

MINUTES
MEDICAL UNIVERSITY OF SOUTH CAROLINA
BOARD OF TRUSTEES MEETING
May 19, 2011

The Board of Trustees of the Medical University of South Carolina convened Thursday, May 19, 2011, with the following members present: Dr. James E. Wiseman, Jr., Vice Chairman; Dr. Stanley C. Baker, Jr.; Mr. Melvyn Berlinsky; Mr. William H. Bingham, Sr.; Dr. Cotesworth P. Fishburne, Jr.; Mr. William B. Hewitt; Dr. Harold W. Jablon; Dr. Donald R. Johnson II; Dr. E. Conyers O'Bryan, Jr.; Dr. Thomas C. Rowland, Jr.; Mr. Charles W. Schulze; The Honorable Robin M. Tallon; Dr. Charles B. Thomas, Jr.; Emeritus: The Honorable Robert C. Lake, Jr. Absent: Thomas L. Stephenson, Esquire, Chairman.

The following administrative officials were present: Dr. Raymond S. Greenberg, President; Dr. Mark Sothmann, Vice President for Academic Affairs and Provost; Dr. Etta Pisano, Vice President for Medical Affairs, and Dean, College of Medicine; Ms. Lisa Montgomery, Vice President for Finance and Administration; Mr. Stuart Smith, Vice President for Clinical Operations and Executive Director, MUHA; Dr. Frank Clark, Vice President for Information Technology and CIO; Mr. Jim Fisher, Vice President for Development.

The following deans were present: Dr. Jack Sanders, College of Dental Medicine; Dr. Lisa Saladin, College of Health Professions; Dr. Etta Pisano, College of Medicine; Dr. Philip Hall, College of Pharmacy; Dr. Gail Stuart, College of Nursing.

Item 1. Call to Order.

There being a quorum present, Vice Chairman Wiseman called the meeting to order.

Item 2. Secretary to Report Date of Next Meeting.

The date of the next regularly scheduled meeting is Friday, August 12, 2011.

Item 3. Approval of Minutes of the Regular Meeting of the Medical University of South Carolina Board of Trustees of April 8, 2011.

Board Action: It was moved that the Minutes be approved. The motion was seconded, voted on and unanimously carried.

RECOMMENDATIONS AND INFORMATIONAL REPORTS OF THE PRESIDENT.

OLD BUSINESS: None.

NEW BUSINESS:

Item 4. General Informational Report of the President.

Dr. Greenberg distributed a copy of his activities since the last Board meeting. He reported that there was a very nice story in the Charleston newspaper yesterday about two MUSC faculty members, specialists in post traumatic stress disorder (PTSD), who just returned from a trip to Japan. They were invited by one of the medical schools in Japan to help train their staff on how to deal with PTSD. It is significant that two of MUSC's faculty have gone to Japan to help with that kind of training. There was also an article in the local paper about the physician to the

President of Tanzania getting specialized training in cardiology from MUSC physicians. These articles seem a manifestation of the global outreach MUSC has and is a tribute to its faculty.

Dr. Greenberg reminded the board members that they were invited to attend the golden grads luncheon at noon today at the Country Club of Charleston. The University is looking forward to commencement tomorrow.

Recommendations of Administration: That the report be received as information.

Board Action: Received as information.

Item 5. Other Business. None.

RESEARCH AND INSTITUTIONAL ADVANCEMENT COMMITTEE. CHAIRMAN: DR. COTESWORTH P. FISHBURNE, JR.

OLD BUSINESS: None.

NEW BUSINESS

Item 6. General Report of the Associate Provost for Research.

Statement: Dr. Lanier discussed research funding year to date. Compared to last year, the totals are running slightly ahead. NIH funding is running slightly behind last year which is attributable to the large influx of stimulus (ARRA) monies that came in last year. Year end funding should be similar to last year.

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 7. General Report of the Vice President for Development.

Statement: Dr. Fishburne recognized Dr. O'Bryan for his leadership in helping get the \$1million gift from Boeing. Mr. Fisher stated contributions are ahead of last year's May 15 numbers of \$52 million and gifts are going well year to date. He reminded all the board members that they are invited to the Golden Grads luncheon at noon at the Country Club of Charleston. He also said Stephen Colbert has agreed to a July 1 concert to benefit the Jim Colbert Foundation. May 17 was the Dr. Thomas C. Rowland research day within the department of obstetrics and gynecology. Dr. Rowland has been very supportive of the University's capital campaign.

Dr. Fishburne welcomed Dr. Jablon to the Board. He said Dr. Jablon designated \$1million to the CODM about five years ago and has set a fine example for leadership giving.

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 8. General Report of the CEO of the MUSC Foundation (MUSCF).

Statement: Mr. Tom Anderson shared two milestones. As a result of new gift activity, investment returns and transfers from UMA, for the first time the MUSCF's asset base exceed \$400 million. This allows the Foundation, in its projected budget for next year, to continue double digit increases supporting both development, scholarship and awards in the President's office. The Foundation Board approved a letter of intent to sell the eight historic properties around campus to interests from China. The Foundation has a contract before the buyer and plans to close before July 15. This transaction should generate more than \$300,000 per year in maintenance savings on the buildings once the properties are sold.

Recommendation of Administration: That the report be received as information.

Board Action: Received as information.

Item 9. General Report of the Executive Director of the MUSC Foundation for Research Development.

Statement: Mr. Chip Hood reported a new Chairman of the Foundation Board had been elected – Mr. Harold Chappelle a retired EVP of Upjohn and an MUSC graduate. The MUSC Foundation for Research Development is going to do a Strategic Plan for the Foundation to make sure it is aligned with the University's plan. In spite of the great recession the Foundation will have a good year in the number of deals, patents and new start up companies.

Recommendation of Administration: That the report be received as information.

Board Action: Received as information.

Item 10. Other Business. None.

EDUCATION, FACULTY AND STUDENT AFFAIRS COMMITTEE. CHAIRMAN: MR. MELVYN BERLINSKY. (Detailed committee minutes are attached to these minutes).

OLD BUSINESS: None.

NEW BUSINESS:

Item 11. General Report of the Vice President for Academic Affairs and Provost.

Statement: Mr. Berlinsky stated reports had been presented to committee.

Recommendation of Administration: That the reports be received as information.

Recommendation of Committee: That the reports be received as information.

Board Action: Report received as information.

Item 12. Other Committee Business.

Endowed Professorships

Statement: At the request of the Dean of the College of Medicine, administration presented for approval the following Endowed Professorship appointment:

John M. Arthur, M.D., Ph.D., Professor of Medicine, as the DCI Nephrology Research Chair, effective May 20, 2011

Recommendation of Administration: That this request for the appointment of Dr. John M. Arthur, as the DCI Nephrology Research Chair, be approved.

Recommendation of Committee: That this request for the appointment of Dr. John M. Arthur, as the DCI Nephrology Research Chair, be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the endowed professorship appointment for Dr. John M. Arthur.

Item 13. Conferring of Degrees.

Statement: Approval was requested to confer degrees upon those candidates who, pending successful completion of all requirements for their degrees by the conclusion of the spring semester, have the recommendation of their college dean and faculty.

Recommendation of Administration: That the conferring of degrees be approved.

Recommendation of Committee: That the conferring of degrees be approved.

Board Action: A motion was made seconded and unanimously voted to approve the conferring of degrees.

Item 14. Revisions to the MUSC Faculty Handbook

Statement: Administration presented for approval modifications to the MUSC Faculty Handbook, effective May 20, 2011. Revisions have been previously approved by the Board and constitute procedural formatting with one language change in Section 6.04 in reference to the faculty contract and rank salary previously approved by the Board.

Recommendation of Administration: That these modifications to the MUSC Faculty Handbook be approved.

Recommendation of Committee: That these modifications to the MUSC Faculty Handbook be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the revisions to the MUSC Faculty Handbook.

Item 15. Faculty Appointments.

