

## Chapter VII UNIVERSITY POLICIES

### **Confidentiality of University Records**

The files and records maintained by all offices of Lawrence University, whether on paper or stored electronically, contain information that is the property of the University. Because this material is not only crucial to the effectiveness of the offices, but is also often sensitive or confidential as well, all those who work with it are expected to observe the highest standards of discretion and confidentiality, protecting both the University's interest in its records and the privacy of those to whom the information relates.

The following guidelines are intended to illustrate the level of care and confidentiality expected. They should be interpreted not as a detailed code of conduct but as a minimum statement of expectations for dealing with these materials. Indeed, rules and regulations are no substitute for attentiveness, high ethical standards, and common sense.

Employees should understand, therefore, that lack of discretion or breach of confidentiality is cause for dismissal. In addition, tampering with computerized information or misappropriation of it may be a prosecutable offense under Wisconsin law.

#### ***Guidelines***

Each set of University files and records will be the responsibility of the head of the office principally maintaining the records, hereafter referred to as records manager.

Access to the University's files and records for inspection or review is restricted to current employees of the University who have a demonstrated "need to know" and who have the permission of the record manager whose records are to be reviewed.

Excerpted information from the University's records, other than that already authorized to appear in the public domain, is to be disclosed only to current employees of the university or to volunteers, and only in cases where the individual's duties as an employee or volunteer require disclosure of the information. In all cases, disclosure must be approved in advance by the individual's supervisor and by the appropriate record manager.

No disclosure of security details related to the computer system including but not limited to username/password combinations, application programs, and data file attributed is to be made to anyone other than an employee of the University. Such knowledge is to be used by those employees only for the performance of their duties as employees. Alteration of existing computer records or creation of new ones is to be performed only after verification of the accuracy and appropriateness of the changes. Information in records should never knowingly be falsified.

### ***Student Records and the Family Educational Rights and Privacy Act***

Lawrence University intends to comply fully with the Family Educational Rights and Privacy Act of 1974 (FERPA, also known as “the Buckley Amendment.”) At least once each year, the university informs students of their rights under the Act with respect to their educational records, as follows:

1. The right to inspect and review the student’s education records within 45 days of the day the university receives a request for access.

A student should submit a written request identifying the record(s) to be inspected to the registrar, dean, head of the academic department, or other appropriate official. The school official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the school official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student’s education records that the student believes are inaccurate or misleading.

Students may ask Lawrence University to amend a record that they believe is inaccurate or misleading. They should write the university official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If Lawrence University decides not to amend the record as requested by the student, the student will be notified of the decision and advised of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

A student must give consent in writing before Lawrence University can release any personally identifiable information from the student’s education records, except to the extent that FERPA allows disclosure without consent.

Lawrence University does not automatically send information about academic progress or disciplinary actions to parents or guardians. It is the student’s responsibility to communicate such matters to family members, and others, as needed. Lawrence students may have their grades sent directly to their parents by

completing a release form available in the registrar's office. Parents who want access to the education records of their children must present a written authorization from the student, or a certified copy of their most recent federal tax return showing the student's dependent status, to the registrar before information can be released. Students who need to report their academic progress or enrollment status to other parties, such as scholarship foundations, graduate schools, or prospective employers, must submit a written request to the Registrar's Office before a transcript or other documentation will be released.

The Vice President for Student Life and Dean of Students or designee reserves the right to contact a parent or legal guardian to disclose information about any violation of federal, state, or local law or any university policy governing the use or possession of alcohol or a controlled substance. The decision to contact a parent or legal guardian will be based on professional staff's review of an incident(s) for pattern and severity in a student's behavior.

One exception that permits disclosure without consent is disclosure to school officials at Lawrence University with a legitimate educational interest in a student's education record. At Lawrence University a "school official" is a trustee, officer, or person employed in or appointed to a Lawrence University administrative, supervisory, academic or research, support staff, or volunteer position; a person or company with whom Lawrence University has contracted (such as an attorney, auditor, or collection agent); or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A legitimate educational interest exists if the information requested is relevant and necessary for a school official to perform appropriate tasks or to make a judgment within the scope of the official's assigned responsibilities. The task or judgment must a) be related to the student's education, b) be related to the discipline of a student, c) provide a service or benefit relating to the student, such as health care, counseling, financial aid, recommendations, or selection for awards, prizes, or membership in honorary societies, or d) be required to conduct institutional research to support the educational mission of the university. Disclosure to a school official having a legitimate educational interest does not constitute institutional authorization to transmit, share, or disclose any or all information received to another party.

Under FERPA information designated by Lawrence University as directory information may be released without written consent, unless the student requests non-disclosure. Directory information may be released by the institution for any purpose, at its discretion. Lawrence University has declared the following items to be directory information:

Category I: name, address, telephone number, dates of attendance, class

- Category II: previous institutions attended, major field of study, awards, honors, degree(s) conferred (including dates)
- Category III: past and present participation in officially recognized sports and activities, physical factors (such as height and weight of athletes), date and place of birth
- Category IV: e-mail address
- Category V: photographs or other visual images

Use of directory information includes, but is not limited to, the following:

- The university maintains an electronic directory of students, faculty, and staff on the Lawrence WWW site. Student e-mail addresses are made available to the general public. Campus and home address and phone information is accessible only to those members of the campus community who have a campus network account. This information is intended for the private use of Lawrence University students, faculty, and administrators. Its use for commercial, promotional, or partisan political purposes is forbidden by the university.
- Lawrence University visually records many campus events and daily activities, such as convocations, concerts, classes, athletic events, and other public occasions. These images as well as other information about students, faculty, and staff are published regularly as part of the university's coverage of campus life and portrayal of the university to a variety of audiences. Publications include print media, such as *Lawrence Today*, and the university's WWW site.
- The registrar's office routinely responds to phone requests from prospective employers, insurance companies, and other organizations seeking confirmation of a particular student's degree, academic program, or attendance. The federal Solomon Amendment requires Lawrence to provide lists of currently enrolled students to military recruiters upon request.

Enrolled students may ask Lawrence to withhold disclosure of any of the above categories of information by completing a non-disclosure form, available in the registrar's office. Continuing students must complete a new form each year. Non-disclosure instructions in effect at the time a student takes a leave of absence, withdraws, or graduates from the university will remain in effect until the student rescinds those instructions in writing. Students who wish to be excluded from the directory on the university's WWW site (e-mail, address or both) without requesting full non-disclosure may do so by completing an exclusion form available in the registrar's office or from computer services

Students considering withholding disclosure of directory information should consult with the registrar and evaluate the consequences of such a decision carefully. Lawrence assumes no responsibility to contact a student for subsequent

permission to release directory information, and assumes no liability for honoring instructions that such information be withheld.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Lawrence University to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4605

Questions about FERPA or the information provided herein should be directed to the registrar.

### **The Primary Database**

Lawrence University shall maintain a centralized electronic database, the “primary database,” containing the names, addresses, telephone numbers, and certain other information about individuals and organizations having a historic or present relationship to the University through its instructional or outreach programs or through employment. All information in the database is intended for the private use of Lawrence University students, faculty, and administrators. The University forbids its use for commercial, promotional, or partisan political purposes. For additional guidelines, see the policy statement on Confidentiality of University Records above.

Members of the Lawrence community shall be able to read information in the primary database by using programs running on the University’ central administrative computer or computing network. Information from the database will be released to various campus constituencies according to guidelines developed by the Council on Administrative Computing and Inter-Office Communication (CACIOC).

Record-keeping systems making use of data contained in the primary database shall rely on the primary database as the authoritative source for such data. All local copies of those data, which might be electronic copies transferred from the database or paper copies such as the campus or student directories, shall be considered temporary, read-only, and volatile. Existing systems which violate this principle shall be converted to use the primary database as quickly as is practical. The development of new record-keeping systems, or new components of existing systems, which reproduce data elements found in the primary database shall be discouraged.

