or practices using University of Miami Web pages are not allowed:
- Banner ads on a University of Miami site that move and/or generate revenue based on numbers of hits
 - Links from official University of Miami pages (including official faculty or personal pages) to outside contractors, consulting firms, or other commercial ventures in which University of Miami faculty or employees have a financial interest
 - Revenue-generating links from any personal pages (other than student media)

- Web-based acquisition of goods or services that have not been coordinated through University Purchasing

Neither the official nor personal pages of the University Web site may be used to generate personal income.

All Web pages must comply with the relevant sections of Information Technology Policy A047—University of Miami’s World Wide Web Policies and other University policies relating to software copyright protection, computer access and confidentiality, and use of computer systems and networks (Information Technology Policies A040, A045, A046, A050, and A055), and any relevant department, school, or college policies).

The contents of all official Web pages are copyrighted by and are the property of the University of Miami. Each official Web page must include the following:

- Copyright xxxx (year), *University of Miami. All Rights Reserved.*

Each personal Web page must include the following language and a link to a disclaimer, as described in the University’s World Wide Web policy:

This personal Web page is not an official University of Miami Web page. See disclaimer.

Questions and Answers

Q: Does the University of Miami have official policies for the World Wide Web site?

A: Yes. The policies are included in the Information Technology section of the *University of Miami Policies and Procedures Manual* accessed at www.miami.edu/policies_procedures.

Q: Who is responsible for developing and maintaining official Web pages?

A: The academic departments and administrative offices are responsible for developing and maintaining official Web pages that contain information about their areas.

Q: Are personal Web pages allowed on the University’s Web pages?

A: Although the University allows personal Web pages, they will not be considered official Web pages of the University. Each personal Web page should be accessed only through a directory containing a disclaimer and should contain an additional disclaimer if the page itself is to be stored on a University server and/or accessed via the University Web site. Authors of personal Web pages must verify that their personal Web pages comply with section four of the Information Technology Policy A047—University of Miami’s World Wide Web Policies by signing the University’s Terms and Conditions for Personal Home Pages before their pages can be linked to the University site.

Q: I would like to follow the steps to publish a Web page. Where can I submit a request for a Web page?

A: Authors of official Web pages can fill out and submit the required forms to set up a new Web page by going to the “Getting Started” section at www.miami.edu/web. This site also contains other helpful links to guide you in the development and promotion of your Web site.

COPYRIGHT INFRINGEMENT

It is the University of Miami’s policy to respect copyrights and to duplicate or reproduce copyrighted materials only as allowed by law or by special agreement. All members of the University community are expected to comply with the copyright law.

Copyright is a form of protection that the law provides to the creators of “original works of authorship... fixed in any tangible medium of expression,” both published and unpublished.

The doctrine of “fair use” attempts to address the needs of scholars and students without infringing unduly on the rights of copyright holders. The fair use doctrine allows reproduction of a copyrighted article for the purpose of criticism, comment, scholarship, or research. Considerations for determining whether a use of a copyrighted work constitutes fair use include the following:

- Purpose and character of use (nonprofit as opposed to commercial)
- Nature of the work
- Amount and substantiality of the portion used
- Effect of the use on the value or commercial market of the work

The scope of the fair use doctrine is not always easy to ascertain.

One should never assume that copyrighted permission is unnecessary.

The Office of Business Services assists members of the University community as they work with copyright issues in the use of existing copyrighted works for teaching, research, and service. The University is a complex organization with a multitude of programs for the creation and dissemination of new knowledge. In the pursuit of those programs, our activities may raise questions about the relationship of copyright to the University’s research, teaching, and service mission. The objective is to facilitate a constructive relationship between our academic mission and our legal rights and responsibilities. For further information on this subject, please review Policy BSC010—Copyright Laws in the Business Services section of the *Policies and Procedures Manual* or call Business Services.

Questions and Answers

Q: Can I ever use a copyrighted work without permission of the copyright holder?