Statement: At the request of the Dean of the College of Medicine, administration presented the following faculty appointments:

Frank J. Brescia, M.D., M.A., as Professor, on the Clinician Educator track, in the Department of Medicine, Division of Hematology/Oncology, effective April 1, 2011

Truman R. Brown, Ph.D., (dual appointment) as Professor in the Department of Radiology and Radiological Science, effective April 1, 2011.

Dr. Brown's primary appointment rests in the Department of Neurosciences, Division of Neuroscience Research

Joseph A. Helpern, Ph.D., (dual appointment) as Professor in the Department of Radiology and Radiological Science, effective April 1, 2011.

Dr. Helpern's primary appointment rests in the Department of Neurosciences, Division of Neuroscience Research.

Recommendation of Administration: That these faculty promotions be approved.

Recommendation of Committee: That these faculty promotions be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the faculty promotions.

Item 16. Changes in Faculty Status.

Statement: At the request of the Dean of the College of Health Professions, administration presented for approval the following change in faculty status:

Becki A. Trickey, Ph.D., from Professor to Professor Emerita, effective June 30, 2011

Recommendation of Administration: That this change in faculty status be approved.

Recommendation of Committee: That this change in faculty status be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the change in faculty status.

Item 17. Sabbatical Leave.

Statement: At the request of the Dean of the College of Medicine, administration presented for approval, a seven-month sabbatical for **Eleanor K. Spicer, Ph.D.**, beginning October 1, 2011 through April 30, 2012

Recommendation of Administration: That a seven-month sabbatical for Dr. Eleanor K. Spicer be approved.

Recommendation of Committee: That a seven-month sabbatical for Dr. Eleanor K. Spicer be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the sabbatical leave request for Dr. Eleanor Spicer.

Item 18. Endowed Professorships.

Statement: At the request of the Dean of the College of Medicine, administration presented the following requests for appointment and reappointment of endowed professorships, effective May 20, 2011:

Appointment of **Baerbel M. Rohrer, Ph.D.**, Associate Professor of Ophthalmology, as the Stanley & Theodora Feldberg Endowed Chair in Ophthalmology.

Appointment of **Prabhakar K. Baliga, M.D.**, Professor of Surgery, as the Fitts-Raja Endowed Chair in Transplant Surgery.

Reappointment of **Deepak Bastia, Ph.D.**, Professor of Biochemistry and Molecular Biology, as the Gaylord and Dorothy Donnelly Chair in Biomedical Sciences

Reappointment of **David J. Cole, M.D.**, Professor of Surgery, as the A. McKoy Rose, Jr., M.D. Endowed Chair in Surgical Oncology

Reappointment of **Michael R. Gold, M.D.**, Ph.D., Professor of Medicine, as the Michael E. Assey, M.D. Chair of Cardiology

Reappointment of **Lina M. Obeid, M.D.**, Professor of Medicine, as the Boyle Chair of Geriatric Medicine

Reappointment of **Michael R. Zile, M.D.**, Professor of Medicine, as the Daniel Chair of Cardiology

Reappointment of **Makio Ogawa, M.D., Ph.D.**, Professor of Pathology and Laboratory Medicine, as the Hans & Helen Koebig Chair in Clinical Oncology (until the time of his retirement)

Reappointment of **M. Edward Wilson, M.D.**, Professor of Medicine, as the Pierre Gautier Jenkins Chair of Ophthalmology (until he steps down as Department Chair)

Recommendation of Administration: That these requests for appointments and reappointments be approved.

Recommendation of Committee: That these requests for appointments and reappointments be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the appointments and reappointments of the endowed professorships.

FINANCE AND ADMINISTRATION COMMITTEE. CHAIRMAN: MR. CHARLES W. SCHULZE.

OLD BUSINESS: None.

NEW BUSINESS:

Item 19. Major Purchase.

Statement: Ms. Montgomery presented the following major purchase for approval:

- Management Service Contract with MUSC Foundation for Research Development. Services include management services relating to technology transfer, economic development and collaborative endeavors with the private sector on behalf of the University. Estimated Cost of Purchase: \$1,050,000.

Recommendation of Administration: That the major purchase be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the major purchase.

Item 20. Financial Status Report of the Medical University of South Carolina.

Statement: Mr. Patrick Wamsley reported that as of March 31st, the University reported 68 Days of Operating Cash totaling \$90.3 million. This is a \$14 million increase from last year. The University's Statement of Revenue, Expense and Changes in Net Assets also reflected a strong bottom line of \$53.8 million mostly due to significant below-the-line activity including Capital Appropriations/Grants and Gifts as well as Additions to Endowment. From a budget-to-actual perspective, the University produced a positive bottom line totaling \$9.5 million in its Current Funds Report, which is up \$4 million from February and is \$8 million ahead of the budgeted amount for March.

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 21. Financial Status Report of University Medical Associates.

Statement: Ms. Gina Ramsey reported for March 31, 2011, UMA gross charges totaled \$691.5, \$9.5 million more than the previous year. UMA collections totaled \$181.8 million and were \$1.0 million over the prior year. The Days in Accounts Receivable continue to improve and were 40 as of March 31st, down 2 days from the prior year.

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 22. Financial Status Report of the MUSC Foundation for Research Development.

Statement Ms. Michelle Garbiras reported the financial statements for this eight month period ending March 31, reflected an increase in net assets of \$110,000. The increase for this period is a result of the collection of registration fees for an upcoming DDC Conference. Approximately \$70,000 will be paid out for conference expenses over the next month. The Foundation is also working with the University in their Education Globalization effort and received money to assist with this effort. MUSCFRD has collected the first of two \$30,000 payments for patent prosecution recovery. The Foundation is still working on collecting outstanding receivables.

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 23. Other Committee Business.

Statement: Mr. Schulze discussed the logistics for the annual June Finance and Administration Committee meeting to approve the FY12 Budgets. It was agreed that the meeting would be held the end of June in the Colcock Hall Board Room. There would also be a number provided for those wanting to participate by phone. The date would be confirmed shortly.

Board Action: Received as information.

UNIVERSITY PHYSICAL FACILITIES COMMITTEE. CHAIRMAN: MR. WILLIAM H. BINGHAM, SR.

OLD BUSINESS: None.

NEW BUSINESS:

Item 24. Update on Projects.

Statement: No Report.

Recommendation of Administration: That this be received as information.

Board Action: The report was received as information.

Item 25. Other Committee Business. None.

Item 26. Facilities Contracts Awarded.

Statement: The facilities contracts awarded since the last meeting were presented for information.

Recommendation of Administration: That the report be received as information.

Board Action: Received as information.

MEDICAL UNIVERSITY OF SOUTH CAROLINA AUDIT COMMITTEE. CHAIRMAN: MR. WILLIAM B. HEWITT

OLD BUSINESS: None.

NEW BUSINESS:

Item 27. Entrance Conference with KPMG, External Auditors.

Statement: Mr. Hewitt stated the Committee and other members of the Board had an Entrance Conference with KPMG and the meeting went well.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action: Received as information.

Item 28. Report of the Office of Internal Audit.

Statement: Mr. Hewitt stated a report had been received from the Internal Auditor and if there were no questions the report would be received as information..

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 29. Board of Trustees Annual Self-Assessment.

Statement: Mr. Hewitt distributed a draft copy of the Board of Trustees Annual Self-Assessment form and asked the members to review the form and provide any comments on the form by the end of the meeting. He commented that although the form looked lengthy it represented what the board should be doing.

Recommendation of Administration: That this report be received as information.

Board Action: Received as information.

Item 30. Other Committee Business. None

OTHER BUSINESS FOR THE BOARD OF TRUSTEES:

Item 31. Approval of Consent Agenda.

Statement: Approval of the University Consent Agenda was requested.

Recommendation of Administration: That the consent agenda be approved.

Board Action: It was moved, seconded and unanimously voted that the consent agenda be approved.

Item 32. New Business for the Board of Trustees.

Item 33. Report from the Chairman.

There being no further business, the meeting of the University Board of Trustees was adjourned.