Responsibility for maintaining primary records shall be divided among administrative offices according to rules developed in consultation with those offices. The contents of

each primary record shall be kept accurate and current by personnel in the office responsible for maintaining that record. CACIOC, in consultation with administrative offices, shall develop and promulgate editing standards for names and addresses; those standards shall be used in maintaining entries contained in the primary database.

Proposals for changes in the structure and content of the primary database and related practices and procedures shall be reviewed and approved by CACIOC before the changes are made. CACIOC shall review procedures related to database content, record types, viewing, and maintenance periodically, and shall recommend changes and adjustments to this policy and related practices and procedures as needed.

### **Scientific Misconduct**

Lawrence University supports the view that research is an integral part of teaching and learning science. In undergraduate science, students learn by doing science, and research enlivens teaching, contributes to the expanding body of knowledge in science, and maintains the intellectual vitality of the faculty member.

To assure continued confidence in the integrity of the scientific process and in the administration of federal funds, Lawrence University fosters an environment that encourages the responsible conduct of scientific research even as it discourages scientific misconduct. Specifically, Lawrence establishes the following procedures to investigate allegations of scientific fraud.

Allegations regarding scientific misconduct by members of the Lawrence community shall be submitted to the Provost and Dean of the Faculty. The Provost shall be responsible for pursuing those allegations according to the guidelines in this policy statement.

The definition of “misconduct in science” means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. This definition of misconduct in science is extended to include all activities funded by the National Science Foundation. It prohibits retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. Honest error or honest differences in interpretations or judgment about data are not included in these definitions.

Upon receipt of allegations of scientific misconduct, the Provost and Dean of the Faculty shall order an immediate inquiry into the matter to be conducted by a science department chairperson outside of the department under investigation and by the Committee on Tenure, Promotion, Reappointment, and Equal Opportunity.

Such inquiry will be completed within 60 calendar days, including preparation and submission of a written report to the Provost and Dean of the Faculty.

The Office of the Provost shall maintain detailed documentation of an inquiry for at least three (3) years, which must, upon request, be provided to authorized Health and Human Services and National Science Foundation personnel.

If findings from an inquiry provide sufficient basis, a formal investigation shall be initiated within 30 calendar days of the completion of an inquiry. Such an investigation shall be conducted by external impartial experts appointed by the Provost and Dean of Faculty upon consultation with the Committee on Tenure, Promotion, Reappointment, and Equal Opportunity and shall be completed within 120 calendar days.

Due precautions against real or apparent conflicts of interest in an inquiry or investigation shall be taken.

The affected individual(s) shall be accorded confidential treatment to the maximum extent possible, a prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.

The Public Health Service's Office of Scientific Integrity, at The National Institutes of Health, or the National Science Foundation's Office of Inspector General shall be informed at the outset that an investigation will be conducted.

Should a reasonable indication of possible criminal violations be discovered, the Office of Scientific Integrity or Office of Inspector General shall be informed within 24 hours.

Documentation to substantiate an investigation's findings shall be maintained by the Office of the Provost and Dean of the Faculty for at least three (3) years after Public Health Service or National Science Foundation acceptance of the final report.

The Provost and Dean of the Faculty shall take appropriate interim administrative actions to protect federal funds and ensure that the purposes of the federal financial assistance are being carried out.

The Provost shall promptly advise the Office of Scientific Integrity or Office of Inspector General of any developments during the course of the investigation which disclose facts that may affect current or potential Department of Health and Human Services or National Science Foundation funding for the individual(s) under investigation. The Provost shall also advise the aforementioned offices of any developments that the Department of Health and Human Services or National Science Foundation need to know to ensure appropriate use of federal funds and otherwise protect the public interest.

Upon completion of the investigation, the Provost and Dean of the Faculty shall make efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed and to protect, to the maximum extent possible, the positions

and reputations of those persons who, in good faith, make allegations of scientific misconduct.

Appropriate sanctions shall be imposed on individuals when the allegation of misconduct has been substantiated.

The Provost and Dean of the Faculty shall notify the Office of Scientific Integrity or Office of Inspector General of the final outcome of the investigation with a written report that thoroughly documents the investigation process and findings.

The Provost and Dean of the Faculty shall inform the College's scientific and administrative staff of scientific misconduct policies and the importance of compliance with those policies and procedures.

### **Grant Administration**

Recognizing that in accepting a grant award from a federal agency, colleges collectively and faculty members individually have a responsibility to monitor the progress (scope of activities and budget expenditures) of the project to assure that the obligations to the funder are honored both in letter and in spirit, Lawrence University has identified an *Institutional Grants Program Administrator* and a *Grants Budget Administrator*, and has:

- established formal and public mechanisms to monitor activities planned/undertaken and expenditures planned/made in regard to each funded program at the institution; and
- developed formal institutional policies, and mechanisms to enforce such policies that concur with federal guidelines for grants administration.

The *Institutional Grants Program Administrator* and *Grants Budget Administrator* jointly have official responsibility for administering grants, negotiating budget revisions, overseeing the submission of required institutional assurances, certifications and reports, and ensuring compliance with the terms and conditions of the grant. The *Institutional Grants Program Administrator* shall be either the Provost and Dean of Faculty or his/her delegate; the *Institutional Grants Budget Administrator* shall be the Vice President for Finance and Administration or his/her delegate.

The Grants Program and Budget Administrators shall incorporate policies and procedures from all relevant federal regulations and from grant administration requirements of specific agencies, as appropriate, into institutional procedures and policies for program development and implementation. These policies and procedures include, but are not limited to:

- All institutional certifications;



- Cash management;
- Equipment inventory;
- Financial disclosure/conflict of interest;
- Procurement;
- Responsible conduct of research training;
- Records retention;
- Time and effort certification.

A. The *Institutional Grants Program Administrator* is responsible for:

In the program development phase:

- reviewing information provided by the Principal Investigator on the “Intent to Seek External Funding” form;
- overseeing submission of required institutional assurances, certifications, and nonfinancial reports;
- reviewing timelines for project activities;
- approving scope of faculty involvement and other institutional commitments.

At the time of the grant award:

- coming to mutual agreement with the Principal Investigator on the schedule for monitoring and reporting and the need to secure prior approval (at the institutional or agency level) for changes in the schedule of activities;
- coming to mutual agreement with the Principal Investigator and other appropriate institutional officials, on specific obligations incurred by acceptance of the grant. This includes, but is not limited to, the scope, objectives, and sequence of grant activities, including faculty involvement, budget expenditures, and institutional commitments, timetable and responsibilities for reporting;
- securing institutional approvals and certifications required by the agency for proposal submission.

During the grant period:

- ensuring compliance with terms and conditions of the grant;
- approving changes in the schedule of activities that are consistent with the scope and objectives set forth in the original proposal and outlined in the grant award letter;

- seeking written approval of changes in project activities that require agency approval;
- ensuring that interim and final reports are made in a timely manner, consistent with requirements of the funding agency;
- securing, as necessary for specific funded projects, up-date financial disclosure statements;
- ensuring that the continuing obligations in regard to grant administration (dissemination of products/results, maintaining general files, and records of investigator financial disclosures and of actions taken to manage actual or potential conflicts of interest, etc.) are met per agency requirement.

B. The *Institutional Grants Budget Administrator* is responsible for:

In the proposal development phase:

- reviewing budgets for project activities;
- determining the nature and extent of costs to the institution to implement the grant for items not covered by the grant.

During the grant period:

- overseeing submission of required financial reports;
- negotiating budget revisions;
- ensuring compliance with the financial terms and conditions of the grant;
- monitoring expenditures on a regular basis to ensure they are consistent with those stated in the funded proposal and in the letter of the grant award and that institutional reviews and approvals are made in advance of expenditures;
- documenting institutional cost-sharing made to the program;
- approving changes in expenditures consistent with the scope and objectives set forth in the original proposal and outlined in the grant award letter;
- ensuring that the continuing obligations in regard to budget documents and financial reports are met per agency requirement.