A: There are indeed instances in which works may be used without the permission of a copyright holder, but each instance must be evaluated individually. Certain categories of photocopying are permitted under the fair use doctrine without permission. According to the Federal Copyright Act of 1976, copyright permission is not required for the following:

- Single or limited page copies for personal or scholarly use or for library reserve designation
- Materials not under copyright protection, e.g., most U.S. government documents and works whose copyright has expired

• Multiple copies for classroom use, so far as they meet standards for brevity, spontaneity, and cumulative effect

Q: I use a spreadsheet application in my work at the University. Would it be considered a violation of University policy if I copied the program disks for the spreadsheet software and gave them to a colleague to use in another University personal computer?

A: Yes. Unless a special arrangement has been made between the University and the publisher (such as procurement of a multiuser license), one licensed copy of a software product must be obtained for every computer upon which it is run.

Q: Do exceptions exist with regard to the copyright law for software?

A: The only general exception concerns the user's right to make a backup copy for archival purposes.

FACULTY CONSULTING

Many eligible faculty exercise their option to engage in consulting as outlined in their contracts and the *Faculty Manual*. Clinical faculty may engage in consulting activities only as described in the University of Miami Medical Group (UMMG) policies.

For faculty engaged in consulting, business conduct issues usually arise in three main areas: (1) financial gains from outside consulting on the subject matter that is the substance of a grant or contract sponsored through the University by a corporation or business entity; (2) ownership of intellectual property; and (3) conflict of interest.

In the first area, faculty should avoid the perception of scientific misconduct that may result when "good" outcomes produce monetary rewards. Outside observers would be suspicious of data that is connected to a financial incentive.

In the second area, the University's Employment Agreement provides for University ownership of certain intellectual property produced by its faculty and staff. See Ownership of Intellectual Property Policy in this handbook and the University Patent and Copyright Policy to determine whether a faculty member will own the relevant intellectual property and thus be able to transfer that ownership to an outside entity.

Issues regarding the third area are more fully discussed in the section on Conflict of Interest in this handbook. For more information on this subject, please refer to the *Faculty Manual*, the Office of Technology Transfer Conflict of Interest policy, and related policies in the *University of Miami Policies and Procedures Manual* (Business Services Policy J025, Sponsored Programs Policy C8, and Human Resources policies on Conflict of Interest and Consulting Activities for employees).

Questions and Answers

Q: Can I consult with a pharmaceutical company that is sponsoring my University research on the same subject matter?

A: No. As a general rule, this practice violates our Conflict of Interest policy related to financial rewards. The University recognizes a limited exception if the company seeks your advice on overall research direction or planning, or the company would like you to attend a scientific meeting and report on your findings. In such limited cases, the consulting agreement must be disclosed and approved by your chairperson and the Contract and Compliance Committee (see page 6). Certain restrictions or limitations may be imposed on the faculty member with respect to the agreement.

Q: Can I sign a consulting agreement or contract that gives ownership of patentable property (inventions, discoveries, know-how, designs, patentable software, or processes) that is developed during the course of my consulting to the company hiring me?

A: No. This is prohibited since it violates your employment agreement with the University. According to the *Faculty Manual* and the Patent and Copyright policy, the University automatically owns all patentable intellectual property that you develop during your employment in your particular field of research or teaching, regardless of where or when the property is created.

SCIENTIFIC MISCONDUCT

The Committee to Investigate Misconduct in Research has the responsibility to investigate allegations of research misconduct. According to a widely accepted definition, research misconduct can include, but is not limited to "fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, or other actions that seriously deviate from commonly accepted practices within the scientific or relevant academic community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data."

As a general rule, allegations of scientific misconduct should be reported to the vice provost for research or their designee to determine if an inquiry is warranted. Others who receive an allegation of misconduct should immediately forward it to the vice provost for research. University policy provides for an initial inquiry of the allegations by tenured faculty members, selected at large, to determine whether the allegations are substantiated. The faculty conducting the inquiry must either recommend a formal investigation or determine that an investigation is not warranted. In the latter situation, the faculty must document reasons in support of its determination.