Respectfully submitted,



Hugh B. Faulkner III
Secretary

/wcj
Attachment

EDUCATION, FACULTY AND STUDENT AFFAIRS COMMITTEE. CHAIRMAN: MR. MELVYN BERLINSKY
May 19, 2011

REGULAR AGENDA

Item 11. General Report of the Vice President for Academic Affairs

Statement: Mr. Berlinsky called on Dr. Rick Silver, Interim Chair of the Department of Medicine, to introduce Drs. Gazes and Powers.

Dr. Silver thanked the Board members for the honor and privilege of introducing the first Gazes Professor of Medicine, Dr. Eric Powers. He stated that Dr. Gazes laid the cornerstone for the foundation of the Division of Cardiology, which later was built upon by Dr. Spann and now by Dr. Gold, and it is a testament to Dr. Gazes that MUSC was able to attract a faculty member of the caliber of Dr. Eric Powers. Dr. Powers is a graduate from Harvard Medical School. He remained in Boston for his house staff and performed his cardiology fellowship training at Massachusetts General, and went to Columbia and subsequently to the University of Virginia where he had a distinguished 17-year career. He was recruited to MUSC in 2005, where he has continued his trajectory upward both nationally and regionally and is well respected for his teaching and for his clinical skills in clinical and interventional cardiology. He is a prolific contributor to the medical literature with nearly 300 publications in journals such as The New England Journal of Medicine, Circulation, and The Journal of American Cardiology – and, like Dr. Gazes, he is highly regarded by students, house staff, and cardiology fellows for his teaching skills. He has also been a major contributor to the College of Medicine and to the Medical University Hospital through his role as leader of the Heart and Vascular Service line.

Dr. Powers gave a brief and compelling overview of the South Carolina ST Elevation Myocardial Infarction “STEMI” Initiative (South Carolina Mission: Lifeline), having served as chairman of this program since its inception. The South Carolina Mission: Lifeline is a collaborative partnership that includes the South Carolina Hospital Association, South Carolina Chapter of American College of Cardiology, American Heart Association, South Carolina Chapter of the College of Emergency Physicians, South Carolina Department of Health and Environmental Control Office of Emergency Medical Services, all 17 of the South Carolina hospitals that provide interventional cardiac services, and patient advocates. In early 2007, South Carolina hospitals began to work on reducing the time it takes to get heart attack patients into treatment once they arrive at the emergency room. By 2010, South Carolina hospitals had reduced the average door-to-balloon time to 62 minutes. Our state now ranks third in the nation in percent of patients (95 percent) getting treatment within 90 minutes.

There is still a great deal more to accomplish, as the ultimate goal is to provide the best possible care for all heart attack patients in South Carolina.

Discussion ensued regarding details of the program, regionalization efforts, collaborative issues, financial costs, accomplishments and future goals.

Dr. Powers stated that he was especially honored to hold the Gazes Endowed Chair, not just for Dr. Gazes’ contributions, but because Dr. Gazes truly is one of the outstanding cardiologists recognized throughout the world.

Dr. Greenberg stated that Dr. Powers is an excellent recipient for the Gazes Endowed Chair, not only because he represented the same skill and compassion that Dr. Gazes brought to his work, but he is also a wonderful human being. Dr. Powers is going to have the same kind of impact on our State as did Dr. Gazes. Dr. Gazes was invited to come and be part of this program today because this is his legacy – the fact that South Carolina is moving the needle so rapidly now is really a reflection of the momentum he started decades ago. Dr. Greenberg mentioned that Dr. Powers, as Chair of the South Carolina Mission: Lifeline, received the 2011 Lewis W. Blackman Patient Safety Champion (Caregiver) Award due to this entire effort.

He invited Dr. Gazes to say a few words. Dr. Gazes thanked the Board of Trustees and Dr. Greenberg for the opportunity to participate in contributing to the recognition of Dr. Powers as the first Gazes Professor of Medicine. Dr. Greenberg gifted the Board members with a copy of Dr. Gazes' book "Through the Backdoor".

Dr. Sothmann gave a brief recap of accomplishments for the academic year, thanking the colleges and deans for their hard work. Accomplishments included successful accreditations, leadership transitions, the advancement in quality of faculty, new training grant funds and research centers. Based on results of the graduate student survey, 94% of students believe they made the right choice in coming to MUSC, and 94% believe they received a quality education.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action:

Item 12: Other Committee Business

A. Item 18: Endowed Professorships

Statement: At the request of the Dean of the College of Medicine, administration presented for approval the following Endowed Professorship appointment:

John M. Arthur, M.D., Ph.D., Professor of Medicine, as the DCI Nephrology Research Chair, effective May 20, 2011

Recommendation of Administration: That this request for the appointment of Dr. John M. Arthur, as the DCI Nephrology Research Chair, be approved.

Recommendation of Committee: That this request for the appointment of Dr. John M. Arthur, as the DCI Nephrology Research Chair, be approved.

Board Action:

EDUCATION, FACULTY AND STUDENT AFFAIRS COMMITTEE. CHAIRMAN: MR. MELVYN BERLINSKY
May 19, 2011

CONSENT AGENDA

Item 13. Conferring of Degrees:

Statement: Approval was requested to confer degrees upon those candidates who, pending successful completion of all requirements for their degrees by the conclusion of the spring semester, have the recommendation of their college dean and faculty.

Recommendation of Administration: That the conferring of degrees be approved.

Recommendation of Committee: That the conferring of degrees be approved.

Board Action:

Item 14. Revisions to the MUSC Faculty Handbook

Statement: Administration presented for approval modifications to the MUSC Faculty Handbook, effective May 20, 2011. Revisions have been previously approved by the Board and constitute procedural formatting with one language change in Section 6.04 in reference to the faculty contract and rank salary previously approved by the Board.

Recommendation of Administration: That these modifications to the MUSC Faculty Handbook be approved.

Recommendation of Committee: That these modifications to the MUSC Faculty Handbook be approved.

Board Action:

Item 15. Faculty Appointments

Statement: At the request of the Dean of the College of Medicine, administration presented the following faculty appointments:

Frank J. Brescia, M.D., M.A., as Professor, on the Clinician Educator track, in the Department of Medicine, Division of Hematology/Oncology, effective April 1, 2011

Truman R. Brown, Ph.D., (dual appointment) as Professor in the Department of Radiology and Radiological Science, effective April 1, 2011.

Dr. Brown's primary appointment rests in the Department of Neurosciences, Division of Neuroscience Research

Joseph A. Helpern, Ph.D., (dual appointment) as Professor in the Department of Radiology and Radiological Science, effective April 1, 2011.

Dr. Helpern's primary appointment rests in the Department of Neurosciences, Division of Neuroscience Research.

Recommendation of Administration: That these faculty promotions be approved.

Recommendation of Committee: That these faculty promotions be approved.

Board Action:

Item 16. Changes in Faculty Status

Statement: At the request of the Dean of the College of Health Professions, administration presented for approval the following change in faculty status:

Becki A. Trickey, Ph.D., from Professor to Professor Emerita, effective June 30, 2011

Recommendation of Administration: That this change in faculty status be approved.

Recommendation of Committee: That this change in faculty status be approved.

Board Action:

Item 17. Sabbatical Leave

Statement: At the request of the Dean of the College of Medicine, administration presented for approval, a seven-month sabbatical for **Eleanor K. Spicer, Ph.D.**, beginning October 1, 2011 through April 30, 2012

Recommendation of Administration: That a seven-month sabbatical for Dr. Eleanor K. Spicer be approved.

Recommendation of Committee: That a seven-month sabbatical for Dr. Eleanor K. Spicer be approved.

Board Action:

Item 18. Endowed Professorships

Statement: At the request of the Dean of the College of Medicine, administration presented the following requests for appointment and reappointment of endowed professorships, effective May 20, 2011:

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Appointment of **Prabhakar K. Baliga, M.D.**, Professor of Surgery, as the Fitts-Raja Endowed Chair in Transplant Surgery.