C. Both the *Grants Program Administrator* and the *Grants Budget Administrator* shall be responsible for:

- understanding agency policies in regard to no-cost extensions, expenditures of funds in anticipation of awards, suspension or termination of grants, and alerting Principal Investigators to such policies;
- ensuring that interim and final reports are made in a timely manner, consistent with the requirements of the funding agency;
- ensuring that the continuing obligations in regard to grant administration (dissemination of products/results, maintaining general files, budget documents, and records of investigator financial disclosures and of actions taken to manage actual or potential conflicts of interest, etc.) are met per agency requirements;
- maintaining institutional contact with the funding agency, as appropriate.

D. *Principal Investigator(s)* are responsible for:

- submitting the “Intent to Seek External Funding” form and proposal documents to the Grants Program and Budget Administrators sufficiently in advance of the agency deadline to permit review and revision of the document.
- submitting reports to both grants administrators in accord with the agreed-upon schedule;
- submitting changes in the timeline of the project and reports for approval;
- at the time of the award, coming to mutual agreement with both Grants Administrators on the schedule for monitoring and reporting, and on the need to secure prior approval (at the institutional or agency level) for changes in the schedule of activities;
- submitting changes in the schedule of activities;
- submitting interim and final reports;
- updating financial disclosure statements;
- providing any other required reports or financial statements.

## Financial Conflict of Interest Policy for Federally-Funded Research

### A. Purpose

Federal regulations require Lawrence University to maintain a policy for identifying, managing, and disclosing financial conflicts of interest that may affect research funded in part or whole by federal grants. The purpose of such policies is to promote objectivity in research and set expectations among Investigators, institutions, and the public that the integrity of the research enterprise is untainted by Investigators' actual or potential considerations of personal financial gain.

This policy sets out the obligations of Lawrence University (LU) and its Investigators, in fulfillment of the Financial Conflict of Interest (FCOI) guidelines promulgated by the National Institutes of Health and National Science Foundation.

It is important to note that the process of identifying and managing FCOIs begins during the proposal preparation stage, and continues throughout the life of a federal grant.

### B. Disclosure of Significant Financial Interests

#### ***Who must disclose***

Each Investigator associated with a research project funded, or proposed for funding, by a federal agency is subject to this policy and must make the required disclosures. The disclosures include information about financial interests of the Investigator *and* the Investigator's spouse and dependent children.

*Investigator* means any principal Investigator (PI), co-PI, project director (PD), co-PD, or any other person—regardless of title or position—who is responsible for the design, conduct, or reporting of research funded, or proposed for funding, by NIH, NSF, or other federal agency. In some circumstances, this may include collaborators or consultants.

Note: In general, undergraduates who participate in research or research training as part of a faculty member's program of research are not considered Investigators. While undergraduates often carry out research activities under the supervision of an Investigator, they rarely have sufficient discretion to be considered *responsible* for the design, conduct, or reporting of federally-funded research. However, in the event an undergraduate's role is such that he or she can be considered an Investigator, that undergraduate shall be subject to this policy.

#### ***When disclosures must be made***

Each Investigator subject to the policy must submit a written disclosure of Significant Financial Interests, if any:

- before a federal research proposal is submitted; *and*

- annually—in January, or at another time to be determined by the VP for Finance and Administration (VPFA) or his delegate—within the period of the federal award, including any extensions; *and*
- within 30 days of discovering or acquiring a new Significant Financial Interest within the period of the federal award, including any extensions.

***What must be disclosed***

Each Investigator subject to the policy must disclose all Significant Financial Interests (SFIs)—their own, as well as those of any spouse and dependent children—that reasonably appear to be related to the Investigator’s institutional responsibilities. Investigators should use a Financial Disclosure Form, to be provided by the Corporate, Foundation, and Sponsored Research Support office (CFSR), to make any disclosures required under this policy.

*Institutional responsibilities* includes teaching, research, committee service, and other professional work undertaken on behalf of LU.

*Significant Financial Interests* (SFIs) include things of monetary value (whether or not the value is readily ascertainable) received or owned by the Investigator *or* by the Investigator’s spouse or dependent children. For all SFIs described below, the aggregated value of interests received or owned by the Investigator, the Investigator’s spouse, *and* the Investigator’s dependent children should be used to determine whether disclosure is necessary and what information to disclose.

Types of SFIs include: equity in publicly or privately held companies, salary or other payments for services; reimbursed or sponsored travel; and intellectual property rights.

- 1) With regard to any *publicly traded entity*, a Significant Financial Interest exists if the combined value of any equity interest as of the date of disclosure *and* remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000.
  - a) Equity interest includes any stock, stock option, or other ownership interest as determined through reference to public prices or other reasonable measures of fair market value.
  - b) Remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship).
- 2) With regard to any *non-publicly traded entity*, a Significant Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure *if* the aggregate amount of remuneration exceeds \$5000. In addition, any equity interest—regardless of the dollar value or percent ownership stake—constitutes an SFI.

- 3) Income (e.g., royalties) from intellectual property rights and interests (e.g., patents, copyrights), except that covered under Exception #1 (below).
- 4) Sponsored or reimbursed travel related to the Investigator's institutional responsibilities, except for travel covered under Exception #4 (below).

### **Exceptions**

The term Significant Financial Interest does *not* include the following:

- 1) Salary, stipends, royalties, or other remuneration paid by LU to Investigators employed or appointed by LU. This includes any intellectual property rights assigned to LU and agreements to share in royalties related to such rights.
- 2) Income from investment vehicles, such as mutual funds and retirement accounts, need not be disclosed so long as the Investigator does not directly control the investment decisions made in these vehicles.
- 3) Income from seminars, lectures, or teaching engagements sponsored by—or services on advisory committees or review panels for—a federal, state, or local government, institution of higher education, academic teaching hospital, medical center, or research institute that is affiliated with an institution of higher education.
- 4) Travel that is reimbursed or sponsored by LU, or by a federal, state, or local government, institution of higher education, academic teaching hospital, medical center, or research institute that is affiliated with an institution of higher education.

Lawrence University recognizes that this policy will require some Investigators to divulge personal financial information. All disclosures made under this policy will be handled with appropriate sensitivity. The VPFA and CFSR staff will keep disclosed financial information as confidential as possible and will share it with others only to the extent the VPFA deems necessary to carry out the required reviews and determinations.

### **C. Determination and Management of FCOIS**

Disclosures made under this policy will be reviewed by the Vice President for Finance and Administration (VPFA). The VPFA is responsible for reviewing each disclosed SFI and reasonably determining:

- 1) Whether the SFI is related to the federally-funded research: i.e., whether it could be affected by the federally-funded research or is an entity whose financial interest could be affected by the research. The VPFA may involve the Investigator in this review.
- 2) If the VPFA determines an SFI is related to the federally-funded research, the VPFA shall then reasonably determine whether the SFI could directly and significantly affect the design, conduct, or reporting of the federally-funded research (i.e., whether the SFI is a Financial Conflict of Interest).

For an initial disclosure, this review should take place prior to any expense being charged to the grant fund account. For subsequent disclosures, this review should take place within 60 days.

If the VPFA determines that a Financial Conflict of Interest exists, the VPFA shall work with the Investigator (and any others who may be appropriate, such as the Provost, faculty or staff with relevant expertise, and/or outside experts) to either eliminate the conflict or develop a management plan.

If an FCOI is promptly eliminated (through means such as selling an equity interest, severance of relationships that create financial conflicts, or change of grant personnel or personnel responsibilities), then the FCOI no longer exists and does not need to be reported.

If eliminating the FCOI is not feasible or desirable, a plan shall be developed to manage the conflict. The plan shall include:

- Name, role, and principal responsibilities of the conflicted Investigator.
- Project title and federal award number.
- Explanation of the nature of the FCOI, including the name of the entity with which the conflict exists and the approximate dollar value of the SFI (or a statement that the value is not readily ascertainable).
- Conditions of the management plan and how compliance with these conditions will be monitored.
- Justification of how the management plan is reasonably expected to safeguard objectivity in the design, conduct, and reporting of the research project.
- Confirmation that the conflicted Investigator and the VPFA agree to the plan.