Allegations of misconduct are generally kept confidential unless federal regulations require their disclosure because of immediate health hazards, an immediate need to protect the interests of persons making the allegations or the interests of the accused, or the likelihood that the

alleged incident will be reported publicly.

The University, adopting generally accepted procedures, “will use diligent efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, as well as to protect the positions or reputations of those persons who make allegations in good faith.”

Additional information and the complete policy can be found in the Academic Matters section of the *Faculty Manual*.

Questions and Answers

Q: I am a research technician, and I think the person I work for is falsifying data. What should I do?

A: Discuss the matter with your chairperson. If you do not feel comfortable doing so, contact the vice provost for research.

Q: I am a faculty member and have a dispute regarding authorship with another faculty member. Is this scientific misconduct?

A: Whether or not an authorship dispute constitutes scientific misconduct depends on the facts. If you cannot resolve the matter with the other faculty member, the issue should be discussed with your chairperson or the vice provost for research.

HUMAN SUBJECTS RESEARCH

The University of Miami is an international leader in health and medical research. Experiments in medicine, nursing, behavioral science, public health, and other disciplines generally require that people—often our patients—be asked to participate. Such research is a privilege, one that is justified when faculty, trainees, and students take care to ensure that the research follows applicable federal and state laws and, equally important, hew to an evolving ethical standard of care.

This means that research subjects must generally be fully informed about studies in which they are being asked to participate, that they are able to understand and appreciate that information, and that their agreement to participate is voluntary. Moreover, when subjects in research studies are exposed to risk, we must make sure the risk is reasonable; when data is collected about individuals it must be kept confidential; and when faculty and students analyze the data they must do so with integrity and without (unmanaged) conflicts of interest.

These requirements are the result of both an international history of past abuses and a growing recognition that investigators have a moral duty to ensure that volunteers are protected. At the University of Miami, as elsewhere, human subjects research is overseen by an official entity (at UM, the Human Subjects Research Office (HSRO); www.hsro.miami.edu) and a suite of institutional review boards (IRBs). The HSRO provides institutional and administrative oversight, and the IRBs—comprising faculty peers and community members—see to it

that research participants provide valid consent, that their personal information is protected, that the risks they face are acceptable, and so on.

IRBs must make a number of judgment calls regarding individual studies, and this requires that members of these boards receive adequate research ethics education.

All research involving humans must be approved by an IRB. Questions about what constitutes research and whether any special rules apply (as for children) must be addressed in advance by the HSRO and/or by an IRB.

Questions and Answers

Q: I only want to review records of past clinic visits. Do all the patients who visited the clinic need explicitly to consent to my review?

A: No—some research may be conducted without individual consent, as long as certain conditions are met.

Q: Do I need IRB approval for this?

A: Yes. While IRBs may waive consent in certain cases, the research proposal itself must be submitted first to the IRB, and the waiver of consent must be justified.

Q: I have residual blood samples in my lab. Surely I can analyze these samples without IRB review ... right?

A: No. All research, including research on banked or residual biological specimens, must be submitted for IRB review. This is especially true for genetics research, which can raise tricky questions regarding consent, the interests of family members, and questions related to future disclosure of research findings.

Q: I've heard that certain populations are regarded as “vulnerable” and are entitled to additional institutional protection. Is this true?

A: Yes. Children, some patients with behavioral maladies, and others are regarded as vulnerable. Study designs must take this into account, and IRBs must make sure that adequate precautions are taken to protect members of such populations.

CONFIDENTIALITY

Patient/Student/Systems/Business Data. Many aspects of University activities involve confidential, private, and proprietary information related to the varied constituencies served, such as patients, students, vendors, colleagues, alumni, donors, and others. All should be afforded the highest levels of confidentiality.