Reappointment of **Deepak Bastia, Ph.D.**, Professor of Biochemistry and Molecular Biology, as the Gaylord and Dorothy Donnelly Chair in Biomedical Sciences

Reappointment of **David J. Cole, M.D.**, Professor of Surgery, as the A. McKoy Rose, Jr., M.D. Endowed Chair in Surgical Oncology

Reappointment of **Michael R. Gold, M.D., Ph.D.**, Professor of Medicine, as the Michael E. Assey, M.D. Chair of Cardiology

Reappointment of **Lina M. Obeid, M.D.**, Professor of Medicine, as the Boyle Chair of Geriatric Medicine

Reappointment of **Michael R. Zile, M.D.**, Professor of Medicine, as the Daniel Chair of Cardiology

Reappointment of **Makio Ogawa, M.D., Ph.D.**, Professor of Pathology and Laboratory Medicine, as the Hans & Helen Koebig Chair in Clinical Oncology (until the time of his retirement)

Reappointment of **M. Edward Wilson, M.D.**, Professor of Medicine, as the Pierre Gautier Jenkins Chair of Ophthalmology (until he steps down as Department Chair)

Recommendation of Administration: That these requests for appointments and reappointments be approved.

Recommendation of Committee: That these requests for appointments and reappointments be approved.

Board Action:

**ACADEMIC
MAJOR PURCHASES FOR
BOARD OF TRUSTEES' APPROVAL
May 19, 2011**

Description of Purchase: Management service contract with MUSC Foundation for Research Development. Services include management services relating to technology transfer, economic development, and collaborative endeavors with the private sector on behalf of the University.

Estimated Cost of Purchase: \$1,050,000

Requisition Number: RQ

Department Name(s) and UDAK numbers(s): Vice President for Academic Affairs and Provost- MUCU 1020000
10601 4225

Department Contact Person: Dr. Mark Sothmann, VP for Academic Affairs and Provost.

Name of Procurement Specialist: Rosalind Giddens

Method of Purchase: Sole Source-This type of purchase is necessary when needs demand an item(s) be supplied through a sole offeror and written justification is submitted from the requestor to that effect.
(The Foundation for Research Development is a sole source due to its ability to gather the extensive range of services for one organization that meets the Medical University's educational and research mission. The MUSC Foundation for Research Development is the only organization that can provide this continuity of services).

Vendor Name (If Sole Source): The MUSC Foundation for Research Development

New Purchase ___ Yes No

New Contract for Existing Services? Yes ___ No

Extension of Existing Contract? ___ Yes No

Replacement of Existing Item(s) ___ Yes No

Name of Item(s) Being Replaced: Not applicable to this purchase

Name and Value of Equipment the Requested Purchase Will Be Used In Conjunction With: N/A

Name of Equipment: N/A

Value: N/A

How Will This Purchase Benefit MUSC: MUSC Foundation for Research and Development (Foundation) is a not-for-profit entity established to enhance MUSC's research and service programs while at the same time advancing healthcare and economic development in South Carolina and the nation. Its goal is the development of new relationships between MUSC and businesses, especially as related to technology transfer.

Why and How This Purchase Will Benefit MUSC By Having a Vendor Provide This Service Vs. MUSC Staff Providing the Service: It will ensure the Research Foundation and MUSC's operation are developed in a manner that guarantee consistency with MUSC's goals and objectives and compliance with federal regulations. MUSC does not have the ability to provide this service.

**ACADEMIC
FINANCIAL INFORMATION
MAJOR PURCHASES
BOARD OF TRUSTEES' APPROVAL
May 19, 2011**

Item to be approved for purchase: Management service contract with MUSC Foundation for Research Development.

1. **Source of Revenue/Savings:** Increased revenue from intellectual property and research support.
2. **Amount of Revenue/Savings to be generated:** To be determined, however, in excess of the contract amount.
3. **Initial cost:**
 - a. **Item:** \$1,050,000
 - b. **Physical Plant Requirements (renovations):** No Physical Plant renovations required for this purchase.
4. **Annual cost (Maintenance, supplies, etc.):** No maintenance or supplies cost associated with this purchase.
5. **Personnel Cost (to include base salary, fringes, training, etc.):** No additional personnel required for this purchase.
6. **Financial Analysis:** The MUSC Foundation for Research Development has significantly increased revenues generated from intellectual property derived by MUSC faculty and staff providing increased resources for the University. Additionally, the Foundation has provided considerable research and other support to University departments, thereby reducing the state resources required. The amount being requested includes another year of support for the Office of Industry Partnerships (OIP), which is responsible for providing strategic growth for the Medical University of South Carolina's (MUSC) industry relationships including sponsored R&D and clinical trials.

**Medical University of South Carolina
May 2011 Graduates**

Bachelor of Health Sciences

Arlene B. Brant
Dawn Rider Donovan
Alisha Ann Fossen
Kelli Gantt Frazier
Donna Lynn Gatling
Jennifer Amy Hack
Mandy Gentry Hanks
Anthony Hidejiro Horton
Lavisha Shannette Jamison
Barbara Lee Longello

Elizabeth Nash Macon
Jennifer Leigh Rains
Erin Margaret Rauton
Suzanne Ruth Ross
Haley Diana Ruff
Tomica Crystal Marie Staley
Rebecka Lynn Walton
Amanda Richelle Waltz
Virginia Wood West

Bachelor of Science in Cardiovascular Perfusion

Alberto Jose Bermudez
Luke P. Boganny
Jessica Tam Bui
Dafne Andrea Chianella
Leslie Catherine Cox
Joy Catherine Fisher
John William Hollifield

Dustin Gray Hubbard
Brittany Marie Hunyadi
Melissa MacLeod Jackson
Sarah Ann Lombardi
Mark Allen Lowther
Sean Mark Wittorf

Bachelor of Science in Nursing

Julia Bennett Anderson
Teri Elizabeth Anderson
Stephane Nicole Barton
Amanda Lorraine Baust
Audrey Hays Bowne
Brent Charles Butner
Rebecca Chelius
Sheryl A. Ciccarelli
MaryGrace Clemens-Felch
Corry Taylor Clements
Caitlin Michelle Connelly
Anthony Michael Consonery
Carrie Cooney
Johnnie Annette Cooper
Collins Lamar Daye
Matthew Ryan Daylami
Catherine Lynn Detyens
Erica Noel Dunmeyer

Arlene Marie Edwards
Katherine Spencer Fellows
Jessica Guerrero Fisher
Sarah Marie Francisco
Heather Boyd Garren
Alexandra Gianacakes
Kathleen Heidi Giarla
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MUSC Faculty Handbook (2011 Version)

Contents

| | |
|--|----|
| MUSC Faculty Handbook (2011 Version) | 1 |
| PREAMBLE | 1 |
| THE FACULTY HANDBOOK | 2 |
| 1. HISTORY AND MISSION | 2 |
| 1.01 History..... | 2 |
| 1.02 University Mission Statement..... | 3 |
| 1.03 MUSC Code of Conduct..... | 4 |
| 2. UNIVERSITY ORGANIZATION AND GOVERNANCE..... | 5 |
| 2.01 Board of Trustees..... | 5 |
| 2.02 Administration | 6 |
| 2.03 Collegial Organization..... | 8 |
| 2.04 University-Wide Committees | 10 |
| 3. FACULTY ORGANIZATION AND GOVERNANCE | 10 |
| 3.01 The Faculty Body..... | 10 |
| 3.02 The Faculty Senate..... | 11 |
| 4. FACULTY RANKS AND STATUS..... | 11 |
| 4.01 Regular Faculty Ranks..... | 11 |
| 4.02 Modifiers to Faculty Ranks..... | 12 |
| 4.03 Special Faculty Ranks..... | 12 |
| 4.04 Medical University Hospital Authority (MUHA)*..... | 12 |
| 4.05 South Carolina Area Health Education Consortium (SC AHEC) | 13 |
| 4.06 University..... | 13 |
| 4.07 Faculty Appointment to More than One Unit..... | 14 |
| 5. UNIVERSITY APPOINTMENT POLICIES..... | 15 |
| 5.01 Affirmative Action..... | 15 |
| 5.02 Nepotism..... | 15 |
| 5.03 Employee Health Screening Policy | 15 |