Actions that may be specified in the management plan to safeguard the integrity of the research enterprise may include, but are not limited to: public disclosure of financial conflicts of interest; divestiture of the financial interest; monitoring of the research by an independent reviewer; modification of the research plan; or change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research.

LU will report each FCOI and management plan in compliance with the sponsoring federal agency's requirements.

If, for whatever reason, an FCOI is not disclosed or managed in a timely manner and research work has been undertaken while the conflict exists, the VPFA may convene a task force to conduct a retrospective review; to determine whether the FCOI resulted in any bias in the design, conduct, or reporting of federally-supported research; and to recommend a

mitigation plan if necessary. This retrospective review shall be undertaken, and its findings and recommendations reported, in a manner consistent with the requirements of the sponsoring federal agency.

### *Subrecipients*

Lawrence University must take reasonable steps to ensure that all subrecipients comply with applicable federal regulations regarding Financial Conflicts of Interest. To that end, LU will include in written agreements with each subrecipient terms that specify whether this policy, or the applicable policy of the subrecipient's institution, will apply to subrecipient Investigators. If the subrecipient institution's policy will be used, the agreement will further include a certification that the subrecipient institution has adopted and enforces FCOI policies that comply with applicable federal regulation, and will specify the timing of subrecipient reports to LU of identified FCOIs such that LU can timely complete its FCOI report (if any) to the sponsoring federal agency.

### D. Policy Administration and Enforcement

A member of the Corporate, Foundation, and Sponsored Research Support staff (CFSR) will provide FCOI training to Investigators. This training will be provided:

- upon award of a new federal research grant, to each Investigator under the grant. This must be completed before the grant-supported research begins.
- to any Investigator who has not participated in FCOI training in the prior four years.
- to all Investigators, any time LU revises this policy or related procedures in a manner that affects the requirements of Investigators.
- to an Investigator that is new to LU.
- any time LU finds that an Investigator is not in compliance with this FCOI policy or an FCOI management plan.

CFSR will solicit financial disclosures during the proposal development process and annually during the award, and will collect financial disclosure statements on behalf of the VPFA.

Documentation relating to the implementation of this policy—including financial disclosures, the determinations of the VPFA, FCOI management plans, and evidence of plan monitoring—will be maintained as part of the record for each applicable federal research proposal or award for at least three years after the final financial report is submitted. These documents will be treated as confidential records similar to other grant documents containing salary or other personal financial information.

Investigators are required to comply with this policy as a condition of applying for and receiving federal research grants administered by Lawrence University. Investigators failing to comply with this policy may be subject to disciplinary proceedings and sanctions as appropriate under the relevant institutional policies for faculty, staff, or students.



This policy shall be made publicly available on the LU website. Information on identified FCOIs held by senior/key personnel shall be provided by written response to any requestor within five business days of a request.

### **Institutional Review Board (IRB)**

The purpose of the Institutional Review Board (IRB) is to safeguard the rights and welfare of human subjects involved in research activities conducted at or sponsored by Lawrence University.

The IRB assures compliance with the governing federal regulations for human subject research set forth by the [Office of Human Subject Research Protection \(OHRP\)](#). The OHRP is the federal agency under the Department of Health and Human Services (DHHS) responsible for implementing regulations ([45 CFR part 46](#)) governing Biomedical, Behavioral and Social Sciences research involving human subjects. These regulations are also known as the Common Rule. The Lawrence IRB is formally registered with the OHRP and the University complies with the terms of the Federalwide Assurance (FWA). This means that the University assures that all of its activities related to human subjects research, regardless of the source of support, will be guided by the basic principles set forth in [The Belmont Report](#) - respect for persons, beneficence, and justice – in the discharge of its responsibilities for protecting the rights and welfare of human subjects of research conducted at or sponsored by the institution.

Lawrence University fosters a culture of compliance and requires all research involving humans, regardless of sponsorship, to comply with these regulations and principles governing human subject research.

### ***Common examples of activities requiring IRB approval***

The following are common examples of human subject research studies that must be reviewed and approved by the IRB:

*Pilot Studies:* Pilot studies involving human subjects are considered human subject research and require IRB review.

*Behavioral and Social Sciences Research:* Behavioral and social sciences research focuses on individual and group behavior, mental processes, or social constructs and usually generates data by means of surveys, interviews, observations, studies of existing records, and experimental designs involving exposure to some type of stimulus or environmental intervention.

*Epidemiological Research:* Epidemiological research focuses on health outcomes, interventions, disease states and conclusions about cost-effectiveness, efficacy, efficiency,

interventions, or delivery of services to affected populations. This research may be conducted through surveillance, monitoring, and reporting programs.

*Quality Assurance/Quality Improvement Activities:* Activities that attempt to measure the effectiveness of programs or services may constitute human subjects research and require IRB review if they are designed or intended to contribute to generalizable knowledge. Individuals must be certain that their activities are not human research. The IRB has the sole authority to determine whether an activity is human research. Individuals who are uncertain whether an activity is human research must contact the IRB for a determination. The investigator is responsible for submitting the description of the activity to the IRB. If such studies are designed for internal university quality assurance or program evaluation, with no external application or generalization, IRB review is not required.

*Class Projects:* Projects or assignments involving collection of data from human subjects may or may not meet the definition of research. Course instructors are responsible for making the decision whether the activities meet the definition of “research” (i.e. determining if the activities are systematic and will contribute to generalizable knowledge). For assistance, faculty are encouraged to contact the IRB.

Please contact the IRB [irb@lawrence.edu](mailto:irb@lawrence.edu) if you are unsure whether your activities are subject to IRB review.

### ***Procedures for seeking IRB approval***

Detailed procedures for IRB review are described on the IRB website (<http://www.lawrence.edu/academics/research/irb>).

### **Patents, Copyrights and Trade Secrets**

The University has a contract with the Research Corporation that enables a faculty member to submit an idea that has the potential to be patented and/or marketed to the staff of the Research Corporation for consideration. The Research Corporation will determine if the idea is likely to be patentable and then will also determine if there is a reasonable possibility of it being developed commercially. If the determination is affirmative, the Research Corporation will work with the faculty member to seek a patent and then to market the patented item. The contract describes the terms under which the faculty member and the University will share the proceeds from the commercial development of an idea patented and marketed under the auspices of the Research Corporation. Literature describing this service and forms pertaining to the Research Corporation’s role are available in the Science Hall and Business Offices.

Faculty members are not obligated to work through the Research Corporation and may, with the prior consent of the University, seek alternate means for the commercial development of an idea. In such an event, the faculty member and the University will share

in the proceeds of such a development on the same terms as obtain in the Research Corporation agreement.

Some products of faculty scholarly or creative work may be more appropriately protected and developed as copyrighted items or as trade secrets. Computer software is an example of a product that is not patentable but that may have commercial value and thus need the protection of applicable law. With the patent policy as a model, the University will negotiate individual agreements with faculty members for the sharing of proceeds from the commercial development of copyrighted items or trade secrets. The University will not normally serve as guarantor of any costs connected with the development of any patent, copyright, or trade secret.

Should a dispute arise as to whether or not a patent, copyright, or trade secret was the result of activities connected with the University—that is, by use or involvement of its resources, facilities, faculty, staff, or students—a committee of faculty to be mutually selected by the faculty member and the University will be appointed to resolve any differences.

Faculty who have questions about patents, copyrights, or trade secrets should contact the Provost and Dean of the Faculty or the Vice President for Business and Operations.

### **Software Use**

Policies governing computer and software use at Lawrence are online at the Technology Services website.

Use of any proprietary software on any campus equipment is strictly governed by its licensing agreement. In general, faculty members may use the software packages available on any university computer for educational purposes. Use for other purposes, such as for-profit enterprises, must be arranged in advance with Information Technology Services.