Business data, such as financial, personnel, payroll, student records, etc., also are held to the same level of confidentiality. All data should be disclosed only as required by law and strictly on a need-to-know basis to carry out University or department missions.

Student information, such as grades, coursework, and disciplinary issues, are generally regarded as confidential pursuant to the Family

Educational Rights and Privacy Act (“FERPA”), also known as the Buckley Amendment.

Campus and departmental information systems, related computer hardware/software, as well as University mainframe systems, are designed to be accessible and easy to use. However, use of computers/data, access to systems, and distribution of information must be restricted and safeguarded as confidential except as necessary to perform assigned tasks. Electronic networks must not be abused nor shared without written approval of supervisors. For more information, refer to the Information Technology section of this handbook.

Any questions regarding confidentiality should be brought to the attention of your supervisor, dean, vice president, the Human Resources department, or the General Counsel’s office.

Questions and Answers

Q: I handle departmental budgets. Some employees have asked if I can let them know in advance what their merit increase will be. Can I do this?

A: All budget and personnel data are to be disclosed to employees only by their authorized supervisors at the appropriate time designated by department heads.

Q: Can student grades or disciplinary issues be released to University personnel?

A: Both the Buckley Amendment and University policy treat these types of information as confidential. Such information may not be released without following appropriate guidelines. FERPA provides that such information can be released to other school officials deemed to have a legitimate educational interest. Check with your department chairperson for instructions.

Q: Can I share my e-mail access code with a friend?

A: Access codes and data are confidential and must not be shared.

Corporations/Research. We receive an ever-increasing amount of financial support from corporations that are eager to collaborate with universities. Corporate representatives directly contact faculty members, research administrators, technology transfer officers, and others. When a corporation receives information from the University, it may have obtained knowledge of great value that it can use to its economic advantage.

Our knowledge is the University’s greatest asset and most valuable exchange medium. In general, funding sources award funds in exchange for knowledge. Therefore, please consult with Technology Transfer, General Counsel, Research Administration, or Sponsored Programs offices before disclosing confidential information to corporate representatives. These University offices can help you determine whether information is confidential. When in doubt, the safe approach is to ask the appropriate corporate representative to sign our standard Confidentiality Agreement, which can be found in the *Technology Transfer Guide for Faculty* or on the Technology Transfer Web site at www.miami.edu/techtransfer.

Questions and Answers

Q: What is confidential information with respect to research data?

A: In general, this is information or knowledge that can be used to enable a third party to reproduce proprietary (novel and unique) results. This does not apply to public knowledge that has already been disclosed in a patent, publication, or presentation.

Q: Will my contacts be offended if I ask them to sign a Confidentiality Agreement? Will they think that I don’t trust them?

A: No. This is common and accepted practice that parties use to protect themselves.

Patient’s health records. The privacy of a patient’s health records is secured by Florida and federal laws, notably the Health Insurance Portability and Accountability Act (HIPAA). The University of Miami’s Medical Privacy Office has the responsibility of assuring compliance with these laws and the associated regulations for all health information kept by UM hospitals and clinics. For information, please visit their Web site at www.miami.edu/privacy-office.

USE OF THE UNIVERSITY OF MIAMI NAME, SEAL, AND LOGO

The University of Miami name, seal, and logo are registered marks owned by the University. These marks may not be used in any medium, other than approved University programs, without the approval of the vice president for business services, the assistant vice president for auxiliary services, or their designees. The use of our logo in conjunction with that of an outside vendor or firm must be reviewed by the aforementioned University officials. All requests for use of these marks must be submitted to the appropriate parties listed above.

Any questions regarding the use of the University name, seal, or logo should be referred to the vice president of business services or assistant vice president of auxiliary services.

For further information, please refer to the Business Services section of the *Policies and Procedures Manual* (Policy F050 – Use of University of Miami Name).

Questions and Answers

Q: A local youth sports organization wants to use our logo on their uniforms. Is this permitted?