Draft

| | | |
|------|--|----|
| 5.04 | MUSC Employee Health Services Screening Criteria..... | 15 |
| 5.05 | Criminal Record Searches..... | 16 |
| 6. | FACULTY APPOINTMENT, PROMOTION, AND TENURE POLICIES | 16 |
| 6.01 | College/Department Faculty Appointment, Promotion and Tenure Committee .. | 16 |
| 6.02 | Faculty Appointment | 17 |
| 6.03 | Faculty Promotion..... | 18 |
| 6.04 | Faculty Tenure | 19 |
| 6.05 | Post Tenure Review | 20 |
| 7. | FACULTY SEPARATION | 28 |
| 7.01 | Termination of Tenured Faculty | 28 |
| 7.02 | Non-reappointment, Termination and Dismissal of Non-Tenured Faculty Members | 30 |
| 7.03 | Resignation | 31 |
| 7.04 | Retirement..... | 31 |
| 8. | FACULTY GRIEVANCE AND APPEAL | 31 |
| 8.01 | Faculty Grievance and Appeal Procedure..... | 31 |
| 8.02 | Initial Stage and Grievance Procedure..... | 32 |
| 8.03 | Grievance Procedure..... | 32 |
| 8.04 | Action by the Hearing Committee | 33 |
| 8.05 | Action by the Administration of the University | 34 |
| 8.06 | Action by the Board..... | 34 |
| 8.07 | Definition of Rights and Challenges in a Grievance Procedure | 34 |
| 8.08 | Access to Records of Hearings:..... | 35 |
| 8.09 | To Receive Expeditious Consideration:..... | 35 |
| 8.10 | Annual Report of the Chair of the Hearing Committee..... | 35 |
| 8.11 | Faculty Appointment Contract Dispute Resolution..... | 36 |
| 9. | FACULTY DUTIES AND RESPONSIBILITIES | 37 |
| 9.01 | Academic Freedom | 37 |
| 9.02 | Faculty Evaluation | 37 |
| 9.03 | Faculty Salary Increases | 37 |
| 9.04 | Distribution of Faculty Activity..... | 38 |

Draft

| | | |
|-------|--|----|
| 9.05 | Faculty Record Review..... | 38 |
| 9.06 | Outside Activities..... | 38 |
| 9.07 | Political Activities..... | 39 |
| 9.08 | Conflict of Interest Policy..... | 39 |
| 9.09 | University Compliance Plan..... | 46 |
| 9.10 | Expert Medical Testimony..... | 46 |
| 9.11 | Evaluation of Department Chairs and/or Unit Directors..... | 46 |
| 9.12 | Alcohol and Drug Abuse..... | 47 |
| 9.13 | Infectious Diseases..... | 47 |
| 9.14 | Sexual Harassment Policy and Procedures for MUSC Faculty..... | 47 |
| 9.15 | Use of the University Name or Seal or Logos..... | 47 |
| 9.17 | Sequestration of Documents/Records for Audits/Investigations Carried Out by the Medical University of South Carolina..... | 48 |
| 9.18 | Disaster Preparedness..... | 48 |
| 9.19 | Copyright Protections..... | 48 |
| 10. | FACULTY RESEARCH ACTIVITIES..... | 48 |
| 10.01 | Research and Sponsored Programs..... | 48 |
| 10.02 | Responsible Conduct of Research..... | 49 |
| 10.03 | Misconduct in Scientific Research..... | 51 |
| 10.04 | Intellectual Property Policies..... | 51 |
| 11. | FACULTY DEVELOPMENT..... | 59 |
| 11.01 | Sabbatical Leave..... | 66 |
| 11.02 | Upward Faculty Mobility Toward Advanced Degrees..... | 67 |
| 11.03 | Faculty Desiring to Obtain a Degree in Addition to Terminal Degree Already Held..... | 67 |
| 11.04 | Travel..... | 67 |
| 11.05 | Tuition Assistance..... | 67 |
| 12. | FACULTY LEAVE..... | 68 |
| 12.01 | Leave with Pay..... | 68 |
| 12.02 | Sick Leave..... | 70 |
| 12.03 | Leave without Pay..... | 71 |
| 13. | FACULTY BENEFITS..... | 71 |

Draft

| | | |
|--------------------------|---|---------------|
| 13.01 | State Insurance Program | 71 |
| 13.02 | Liability Insurance | 71 |
| 13.03 | Additional Benefits | 72 |
| Appendices | | 73 |
| Appendix A: | Board Approved Faculty Senate Handbook Revisions..... | 73 |
| Appendix P: | Universal Faculty Contract, 2009-2010..... | 73 |
| Appendix 1 | Abbreviations Used Throughout Handbook | 73 |
| Appendix 1.03 | Code of Conduct | 73 |
| Appendix 2.03 | Academic Organization Chart..... | 73 |
| Appendix 2.04 | Current University Standing Committees..... | 74 |
| Appendix 3.02 | Constitution of the Faculty Senate of the Medical University of South Carolina | 75 |
| Appendix 5.02 | University Nepotism Policy HR pol 7 (Reviewed 9/18/09) | 75 |
| Appendix 5.04 | MUSC Employee Health Screening Criteria HR pol 1 (Reviewed 4/1/09).... | 75 |
| Appendix 5.05 | University Criminal Records Search Policy HR pol 26 (Reviewed 4/9/09)... | 75 |
| Appendix 6 | Faculty Appointment, Promotion, & Tenure Policies for each College | 75 |
| 6a | COLLEGE OF MEDICINE..... | 75 |
| | Appointment, Promotion and Tenure Information | 76 |
| 6b | COLLEGE OF PHARMACY..... | 76 |
| | Promotion and Tenure Guidelines | 76 |
| 6c | COLLEGE OF NURSING | 76 |
| | Appointment, Promotion and Tenure Guidelines | 76 |
| 6d | COLLEGE OF DENTAL MEDICINE..... | 77 |
| | Guidelines for Appointments, Promotion, and Tenure..... | 77 |
| 6e | COLLEGE OF HEALTH PROFESSIONS | 77 |
| | Promotion and Tenure Guidelines | 77 |
| 6f | COLLEGE OF GRADUATE STUDIES..... | 77 |
| 6g | DEPARTMENT OF LIBRARY SCIENCE AND INFORMATICS | 77 |
| Appendix 6.05 | Best Practices for Post Tenure Review | 77 |
| Appendix 6.05a | Faculty Performance Evaluation..... | 82 |

Draft

| | | |
|-----------------|--|-----|
| Appendix 8.11 | Faculty Appointment Contract Dispute Resolution | 93 |
| Appendix 9.08 | Conflict of Interest Policies & Charters..... | 94 |
| Appendix 9.08a | Research Conflict of Interest Policy | 94 |
| Appendix 9.08b | Charter of the MUSC Research Conflict of Interest Committee | 97 |
| Appendix 9.08c | MUSC Faculty Start-Up Ventures: Policies and Guidelines | 101 |
| Appendix 9.08d | Charter of the MUSC Administrative and Clinical Conflict of Interest Committee..... | 106 |
| | Professional relationships | 110 |
| Appendix 9.09 | University Compliance Plan | 110 |
| Appendix 9.11 | Department Chair Evaluation Form..... | 110 |
| | Provost Evaluation | 111 |
| | Dean Evaluation..... | 112 |
| | Department Chair Evaluation | 113 |
| | Library Director Evaluation..... | 115 |
| Appendix 9.12 | Drug free workplace policy HR 47 | 117 |
| Appendix 9.14 | Sexual Harassment Policy..... | 117 |
| Appendix 9.16 | Computer Use Policy | 117 |
| Appendix 9.17a | MUSC Research Data Ownership & Record Retention | 117 |
| Appendix 9.17b | Sequestration of Documents | 117 |
| Appendix 9.18 | University Disaster Response Toolbox..... | 118 |
| Appendix 9.18a | Disaster Preparedness – Research Continuity..... | 118 |
| Appendix 9.19 | Copyright Protection..... | 118 |
| Appendix 10.02 | Responsible Conduct of Research | 118 |
| Appendix 11.02 | Upward Faculty Mobility Toward Advanced Degrees..... | 118 |
| Appendix 11.04 | University Travel Guidelines, Policies and Procedures..... | 121 |
| Appendix 11.05 | Faculty Tuition Assistance Policy | 123 |
| Appendix 12.02 | Paid Time Off (PTO) Policy HR18 | 123 |
| Appendix 12.02a | University Family and Medical Leave Policy/ form HR 30 | 123 |
| Appendix 12.02b | PTO Donation Policy HR 19 | 123 |
| Appendix 13.03 | Additional Faculty Employment Benefits | 123 |

1 **PREAMBLE**

2 The Board of Trustees of the Medical University of South Carolina (hereafter referred to as the
3 "Board" and "MUSC" respectively) is the governing board of the University; however, the
4 University administrators and the members of the Faculty of the University share responsibility
5 for planning and implementing cooperative and constructive actions within the institutional
6 structure under the guidance of the Board. The policies and respective rules governing the
7 Board, the administration, and the faculty, as set forth in the Faculty Handbook, should convey
8 the mutual trust and agreement inherent in all explicit and implied contractual agreements
9 between these respective bodies.