The University is required to abide by federal and state laws that govern the ownership of intellectual property. Unauthorized copying of software violates the fundamental respect for intellectual property that is central to a university community, and it will not be endorsed or condoned by Information Technology Services or the University. Moreover, copyright laws protect software authors and publishers. Unauthorized copying may result in legal liability for individuals and the University, and in the University's inability to negotiate agreements that make software more widely and less expensively available to students, faculty members, and staff. Since unauthorized copying of software can deprive developers of a fair return, it may lead to increased prices and reduced levels of future support and enhancement, and it may inhibit the development of new software products.

Lawrence generally endorses the following excerpt from the EDUCOM brochure "Using Software, A Guide to Ethical and Legal Use of Software for Members of the Academic

Community” (reprinted here with permission):

### ***Software and Intellectual Rights***

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violation of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

### **Institutional Liability**

Faculty, staff, and students should be aware that misuse or misappropriation of computer facilities will result in administrative action or legal proceedings under Wisconsin statutes (section 943.70), as appropriate to the circumstances. Lawrence University, its employees, or its officers are not responsible for any fines or legal fees that may be incurred by employees from the use or misuse of University computing facilities.

### **Drug-Free Campus**

The following policy and its annual circulation to all members of the University community are required by federal law.

#### ***Introduction***

Lawrence University is opposed to the use of potentially dangerous drugs (i.e., controlled substances which include hallucinogenic drugs, amphetamines, barbiturates, cocaine and its derivatives, narcotics, and any others controlled by legal authorities). The University expects its students and employees to obey the laws established and enforced by local, state, and federal agencies concerning the possession, use, or distribution of illegal drugs.

The University recognizes that the use of controlled substances and alcohol impairs performance, whether it be academic or work-related, and maintains that the most effective means to deter the abuse of drugs and alcohol is through: (a) a continuing program of education emphasizing the facts about drugs and alcohol; (b) the availability on a non-punitive basis of support services (medical and personal counseling); and (c) a campus climate where personal influence deters drug abuse.

Students who need help in dealing with such problems are encouraged to seek help through the Counseling Center or the Vice President for Student Life and Dean of Students office.

Employees who need help in dealing with such problems are encouraged to seek outside professional assistance either directly or through a supervisor or the Human Resources office. In the absence of performance problems, an employee's conscientious efforts to discontinue the use or abuse of controlled substances or alcohol will be encouraged and will not jeopardize the employee's job security or be noted in any personnel record. When performance problems result in disciplinary action, an employee's rehabilitation efforts will be encouraged but will not deter further disciplinary action if such problems continue.

### ***Policies***

The manufacture, sale, distribution, possession, or use of controlled substances by students or employees is prohibited at any time:

- in, on, or about the University campus and property;
- at or as a part of any on-campus or off-campus, University- or student- or employee-sponsored activity; and
- during the performance of one's duties as an employee.

The University also is opposed to the illegal or irresponsible use of alcohol, and expects its students and employees to obey the University regulations and the local, state, and federal laws concerning the possession, use, or distribution of alcoholic substances.

With regard to students, possession, use, and distribution of alcoholic beverages to persons of legal age are permitted on the campus only by persons of legal age. Anyone distributing alcoholic beverages to a person not of legal age or any person not of legal age possessing or using alcoholic beverages is subject to disciplinary action by the University. More detailed regulations for students on distribution, possession, and use of alcohol may be found in the *Student Handbook*.

With regard to employees, the University expects all faculty, staff, and student employees to report to work free of the influence of alcohol and at all times during the performance of their duties to refrain from the use of alcohol, except during those events where the serving of alcohol has been approved by the University.

Appropriate disciplinary action will be taken in response to violations of these policies, in compliance with local, state, and federal laws. Furthermore, the University is not a sanctuary protecting those who violate laws regulating the use of drugs or alcohol, and University officials will cooperate with legal authorities whenever necessary.

### ***Sanctions***

With regard to students, the University reserves the right to take action whenever it has reason to believe that the use, possession, sale, manufacture, or distribution of illegal drugs or alcohol adversely affects the life and/or academic performance of students or adversely affects or legally implicates others in the academic community. University action may take such forms as education, counseling, referral to outside agencies, suspension, or expulsion. Any violations of the above regulations concerning alcohol may be brought to the attention of the Vice President for Student Life and Dean of Students and may be subject to action by the University Judicial Board.

With regard to employees, violations will result in disciplinary action up to and including suspension and termination of employment. Violations involving manufacture, sale, or distribution of controlled substances will result in termination of employment. The responsible use of alcohol at events approved by the University will not be considered a violation of the policy.

A summary of relevant local, state, and federal laws, a summary of the health risks of controlled substances and alcohol, and a listing of some local sources of information, counseling, and treatment, are available from the Director of Human Resources.

### **Life-Threatening Illnesses**

The University recognizes that faculty members with contagious or life-threatening illnesses, including but not limited to cancer, heart disease, tuberculosis, hepatitis B, and AIDS, may wish to continue to engage in as many of their normal pursuits as their conditions allow, including their professional activities.

As long as these faculty members are able to fulfill their responsibilities and medical evidence indicates that their continuing their professional activity constitutes no threat to themselves or others, the University will make reasonable efforts to accommodate their special needs, always balancing those needs with the general interest of all members of the University community.

The following resources are available from the Office of Human Resources:

- Education and information, including information about public health programs, about AIDS and related diseases.
- Referral to agencies and organizations which offer supportive services.
- Benefit consultation to assist faculty members in managing health problems, leaves of absence, and other benefits.

## **Sexual Misconduct Policy (Title IX)**

The Lawrence University Sexual Misconduct Policy prohibits **sexual harassment, sexual violence, sexual assault, and intimate partner violence** against Lawrence University community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature. Discrimination and sexual harassment on any of the bases covered by federal antidiscrimination statutes is unlawful and a violation of Lawrence University policy.

Lawrence University takes all violations of Title IX seriously, and therefore, encourages any member of the community who has experienced sexual misconduct to report the incident to the Title IX Coordinator. The University, through the Title IX Coordinator, will respond to all reports and complaints of Sexual Misconduct.

### ***Behavior and Discrimination Covered by Title IX***

Title IX covers sexual discrimination in a variety of forms. This includes, sexual harassment, in every area of college life, including but not limited to sports, as well as discrimination and different treatment based on sex.

### ***Reporting an Incidence of Sexual Misconduct***

Anyone may report Sexual Misconduct to the University by:

- Contacting the Title IX Coordinator: Kimberly Jones, J.D. (phone: 920-832-7496; office: Memorial Hall 109), [Kimberly.R.Scott@lawrence.edu](mailto:Kimberly.R.Scott@lawrence.edu).
- Completing a Report or Complaint Form: <https://www.lawrence.edu/students/share/get-help-now/processes-for-filing-a-complaint>.
- Contacting Campus Safety: 920-832-6999 (x6999).
- Making a report to other college employees (e.g., Responsible Employees or Campus Securities Authority designees: staff, faculty, Residence Life, campus security, or a student).

### **Responsible Employees**

All University employees (with the exception of Confidential Resources) who become aware of incidents or allegations of sexual misconduct are Responsible Employees. University employees include Resident Life Advisors (RLAs). Responsible Employees have a responsibility to report the matter to the Title IX Coordinator. All Lawrence University employees are encouraged to completed yearly Title IX training, as well as Bystander Intervention.

If the complainant would prefer to remain confidential, a report can be made to one of the

University's Confidential Resources, Counselors in the Wellness Center or the Campus Advocate: <https://www.lawrence.edu/students/share/about-share>.

The Title IX Coordinator is NOT a Confidential Resource.

## ***Complaint Process***

### Procedures

Any Lawrence University community member who believes that she/he/they have been subjected to discrimination prohibited by Title IX, or to whom the University has failed to meet its Title IX obligations, may bring the concern to the attention of the University Title IX Coordinator.