A: No. The use of our name or logo is licensed to manufacturers. The licensing fees paid by the vendors give them rights to use the University name or logos, and the value of that right might be diminished if other groups are allowed to use the logo. Permission for uses like this may be granted only by the vice president for business services.

Q: Can we use University of Miami official stationery for private correspondence?

A: No. Only official University of Miami business may be transacted using this stationery.

Q: A local company wants to use the Ibis logo in an advertisement. Is this allowed?

A: No. Endorsements by the use of our logos are not permitted.

Q: Who can or should become licensed?

A: All manufacturers who produce goods bearing any of the University's trademarks must either be licensed or have received special permission to produce such products without a formal license agreement. Manufacturers producing goods with the University's marks for sale to a University department or an officially recognized student group are not required to pay royalties on the goods sold to the University's department or student groups, but are required to be licensed. If the department or student group sells or distributes the goods with all proceeds used to benefit the University, no royalties are due. In order to do this, both the manufacturer and the University's department or student group must first obtain permission prior to the production of any product bearing the University's marks.

Q: Is anyone exempt from royalties?

A: Sales of items bearing the University's marks to University departments and authorized student groups are exempt from the royalty charge if all proceeds from the department or student group selling these insignia goods are used to benefit the University. In order for a department or student group to obtain royalty exemption, requests must be submitted for prior written approval from the University Department of Auxiliary Services and presented to the manufacturer prior to their production of the goods.

Q: Why regulate the use of UM's marks?

A: The licensing program strives to regulate, promote, and protect the commercial use of the University's name and identifying marks, both on and off campus. The University of Miami benefits from public recognition of our images, and when properly managed, these images provide the critical unifying look that establishes a strong visual presence. The look then becomes identified with the quality of UM's programs, products, and services and distinguishes our program from other universities. Royalties collected from licensed merchandise are returned to the University to help support University programs and services.

WORKING TOGETHER

Cultural Diversity. In today's workplace, there is a constant need to align business objectives with the goal of retaining and developing a diverse workforce. Business leaders in today's culturally dynamic environment must harness the wealth of such human diversity. Workers from different racial and ethnic backgrounds make cultural diversity a critical issue and an undeniable resource for all enterprises. The University of Miami is no exception.

The road ahead is challenging and exciting as we come to understand the vast array of values and backgrounds in our workforce and maximize their potential. The University is committed to working with diverse cultures and accepting each as a vital link in the University's mission.

Our Goal. The University's goal is to provide equal opportunity through all of its educational programs and activities as well as through recruitment, employment, promotion, and retention of individuals at all levels within the University's employment structure without regard to race, color, religion, sex, sexual orientation, age, disability, national origin, veteran status, or marital status. This goal is affirmed in the Equal Opportunity/Affirmative Action policy of the University.

Sexual Harassment Protection. Sexual harassment in employment or educational programs and activities is not tolerated by the University. Sexual harassment includes, but is not limited to, physical or verbal abuse of a sexual nature, including graphic commentaries about an individual's body, sexually degrading remarks used to describe an individual, or unwelcome propositions and physical advances of a sexual nature. Sexual harassment also includes the threat or insinuation that the lack of sexual submission will be used as a basis for employment or educational decisions affecting or interfering with an individual's employment, academic standing, other conditions of employment, or academic or career development. The Sexual Harassment definition, policy, and grievance procedures are addressed in the Human Resources sections of the *Policies and Procedures Manual* and in the *Faculty Manual*.

Consensual Relationships. Consensual relationships within the workplace give the appearance of a compromising conflict of interest, favoritism, or bias. In order to ensure fairness and minimize conflicts of interest in the work environment, University policies provide guidelines for the reporting and management of relationships where one party has supervisory responsibility or authority over another. Please refer to the Human Resources section of the *Policies and Procedures Manual* and to the *Faculty Manual*.