10 The Faculty Handbook (hereafter called "the Handbook") contains the rules and regulations that
11 govern faculty affairs and functions as part of the University Faculty Appointment Contract
12 between the faculty member and the University. Each faculty member should be knowledgeable
13 about the areas covered in the Handbook. (8/13/99) The signing of annual contracts that specify
14 an individual faculty member's compensation and distribution of activity, does not negate the
15 Handbook's status as a partial contract of employment. University Faculty Appointment
16 contract letters will be sent out in duplicate to the faculty member, who will return a signed copy
17 to the office of the departmental chair or other appropriate supervisor to be kept on file. All
18 hiring officials (deans, chairs, business managers, and Human Resources Management
19 personnel) should be aware of this procedure. (8/13/99) The Handbook's [Appendix P hyperlinks](#)
20 to the current universal faculty contract.

21 Interpreting the Handbook constitutes a faculty matter. This obliges the Faculty Senate to offer
22 to the administration, via the Office of the Vice President for Academic Affairs and Provost,
23 interpretations of the contents and meaning of the Faculty Handbook. Faculty interpretations,
24 however, remain subject to approval by the Board of Trustees.

25

THE FACULTY HANDBOOK

26 The MUSC Handbook contains a compilation of those University policies that are of major
27 concern to the Faculty, a summary of other information considered to be of special interest to the
28 faculty, and a collection of University governing documents. In certain instances, reference is
29 made to sources of information not included in the body of the Handbook that are either in the
30 corresponding section of the Appendix or linked to web addresses in the University Website.
31 These websites and links are made part of the handbook by reference as if fully reproduced
32 herein. HTML and PDF versions of the currently Board approved Handbook are accessible on
33 the MUSC Faculty Senate Website (<http://www.musc.edu/facsen/>), together with a working draft
34 containing proposed revisions.

35 The Governance Committee of the Faculty Senate includes the Faculty Handbook among the
36 Senate's governing documents and reviews the handbook on an ongoing basis. Revisions of the
37 Faculty Handbook are subject to the following procedures:

- 38 (1) The Faculty and Institutional Relationships Committee will meet regularly to consider
39 revisions suggested by the Governance Committee, the Faculty, the Vice President for
40 Academic Affairs and Provost, or others.
- 41 (2) Changes recommended by the Faculty and Institutional Relationships Committee will be
42 evaluated by the Faculty Senate and presented to the University Faculty in writing and/or by
43 e-mail prior to Faculty Senate approval.
- 44 (3) All proposed changes must be approved by the Faculty Senate, the Vice President for
45 Academic Affairs and Provost, the Deans' Council, the President's Council, and the Board of
46 Trustees.
- 47 (4) Changes approved or new policies adopted by the Board of Trustees will be placed in the
48 Faculty Handbook [Appendix A](#) between editions of the handbook. When the Board of
49 Trustees approves a new edition of the Handbook, [Appendix A](#) items move to their proper
50 place in the Handbook with date of enactment and replace the sections they supercede.

51 This Handbook supersedes the MUSC Faculty Handbook of August ~~2002~~ 2007, and reflects all
52 changes made since that time through (**next BOD approval date**).

53

54 1. HISTORY AND MISSION

55 1.01 History

56 MUSC has the distinction of being the oldest medical institution and academic medical center in
57 the southern United States. Since its beginning in 1824, the University has grown from a
58 medical school to a health professional institution comprised of teaching hospitals and six
59 colleges: alphabetically, the College of Dental Medicine, the College of Graduate Studies, the
60 College of Health Professions, the College of Medicine, the College of Nursing, and the College
61 of Pharmacy.

62 The institution was founded by the Medical Society of South Carolina, an extant Charleston
63 medical organization, as the Medical College of South Carolina. Prior to the school's founding,
64 medical students in this region attended schools in the North or abroad. Revolutionary medical

65 changes began to burden the school financially and on February 8, 1913, the State Legislature
66 passed a bill transferring the ownership of the school to the state and committing South Carolina
67 to the support of medical education as an important branch of its public education system.

68 Through affiliations and special programs, MUSC coordinates the medical education activities of
69 numerous regional hospitals and provides opportunities for its students to acquire training in
70 various community settings.

71 Through the support of health professionals, teachers, and the state of South Carolina, the
72 institution has steadily expanded its teaching and service roles. The College of Pharmacy was
73 founded in 1881. The institution began training nurses in diploma programs in 1919, and the
74 College of Nursing offered its first baccalaureate degree in 1965. Although the College of
75 Graduate Studies was formally established in 1965, the first graduate degree was conferred in
76 1951. The College of Health Professions was established in 1966, and the College of Dental
77 Medicine accepted its first students in 1967. The institution was granted university status in
78 1969. A free standing Department of Libraries and Informatics was established in 1971. In 2001,
79 the Medical Center Hospital was reorganized into the Medical University Hospital Authority
80 (MUHA). In 2005, MUSC and the University of South Carolina in Columbia approved the
81 integrated administration of their Colleges of Pharmacy.

82 **1.02 University Mission Statement**

83 The Medical University of South Carolina is a public institution of higher learning whose
84 purpose is to preserve and optimize human life for the citizens of South Carolina and the nation.
85 The university provides an environment for learning and discovery through education of health
86 care professionals and biomedical scientists, research in the health sciences and provision of
87 comprehensive health care. The university is committed to fulfilling its responsibilities.

- 88 (1) To educate students to become caring, compassionate, ethical, and proficient health care
89 professionals and creative biomedical scientists;
- 90 (2) To recruit and develop dedicated, scholarly teachers who inspire their students to life-long
91 learning in the service of human health;
- 92 (3) To offer educational opportunities to graduates, faculty and staff, to other biomedical
93 scientists and practicing health professionals, and to the public;
- 94 (4) To seek and welcome students, scholars, and staff regardless of gender, race, age, nationality,
95 religion or disability, recognizing the benefits of diversity;
- 96 (5) To conduct research in the health sciences, advancing knowledge and encouraging new
97 responses to health care needs;
- 98 (6) To provide excellence in patient care, in an environment that is respectful of others, adaptive
99 to change, accountable for outcomes, and attentive to the needs of otherwise undeserved
100 populations;
- 101 (7) To optimize the use of all resources, including the financial support from the state and
102 revenues generated from research, clinical operations, and philanthropy;
- 103 (8) To provide leadership to the state in efforts to promote health and prevent disease;

104 (9) To serve as a state resource in health policy, education, and related matters for other
105 institutions and the general public. (4/11/97)

106 **1.03 MUSC Code of Conduct**

107 **Introduction**

108 This Code of Conduct establishes guidelines for professional conduct by those acting on behalf
109 of the Medical University of South Carolina, including executive officers, faculty, staff, and
110 other individuals employed by MUSC using MUSC resources or facilities, and volunteers and
111 representatives acting as agents of MUSC.