The Lawrence University Title IX Coordinator has the authority to initiate an investigation based on allegations of discrimination prohibited by Title IX, even absent the filing of a formal grievance, or after its subsequent withdrawal. In such a circumstance, the University Title IX Coordinator will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

In addition, on some occasions, the University may need to move forward with a response regardless of the complainant's preference. A request for confidentiality or no action will be considered in the dual contexts of:

- 1) The University's commitment to providing a safe living and learning environment free from Sexual Misconduct; and
- 2) The right of a respondent to be informed of the allegations against them.

Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality, to the extent possible.

The Title IX Coordinator will consider various factors, including the following, in deciding the extent to which disclosure of information may be necessary:

- The seriousness of the alleged sexual misconduct;
- The complainant's age;
- The respondent's age;
- Whether there have been other complaints of sexual misconduct against the same respondent;
- The ability to conduct an investigation without revealing identifiable information; and
- The extent of any threat to the University community.

In most situations, the Title IX Coordinator will coordinate his/her activities with other University offices charged with responsibilities for student, faculty, and staff conduct and discipline, and for enforcing the University's policies and procedures, generally.



### “Preponderance of the Evidence” Standard

The Lawrence University Title IX Coordinator and those authorized to address issues and violations under Title IX (e.g., the Title IX Formal Sanction Counsel and Appeals Board), shall review allegations of discrimination and misconduct, prohibited by Title IX, by applying a “by a preponderance of the evidence” standard.

### Informal Resolution

In many instances, counseling, advice, or informal discussion may be useful in resolving concerns about allegations of discrimination prohibited by Title IX. A complainant wishing to informally resolve an issue shall bring the concerns to the Title IX Coordinator, for informal and/or mediated resolution.

If an informal resolution is pursued, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to the complainant and the respondent. Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent, and the overall intent of the University to stop, remedy, and prevent policy violations.

Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process at any time, and request a formal investigation. The Title IX Coordinator also always has the discretion to initiate a formal investigation. If at any point during the informal resolution process, the complainant or respondent, or the University, wishes to cease the informal resolution process and to proceed to the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

In cases involving sexual assault, informal resolutions are not appropriate and are never permissible.

### Filing a Report OR Formal Complaint

Any member of the Lawrence University community considering submitting a report or a formal complaint may:

- At any time, contact and/or meet with the Title IX Coordinator, who will listen and discuss the matter with the Complainant, and provide the details of the reporting and formal complaint process.
- Alternatively provide a written account of the incident, either via the online formal complaint process, via email, or some other written format, provided to the Title IX Coordinator.
- Speak to a Confidential Resource: <https://www.lawrence.edu/students/share/about->

[share](#).

### Response to a Formal Complaint

Lawrence is obligated to follow up on, and resolve all reports of sexual misconduct in a timely, fair, and impartial manner. The resolution process will proceed regardless of whether either party chooses to withdraw from the University, or goes on leave after a report has been made to the University.

Furthermore, silence, in response to an allegation, will not be viewed as an admission of the allegations in dispute. At any time, a party may decline to provide information or participate further in the Process. When this occurs, the University will review the matter based on all of the other information gathered.

### Notice of Allegations

When the Title IX Coordinator receives a formal complaint of sexual misconduct, The Coordinator will meet with the respondent to provide notice of the complaint and the alleged policy violation being investigated.

### Accommodations

Accommodations are actions taken by the University to ensure equal access to its education programs and activities and to foster a more stable and safe environment during the process of reporting, investigation, (“interim accommodations”) and/or after adjudication. These measures may be extended or made permanent as remedies, at the conclusion of the investigation.

Sample accommodations include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus.
- Imposition of a campus “No-Contact Order.”
- Rescheduling of exams and assignments.
- Providing alternative course completion options.
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections.
- Change in work schedule or job assignment.
- Change in student’s campus housing.
- Assistance from University support staff in completing housing relocation.
- Limiting access to certain University facilities or activities pending resolution of the matter.
- Voluntary leave of absence.
- Options for changing campus transportation arrangements.

### ***The Lawrence University Title IX Council: Roles, Procedure, and Responsibilities***

The role of the University Title IX Council is to review the information presented in the investigation report and to determine if an individual or individuals violated the University policy. If the answer is yes, the Council is also responsible for determining an appropriate sanction or sanctions. A hearing panel of 4 (four) members from the Council will be formed for each case, including the Chair of the Council. Members of the Title IX Council may be human resources professionals, designated faculty, residence life personnel, and/or other responsible employees.

#### The Role of the Chair

The Chair of the Council will preside over the Hearing Panel as a non-voting member. The Chair is responsible for the administration of the hearing process, including ensuring the integrity of the procedure and process. The Vice President of Student Life, or his/her designee shall serve as the Chair of the Council.

#### Hearing Process

Prior to convening the Hearing Panel, the Vice President of Student Life will provide a list of potential Title IX Council members to serve on the Hearing Panel. The Hearing Panel shall consist of faculty and staff members of the Lawrence University Community, to include the Dean of Students or designee, the Director of Human Resources or designee, the Dean of the Conservatory or designee, the Director of Athletics or designee, and Faculty members nominated by the Faculty Governance Committee. The complainant and respondent will then have 48 hours to submit a written objection to any of the prospective panelists, due to potential conflict of interest or concerns related to a lack of objectivity. After the panel is selected, the Title IX Coordinator will then provide the names of the parties to the Chair, to ensure that similar conflicts or concerns do not exist. The Title IX Coordinator will evaluate any written objections by all parties and panel members, and then, determine which members of the Council will serve on the panel. The Title IX Coordinator will then submit the finalized panel list to the Hearing Panel Chair.

The Hearing Panel will convene with the investigator (although the Chair has discretion to determine if the Investigator's presence is necessary). The complainant and respondent will not be present in the hearing room. The Hearing Panel may ask the investigator questions related to the investigative report. The panel may also request to hear from one or more of the witnesses. The Chair has discretion to approve or deny the request to summon witnesses. The presumption is that the Investigator has provided all necessary information for the Hearing Panel, to render its decision, and determine sanctions. However, if any additional relevant information is gathered after the investigative report is finalized, the information will be shared with both parties, and each will have an opportunity to respond within three (3) business days of the date the information is received.

Again, the presumption is that the Investigator has provided all necessary information for the Hearing Panel, to render its decision, and determine sanctions. However, the complainant and respondent shall be granted the opportunity, *at the discretion of the Title IX Coordinator and the Panel Chair*, to appear before the Hearing Panel, if either the complainant or respondent wishes to make an oral statement related to the facts. This is not an opportunity to restate information already provided to the investigator. Further, the complainant and respondent will not be in the hearing room together, unless both agree to do so in writing. If necessary, the Hearing Panel may ask direct and follow up questions.

### Sanction and Decision

The Hearing Panel will convene to deliberate and render a decision, by a majority vote, regarding whether or not the respondent had violated the Lawrence University Sexual Misconduct Policy, by the preponderance of the evidence. No member may abstain.

If the Hearing Panel determines that a violation has occurred, the panel shall consider one or more sanctions. Sample sanctions include, but are not limited to:

- Dismissal from the University
- Suspension for one or more terms, with or without conditions for return
- Disciplinary Probation
- No Contact or Limited Contact Agreement
- No Contact or Order
- Chemical Health Assessment
- Restricted Campus Access
- Restricted Course Enrollment
- Change of Housing
- Warning
- Required education or training

Sanctions may be combined. A majority vote of the Hearing Panel is required for all sanctions.

### ***Appeals***

Both the respondent and complainant may appeal the decision of the Hearing Panel. However, the following threshold must be met to qualify for appeal:

- a. The request must be timely; and
- b. The appeal is on the basis of any of the following three articulated grounds:
  - i. A procedural error occurred that significantly impacted the outcome of the informal or formal resolution (e.g., substantial bias, material deviation from established procedure, etc.); and/or
  - ii. To consider new evidence, unavailable during the original hearing, informal or

- formal resolution, or investigation, that could substantially impact the finding or sanction; and/or
- iii. The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the respondent;
- c. When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted finding or sanction.