Drug-Free Workplace. Consistent with the provisions of the Drug-Free Workplace Act, the unlawful manufacturing, distribution, dispensation, possession, or use of a controlled substance is prohibited in the University's workplace. Violations will subject the employee to disciplinary action. The University's commitment to a drug-free environment is embodied in its Human Resources policies on Drug-Free Workplace and Drug/Alcohol Policies.

Information. Employees who have questions or complaints relating to these policies are encouraged to discuss them with their immediate supervisor or contact the Equality Administration office on the Coral Gables or Miller School campus.

USEFUL ADDRESSES AND PHONE NUMBERS

All University phone numbers have the 305 area code.

Internal Audit

Max Orovitz Building, Room 314
Coral Gables campus, locator code 1436 284-2605
Report fraud, embezzlement, internal theft, and misappropriations

Office of the Controller

Max Orovitz Building, Room 212
Coral Gables campus, locator code 1422
Controller 284-4877
General Accounting 284-4244
Financial Reporting 284-4352
Cost Studies 284-5902
Property Accounting 284-4658
Sponsored Programs
Coral Gables campus 284-2665
Miller School campus 243-4489
Institute Building, 3rd Floor (R-45)
Rosenstiel School 361-4800
Questions and information regarding accounting, correction of errors, misuse of University assets

Human Resources

Max Orovitz Building, Room 133
Coral Gables campus, locator code 1410
Coral Gables campus/Rosenstiel School 284-3798
Miller School campus 243-6106
Park Plaza East, Suite L (D7-2)

Equality Administration

Max Orovitz Building, Room 104
Coral Gables campus, locator code 1411
Coral Gables campus/Rosenstiel School 284-3064
Miller School campus 243-7203
Park Plaza East, Suite D (M845)

Questions and information about government regulations and compliance with human resources issues, i.e., sexual harassment

UHealth Compliance

Don Soffer Clinical Research Center
Medical Campus (D-24) 243-5842

Technology Transfer

Sewell Building, Suite 2012
Miller School Campus (M-811) 243-5689
Questions regarding patents, copyrights

Purchasing

Coral Gables campus 284-2833
Max Orovitz Building, Room 344
Miller School campus 243-3600
Institute Building, Room 321 (R-31)
Questions regarding vendor relations

Vice President, Business Services

Max Orovitz Building, Room 327 284-5550
Coral Gables campus, locator code 1432
Questions and signature on all University non-sponsored contracts, licensing use of University name and logo

University of Miami Contract and Compliance Committee

Sewell Building, Suite 3011-A
Miller School campus (R-64) 243-6415
Questions regarding future or existing contracts

Vice Provost for Research

Sewell Building, Suite 3011-A
Miller School campus (R-64) 243-6415
Questions regarding conflicts of interest or scientific misconduct

University of Miami Ethics Programs

Mailman Center, Suite 2050, Miller School campus (M-825) 243-5723
321 Jenkins Building, Coral Gables campus,
locator code 6532 284-5084
Questions regarding research, clinical, business, and academic ethics

University Compliance Hotline

877-415-4357
The University of Miami is committed to the highest standards of ethical behavior in keeping with the DIRECCT values.

The University is committed to an environment where open, honest communications are the expectation, not the exception. Employees should feel comfortable approaching their supervisor or manager to discuss instances where a violation of policies or standards may have occurred.

This booklet was originally developed in 1998 for the University of Miami community by a committee of faculty and staff. This 2007 revision was updated by the following: Cynthia L. Augustyn, Wilhemena Black, Dr. Richard J. Bookman, Gerry Dana, Aida G. Diaz-Piedra, Alan J. Fish, Dr. Kenneth W. Goodman, Paul C. Hudgins, Dr. Gary S. Margules, Michael Moloney, Susan R. Montes, Gemma Romillo, Timothy C. Ramsay, Humberto M. Speziani, William Tallman, Mel Tenen, Dr. Roosevelt Thomas, Jr., and Debbie J. Wedderburn.