112 This Code of Conduct does not attempt to define specifically what one should and should not do,
113 but to communicate MUSC's expectations of proper conduct and what professional conduct
114 MUSC values.

115 **Conduct**

116 Those acting on behalf of MUSC have a general duty to conduct themselves in a manner that
117 will maintain and strengthen the public's trust and confidence in the integrity of MUSC and take
118 no actions incompatible with their obligations to MUSC. With regard to professional conduct,
119 those acting on behalf of MUSC should practice:

- 120 • Integrity by maintaining an ongoing dedication to honesty and responsibility;
- 121 • Trustworthiness by acting in a reliable and dependable manner;
- 122 • Evenhandedness by treating others with impartiality;
- 123 • Respect by treating others with civility and decency;
- 124 • Stewardship by exercising custodial responsibility for MUSC academic, intellectual,
125 financial, and material assets and resources;
- 126 • Compliance by following Federal and State laws and regulations and MUSC policies and
127 procedures related to their duties and responsibilities;
- 128 • Confidentiality by protecting the integrity and security of MUSC information such as
129 patient records, employees files, student records, and contract negotiation documents;
- 130 • Reporting any activity reasonably believed to violate Federal or State laws or regulations
131 or MUSC policies or procedures.

132 **Reporting Possible Violations**

133 Report any activity reasonably believed in violation of any law or regulation, any MUSC policy,
134 or any Federal or State healthcare requirement by means of the Confidential Hotline, 1-800-296-
135 0269 (Toll-free, available 24 hours, 7 days a week).

136 MUSC will neither discriminate nor retaliate against any MUSC member who reports in good
137 faith any instances of conduct that do not comply or appear not to comply with Federal or State
138 laws and regulations or MUSC policies and procedures. A MUSC member has the right to
139 remain anonymous, as allowed by law, and to use confidential mechanisms provided by MUSC
140 to disclose non-compliant activity without fear of retaliation of such reports.

141 ~~This Code of Conduct establishes guidelines for professional conduct by those acting on behalf~~
142 ~~of the Medical University of South Carolina, its agents or affiliates (including but not limited to~~
143 ~~the Medical University Hospital Authority, University Medical Associates, Carolina Family~~

144 ~~Care, Health Sciences Foundation, and the Foundation for Research Development hereinafter,~~
145 ~~collectively referred to as “MUSC”), including executive officers, faculty, staff, and other~~
146 ~~individuals employed by MUSC using MUSC resources or facilities, and volunteers and~~
147 ~~representatives acting as agents of MUSC.~~

148 ~~This Code of Conduct does not attempt to define specifically what one should and should not do,~~
149 ~~but to communicate MUSC’s expectations of proper conduct and what professional conduct~~
150 ~~MUSC values.~~

151 ~~See Appendix 1.03~~

152 **2. UNIVERSITY ORGANIZATION AND GOVERNANCE**

153 **2.01 Board of Trustees** (<http://www.scstatehouse.net/code/t59c123.htm>)

154 2.01a Responsibilities and Organization

155 The management and control of the University shall be vested in the Board to be composed as
156 follows: The Governor (or his designee) ex-officio, twelve members to be elected by the General
157 Assembly in joint assembly and one member to be appointed by the Governor. The Governor
158 shall make the appointment based on merit regardless of race, color, creed or gender and shall
159 strive to assure that the membership of the Board is representative of all citizens of the State of
160 South Carolina.

161 The Board shall elect one of its members to be chairman and is authorized to elect a university
162 president, one or more vice-presidents and a secretary, prescribe their duties and terms of office
163 and fix their compensation. It shall elect teachers of professorial rank in the various colleges
164 which make up and such other officers and employees as may be necessary for the proper
165 conduct of the university and fix their compensation, fix the fees and charges of students and the
166 rules for the government of the university.

167 The Board of Trustees shall also have the following powers:

- 168 (1) To make bylaws and all rules and regulations deemed expedient for the management of its
169 affairs and its own operations not inconsistent with the Constitution and laws of this State or
170 of the United States;
- 171 (2) To confer the appropriate degrees in medicine, dental medicine, pharmacy, nursing, other
172 health professions, and graduate studies in related health fields upon students and such other
173 persons as in the opinion of the Board of Trustees may be qualified to receive them.

174 2.01b Board Committees

175 In addition to such special committees as from time to time may be appointed or elected by the
176 Board, there shall be the following standing committees:

- 177 • Education, Faculty and Student Affairs
- 178 • Research and Institutional Advancement
- 179 • Finance and Administration
- 180 • Physical Facilities

181 **2.02 Administration**

182 Governance of MUSC is vested in the Board. Administrative responsibility is delegated by the
183 Board to the President and in turn to other officers deemed appropriate. The performance of
184 each officer of University administration is evaluated by his immediate superior.
185 Responsibilities and reporting lines for the University's administrative structure are as described
186 below.

187 2.02a President

188 The Chief Executive Officer of the University shall be its President who shall be elected by the
189 Board to serve at the will of the Board at a rate of remuneration specified by the Board.

190 The President shall have and exercise full executive powers over the University and its related
191 operations within the framework of the policies established by the Board.

192 More specifically, the President shall be charged with the organization of the selection of the
193 personnel, subject only to the limitations imposed by these bylaws. S/he shall be the medium of
194 formal communication between the Board and the faculty and administrative organization of the
195 University and also the official spokesperson of the University except as to matters within the
196 special province of the Board, in which realm the Chairman of the Board shall be the official
197 spokesman. The President, with his/her appropriate executive officers and the appropriate
198 committees, shall prepare or receive and forward all requisite reports, budgets, and presentations
199 to public agencies and to the Board.

200 2.02b Vice President for Academic Affairs and Provost

201 This officer is administratively responsible to the President for all academic matters. In the
202 absence of the President of the University, s/he shall act as the Chief Executive Officer. The
203 Vice President for Academic Affairs and Provost is responsible for the coordination of planning
204 for education and research and shall formulate plans to implement policy approved by the
205 President and the support units shall report to and through this officer to the President of the
206 University. Associated duties include responsibilities for overseeing the educational and clinical
207 activities of the MUSC affiliates (those organizations that are included as component units in
208 MUSC's financial statements), except University Medical Associates (hereafter referred to as
209 "UMA"), including purview over the organizations as they relate to the total program of the
210 Medical University. The Chief Executive Officers of the MUSC affiliates, except UMA and
211 MUHA, will report to the Vice President for Academic Affairs.

212 The following Associate Provosts' report to and through this officer to the President of the
213 University:

214 2.02b.1 Associate Provost for Education and Student Life

215 Serves as Director of University educational planning with responsibility for furthering the
216 University's educational mission and with oversight of the implementation and ongoing
217 evaluation of the university-wide educational strategic plan. Coordinates the activities of the
218 University Education Committee. Coordinates and administers various student programs and
219 services. Reports directly to the Provost.

220 2.02b.2 Associate Provost for Institutional Research and Assessment

221 Has primary responsibility for designing, implementing, maintaining, and improving a
222 university-wide system to assess the effectiveness of the University's education and training
223 programs. Associated responsibilities include all activities related to the University's
224 accreditation through the Southern Association of Colleges and Schools (SACS) as well as
225 University reporting to the South Carolina Commission on Higher Education. Reports directly to
226 the Provost.

227 2.02b.3 Associate Provost for Research

228 Has oversight of the Office of Research Administration and the Office of Research Development
229 with responsibility for monitoring institutional extramural research funding, assuring compliance
230 with research integrity guidelines, and coordinating research strategic planning. Reports directly
231 to the Provost.

232 2.02c Vice President for Finance and Administration

233 This officer is administratively responsible to the President for financial and administrative
234 matters. S/he shall have immediate oversight of all general and financial operations of the
235 University and responsibility for the physical facilities of the University. All financial and
236 administrative support services of the University shall report to and through her/him to the
237 President of the University. This officer shall be the financial advisor to the President and the
238 Board and serve as Treasurer of the University.