### ***The Appeals Board***

The Title IX Coordinator shall issue a written acknowledgement of the Appeal to the complainant and respondent, within 48 hours of the appeal. The Title IX Coordinator will then convene the Appeals Board, and it shall review any legitimate appeal within five (5) business days of the submitted appeal.

The Appeals Board will consist of three (3) members of the Title IX Council, including the Vice President of Diversity and Inclusion. The Vice President of Diversity and Inclusion shall act as the Chair of the Appeals Board. No member of the Appeals Board may be the same as the members of the Hearing Panel who heard the original complaint. The decision on appeal must be unanimous among all members. No member of the Appeals Board may abstain.

The Appeals Board will render a decision applying the following principles:

- a. Decisions by the Appeals Board are to be deferential to the original decision, making changes to the finding only where there is clear error, and to the sanction/remedial action only if there is a compelling justification for review.
- b. Appeals are not intended to be full re-hearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the formal or informal resolution, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence shall be remanded to the original Hearing Panel or to the Title IX Coordinator for reconsideration.
- c. Sanctions imposed are implemented immediately unless the Hearing Panel or Title IX Coordinator (or designee) stays the implementation, pending outcome of the appeal.
- d. The Title IX Coordinator shall render a written decision on the appeal to all parties within five (5) business days from accepting the request for appeal.
- e. All parties shall be informed of whether the grounds for appeal are accepted and the results of the appeal decision.
- f. After an appeal is decided, the outcome is final; further appeal is impermissible.

### **Consensual Relationships Policy**

There are professional and ethical risks associated with consensual amorous and/or sexual relationships between members of the University community. Relationships involving a power differential invite accusations of preferential treatment or exploitation, and ethical

principles preclude individuals from evaluating the work or academic performance of those with whom they have an intimate relationship.

#### Relationships between Faculty and/or Staff

The university strongly discourages romantic or sexual relationships between a supervisor and any employee who reports to that person because such relationships create apparent conflicts of interest. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken. If a supervisor responds to charges of sexual harassment by claiming that the relationship was consensual, the burden will be on the supervisor to provide evidence that the relationship was both consensual and voluntary. Whether in a supervisory or collegial role, faculty or staff members should recuse themselves from any professional assessment of individuals with whom they have a past or continuing consensual amorous and/or sexual relationship.

#### Relationships between Faculty or Staff and Students

Consensual amorous and/or sexual relationships between students and faculty, advisors, coaches, or others holding positions of authority over them are fervently discouraged and in cases where a direct supervisory role exists, expressly prohibited. The term “direct supervisory role” refers to faculty responsibilities both in and out of the classroom, including, but not limited to, teaching, academic advising, coaching (athletics, drama, etc.), and service on evaluation committees (honors, awards, prizes, etc.).

#### Procedures

If any university employee enters into a consensual amorous or sexual relationship with a supervisor or direct-report employee, or if either party is in a supervisory capacity in the same department in which the other party works, then the parties must notify the supervisor’s manager. This requirement does not apply to employees who do not work in the same department or to parties who do not supervise or otherwise manage responsibilities over the other.

Once the relationship is made known, the manager will review the situation with the human resources director in light of all the facts (job titles, reporting relationship, effect on co-workers, etc.) and will determine whether one or both parties need to be moved to another job or department. If the manager determines that a party must be moved and there are no suitable jobs available, then the parties will be given the option of terminating their relationship or resigning.

Faculty members who are asked to participate in the professional assessment of individuals with whom they have a past or continuing consensual amorous and/or sexual relationship must report the relationship to the Provost and Dean of the Faculty to ensure that all such conflicts of interest have been adequately addressed. A record of such reports

should be maintained by the Office of the Provost and Dean of the Faculty and a copy provided to the Office of Human Resources. Records will be kept confidential but made available as evidence in the processing of any related sexual harassment complaints.

If a student in a prior or continuing amorous and/or sexual relationship with a faculty or staff member comes under the supervision of that faculty or staff member, the individual in the supervisory role must report the relationship to the Provost and Dean of the Faculty so that the conflict of interest may be removed or mitigated.

Failure to follow any of these guidelines constitutes a violation of University policy and may result in disciplinary action.

### **Grievance Procedure**

The grievance procedure is a way to address concerns that are not covered by other university processes (academic petitions, honor council or judicial board hearings, or complaints of sexual misconduct or employee discrimination). If you have a concern about the actions or lack of action of another member of the Lawrence community, you should follow the procedure below.

1. Discussion: Where possible, discuss the concern with the other person to seek a mutually acceptable resolution. If you feel uncomfortable or unsafe doing so, proceed to #2 or 3.
2. Consultation/Mediation: Seek counsel from a supervisor, advisor, residence hall director or residence life advisor, counselor, dean, colleague, etc., who may suggest possible solutions, refer you to a university procedure for addressing this type of concern, or act as an informal mediator to help resolve the dispute.
3. Formal Review: If the matter remains unresolved, request a formal review by the appropriate university authority:
  - Vice President for Student Life for a concern about a student's actions;
  - Provost and Dean of the Faculty for a concern about a faculty member's actions; or
  - Vice President for Finance and Administration for a concern about a staff member's actions.

To call for a formal review, send the university authority a written statement of the concern and any action taken to resolve it. The preferred way to receive a grievance is by email with "grievance" in the subject line.

The authority will acknowledge receipt of the grievance within two weeks and will work to resolve the matter as quickly as possible. The authority may guide the party to

an applicable university procedure or investigate the matter by:

- a. sharing the statement with the other party and asking for a written response;
- b. seeking additional information from one or both parties or from others who have knowledge of the dispute; and
- c. consulting sources on university procedures and regulations or seeking advice from appropriate counsel.

On the basis of this information, the authority will determine whether either party acted inappropriately and what corrective action needs to be taken. If the authority determines that the situation is not a matter for university governance, the authority may recommend actions, but neither party is bound to act on those recommendations. The authority's written decision and directives or recommendations will be sent to both parties, preferably by email.

4. Appeal: If the authority's decision does not resolve the matter, you or the other party may request that a panel hear the grievance. To call for a panel, send the authority a written statement of your reason for the appeal and your willingness to abide by the panel's decision. The preferred way to receive an appeal is by email with "appeal" in the subject line.

The authority will acknowledge receipt of the appeal within two weeks and will compose a panel to hear the grievance. The university authority will ask you and the other party each to submit the names of three faculty or staff members. The authority will select one person from each list and name a third person to the panel. If either party to the grievance is a student, the third person will be a student member of the judicial board who has no involvement with the dispute; otherwise, the third person will be a member of the faculty or staff. The authority will designate one panel member as chair.

The panel will be given all written statements related to the grievance, including the university authority's decision and directives or recommendations. The panel may interview any or all parties and others with knowledge related to the dispute. On the basis of this information, the panel will render its decision, preferably by consensus but otherwise by majority vote. The panel's written decision will be sent to both parties and the university authority, preferably by email. All parties are expected to abide by that decision.

While the grievance procedure is meant to resolve disagreements that affect members of the Lawrence community, it may not be possible to solve a problem to everyone's satisfaction. The university expressly forbids any retaliation or threat of retaliation for filing a grievance, and any party that fails to follow the directives of the university authority or grievance panel



will be subject to disciplinary action. This ensures that the process can lead to a genuine resolution.

## **Background Check Policy**

### ***Purpose***

Hiring qualified individuals to fill positions contributes to the overall strategic success of the University. Background checks serve as an important part of the selection process. It is important that Lawrence University take meaningful actions to promote a safe environment for students and employees and to protect its funds, property and other assets, while at the same time reaffirming its responsibility to protect the privacy of all Lawrence community members. This policy is intended to support the verification of credentials, criminal history and other information related to employment decisions (e.g. references and occupational and professional licenses) that assist the University in meeting its commitments. The university's senior administration recognizes the need for thoughtful judgment when determining how background check results impact an individual's employment.

### ***Policy and Procedure***

Absent the application of limited exceptions or modifications described below, background checks will be conducted on all job finalists, including internal transfers and staff promotions. In addition, an employee who is required to drive a University-owned/rented or personal vehicle as a part of their position will be subject to a driving record check.

Exceptions or modifications to a formal background check include the following:

- Position reclassifications that result in a title change with no change in responsibilities.
- Faculty career progression, such as promotion to associate or full professor that occurs within an individual's current department.
- Involuntary transfers or reclassifications.
- Current staff, unless promoted or transferred to a security-sensitive position.
- Student employees who do not work in security-sensitive departments or positions (e.g., Registrar's Office, Financial Aid, Financial Services, Box Office, Development, Human Resources and Research Administration).

Background checks may include the following, if applicable: social security number search; previous employers; references; sex offender registry review; criminal records search; verification of academic credentials; driver's license and driving record check; and verification of occupational and professional licenses. A credit check also may be completed when it is deemed relevant to the job responsibilities (e.g. financial fiduciary responsibility) for which the candidate is applying. Human Resources will coordinate the

collection of all background check information. Prior to denying employment or taking adverse employment action based on an individual's background verification report, an employee or applicant will be notified in writing, as soon as practicable upon receipt and review of the report. The individual will be provided a copy of the report and, if applicable, a summary of rights under the Fair Credit Reporting Act. During the review period the applicant/employee will be provided the opportunity to dispute the results and may be requested to provide additional information. Background checks are based on information the candidate has provided (e.g. resume/vita, reference check information, past employment information and consent form) and by accessing available criminal records in other states. Lawrence University may use a private, commercial third-party background check vendor to conduct all or a part of these checks.

The University reserves the discretion to modify the exceptions listed as circumstances and the best interests of Lawrence may warrant. The President or President's designee may mandate a criminal background check (e.g. one's criminal conviction record) on a current employee who is not a party to a job transfer or reclassification. The mandate may be made on the President's or President's designee's own initiative or as the result of a written request made by the employee's supervisor. Human Resources will be provided a written rationale in support of the need to conduct a background check by the requesting party. Human Resources will coordinate the collection of all background check information. If the current employee refuses to complete, sign and submit the criminal background check authorization in response to a request made in accordance with this policy, University administration may take appropriate action up to and including discharge from employment. Background checks that include a review of an applicant's credit history must be authorized in writing.

Every employee must inform his/her supervisor and Human Resources via phone call, email or written notification if he/she has been convicted of a crime as soon as possible but no later than 2 business days. Reporting of convictions is applicable to all faculty and staff, whether or not their position is subject to an original background check. The University also reserves the right to assess whether such convictions or pending charges against any employee bear a substantial relationship to one's position of employment, compromise that employee's ability to perform the duties and responsibilities associated with the position, or create a risk to the health, safety and welfare of Lawrence employees and/or property. Should convictions or pending charges pose such a risk, the University shall determine whether continued employment is warranted, or whether some alternative employment action (e.g. administrative leave) is appropriate. All University decisions will be made in compliance with applicable State and Federal law.

Employees who drive on behalf of Lawrence in a University owned, rented or leased vehicle, or in their own personal automobile, are responsible for reporting more than 2 incidents of moving violations, accidents, or a combination of the two, over the previous three years to the Director of Facility Services. If a violation is severe (including but not limited to: DWI, excess speeding over 20 mph and reckless driving), the individual's driving

privileges on behalf of the University will be denied. For the safety and well-being of the passengers, Lawrence University reserves the right to deny driving privileges for any applicant or employee.

In reviewing the results of a criminal history background check on an applicant/employee, the University will review each situation on a case-by-case basis in order to determine whether there is a substantial relationship between a pending charge or conviction and the position one has applied for or currently holds. The following factors will be considered for those applicants/employees with a criminal history in determining whether to hire the external applicant or to transfer or promote the internal candidate: the nature of the crime and its relationship to the position and its associated responsibilities; time since the conviction; number of convictions; whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the University, students or employees; the individual's age at the time of the offense(s), and whether there is a discernable pattern of offenses.

Although a disqualification is possible, a previous conviction does not automatically disqualify an applicant from consideration for employment with Lawrence University. However, if an applicant is found to have falsified any information regarding conviction history, he/she will not be considered for employment. If an employee is found to have falsified information regarding conviction history, s/he will be immediately discharged. An offer of employment may be extended to an applicant prior to the completion of the criminal check. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of the background check except under special circumstances and approved by the President or President's designee.

Lawrence University guarantees that all information obtained from the background check process will only be used as part of the employment process and kept strictly confidential. Human Resources will receive, maintain and store the background check information, separate from the employee's personnel record. Human Resources will provide the President and Provost/Dean of Faculty with an annual report of adverse actions on faculty and staff employment or candidate selection.

### **Academic Accommodations for Disabilities**

Students who wish to request academic accommodations for disabilities should contact the Accessibility Services Coordinator in the Center for Academic Success. To be eligible for accommodations, students must provide appropriate documentation as described on the Accessibility Services website. Eligible students should consult with their instructors about the format of instruction and course materials and meet with the coordinator to determine appropriate accommodations for each course.

## Facilities Reservation Policy

1. Lawrence University facilities in all areas are reserved first for instructional activities, including, but not limited to, scheduled classes and University convocations, ensemble rehearsals, concerts, theatre rehearsals and production, tutorials, and independent study/research. During the academic year all campus facilities are for the primary use and enjoyment of students, faculty, administration and staff. Scheduling of space during the academic year must be initiated by an academic department, administrative office, or LUCC-recognized student organization.
2. When university facilities and grounds are not in use for instructional activities, they may be scheduled by university departments for campus events and activities that engage the Lawrence community and general public.
3. When facilities are not in use by Lawrence University for purposes listed above, these facilities may be made available on a rental basis, provided such rentals are for purposes in keeping with the educational mission of the University. These clients would represent either a not-for-profit or commercial group. The University reserves the right to determine the eligibility of a potential client in these categories. If the event is not co-sponsored by an academic department, administrative office, or LUCC-recognized organization, the client shall clearly stipulate in public announcements that the organization or event is not sponsored by or affiliated in any way with Lawrence University
4. The use of university facilities for non-instructional purposes is subject to approval of the Office of Conferences and Summer Programs. Consideration will always be given to the relation of such use to the University's educational mission and purposes. Fundraisers may not be scheduled without the express approval of the Office of Conferences and Summer Programs, Development Office, and the Provost.
5. Sponsorship of an event by Lawrence University will be at the discretion of the Office of Conferences and Summer Programs and the Provost. The proposed event must be in keeping with the academic mission and may provide free space or staff or equipment.

For more information, see the information on Conference & Event Services at [http://www.lawrence.edu/info/services/facility\\_rentals](http://www.lawrence.edu/info/services/facility_rentals).

To schedule rooms for campus activities, follow the procedures under "Campus Event Planning" in chapter VIII.

## **Smoke-Free Policy**

The University cares about the health and safety of everyone on campus. Providing a smoke-free environment allows us to maintain a clean-air workplace for the comfort of all persons. Smoking will be prohibited as follows:

- All University owned, leased or operated buildings are designated smoke-free.
- All University owned, leased or rented vehicles are designated smoke-free.
- The entire academic area of campus and outdoor athletic areas are designated smoke-free.
- At the beginning of each academic year, residents in each residence hall or small house will vote to determine if there shall be a smoke-free zone of 25 feet in all directions around the perimeter of the residence. A majority of the voting residents must desire a smoke-free zone for a zone to be implemented. Requests for a re-vote may be brought to the governing body of a residence not more than once per term. Ormsby and Kohler halls shall have permanent smoke-free zones.

Refer to the campus map that indicates all smoke-free areas on campus.

Please obey all signage on campus and use appropriate ashtrays located in the designated smoking areas. It is important that we all make a commitment to respect the no smoking policy.