239 2.02d Vice President for Medical Affairs

240 The position of Vice President for Medical Affairs may be held jointly with the position of Dean
241 of the College of Medicine. As Vice President, this officer shall report to the President for all
242 clinical matters involving only the faculty of the College of Medicine as they relate to UMA.
243 Associated duties as Vice President for Medical Affairs include responsibility for the activities of
244 the UMA including purview over the organization as it relates to the total program of the
245 Medical University. The Chief Executive Officer of the UMA reports to the Vice President for
246 Medical Affairs. Also, the Vice President for Medical Affairs in collaboration with the Vice
247 President for Operations and Executive Director of MUHA will recommend a candidate(s) for
248 the position of Medical Director of the Medical University Hospital Authority to the President
249 for approval. As Dean, s/he reports to the Vice President for Academic Affairs and Provost for
250 all academic matters, both educational and research.

251 2.02e Vice President for Development

252 This officer is administratively responsible to the President and has immediate oversight in the
253 procurement of private funds for the development of the University's projected and long-range
254 plans. This officer shall have the responsibility for the Office of Development, the Office of
255 Alumni Affairs, and the Health Sciences Foundation, of which s/he may serve as vice president.
256 This officer is also responsible for the management of the University's Board of Visitors.

257 2.02f Vice President for Information Technology & Chief Information Officer

258 The CIO is the senior MUSC executive directly responsible for the effective planning and
259 management of MUSC's information resources. The CIO participates in meetings of the Vice
260 Presidents Group (VPG) and keeps the opportunities, challenges, and issues. Reports to the
261 President.

262 2.02g Other Presidential Reports

263 These directors report directly to the President.

264 2.02g.1 Director, Equal Employment Opportunity Affirmative Action Office

265 Responsible for MUSC and MUHA compliance with federal, state and local laws and regulations
266 on nondiscrimination and affirmative action in employment. Investigates complaints involving
267 equal employment opportunity and affirmative action. Responsible for training on Equal
268 Employment Opportunity and Affirmative Action matters.

269 2.02g.2 Director of Public Relations

270 Strategically plans and implements initiatives building awareness of MUSC's programs, policies,
271 opportunities, achievements and its mission of serving all South Carolinians through education,
272 research and patient care. The office improves relations with individual patients, the community,
273 and the state by disseminating information through mass media, publications, video,
274 correspondence, and the Internet.

275 2.02g.3 General Counsel

276 The General Counsel is responsible for all legal affairs of MUSC. Reviews all legal documents
277 and matters which affect or bind the University. This officer represents the University before
278 federal and state courts and before administrative boards and is charged with representing the
279 University in faculty and employee grievance matters.

280 **2.03 Collegial Organization**

281 The Faculty of MUSC shall be organized for administrative and other purposes into colleges that
282 correspond to areas of instruction, research and service relevant to the professions for which the
283 University qualifies its graduates. Each college shall maintain its professional goals and
284 objectives consistent with the University's Mission Statement, policies and standards and shall
285 share a University responsibility subject to the jurisdiction of the Vice President for Academic
286 Affairs and Provost.

287 The chief administrative and executive officer of each college is designated as Dean. A college
288 may also have such associate and assistant deans as the dean may find to be required and as
289 approved by the Vice President for Academic Affairs and Provost and the President.

290 The Colleges of the University are:

- 291 • The College of Dental Medicine
- 292 • The College of Graduate Studies
- 293 • The College of Health Professions
- 294 • The College of Medicine
- 295 • The College of Nursing
- 296 • The College of Pharmacy

297 In addition, there are faculty members from other areas of the University (i.e., The Department
298 of Library Science and Informatics) who receive appointments as "non-aligned" faculty.

299 [Appendix 2.03](#) presents the academic organization chart.

300 2.03a Academic Deans

301 The deans of the colleges report to the Vice President for Academic Affairs and Provost and
302 through her/him to the President of the University. The deans are responsible for the operation
303 of the respective college or division within the framework of policies designated by the Board;
304 they are the presiding officers of the faculty of their respective colleges.

305 2.03b Departmental Organization

306 Each of the colleges is organized for administration, instruction, research, and other purposes
307 into departments corresponding to areas of instruction relevant to the profession for which the
308 college qualifies its graduates. Each department is autonomous with respect to other departments
309 in a college, but subject to the dean of the college concerned.

310 The faculty of all departments share a University responsibility and provide instruction required
311 by the colleges, other than those in which they are administered, subject to the approval of the
312 appropriate deans and the Vice President for Academic Affairs and Provost.

313 The faculty of the College of Graduate Studies primarily consists of members of the faculties of
314 the other colleges who are elected by the Graduate Council upon nomination by the appropriate
315 department chairman or dean.

316 2.03c Departmental Chairs

317 Responsibility for the organization and operation of each of the various departments in the
318 colleges rests in a chairman who is elected by the Board upon nomination by the President,
319 following recommendation by a search committee appointed by the dean of the college
320 concerned and following approval of such recommendation by that dean and the Vice President
321 for Academic Affairs and Provost. A department may be organized into subdivisions as the
322 respective chairman and dean may find necessary, subject to the approval of the Vice President
323 for Academic Affairs and Provost and the President.

324 2.03d Directors/Chairs of Other Academic Units

325 The directors/chairs of other academic units of the University report to the Vice President for
326 Academic Affairs and Provost and through him/her to the President of the University.

327 2.03d.1 Executive Director of Enrollment Management

328 The Executive Director of Enrollment Management coordinates and supports student recruitment
329 strategies among the six colleges, has general responsibility for operation of the campus tour and
330 visitor center, for implementation of computerized applicant and student information systems,
331 for processing all applications for admission for determination of State residency, for
332 registration, for the creation and maintenance of student academic records, for the University
333 Bulletin, for classroom scheduling, for graduation, and for academic reporting to the State's
334 Commission on Higher Education. Recognizing the importance of academic integrity, the Office
335 of Enrollment Management provides comprehensive support to applicants, students, faculty, and
336 staff of MUSC.

337 2.03d.2 Chair of the Department of Library Science and Informatics, and
338 Director of Libraries and Learning Resource Centers

339 The Chair of the Department of Library Science and Informatics and the Director of Libraries
340 and Learning Resource Centers is charged with the academic leadership of the department as

341 well as the development of the library's programs and services and the organization and
342 maintenance of the libraries' collections, resources and facilities under such governance as may
343 be adopted by the administration and the faculty.

344 2.03d.3 Director of the Division of Laboratory Animal Resources

345 The Director of the Division of Laboratory Animal Resources is responsible for all issues
346 regarding the use of laboratory animals at MUSC. The Director reports to the Vice President for
347 Academic Affairs and Provost, who serves as the Institutional Official for laboratory animals. In
348 addition, the Director serves as Chairman of Comparative Medicine, which reports to the Dean
349 of the College of Medicine for academic issues regarding veterinary faculty and through her/him
350 to the Vice President for Academic Affairs and Provost.

351 2.03d.4 Executive Director, South Carolina Area Health Education
352 Consortium (AHEC)

353 Responsible for contracts, services, budget and oversight of the South Carolina AHEC system.
354 Represents the South Carolina AHEC system at regional, state, and national meetings. Reports to
355 the MUSC Board of Trustees through the MUSC Vice President for Academic Affairs & Provost
356 and through MUSC Vice President for Medical Affairs & Dean of the College of Medicine.

357 2.03d.5 Director, Office of Gender Equity(<http://www.musc.edu/genderequity/>)

358 Addresses concerns of sexual harassment or gender inequity within the six colleges. Coordinates
359 sexual harassment prevention efforts for the academic community. Reports to the Vice President
360 for Academic Affairs & Provost.

361 2.03d.6 Executive Director of Student Programs & Director, Office of Student
362 Diversity.

363 Supervises the activities of the Offices of Student Activities (Off-Campus Housing, Intramural
364 Sports, Student Publications), MUSC-Gives Back, the Student Government Association,
365 International Programs, and Office of Student Diversity. Promotes academic excellence, and
366 effective student life services for all students with a focus on students from underserved and
367 historically bypassed groups. Works with individual students, student groups, staff, and faculty
368 to design and implement strategies that support students' unique needs while fostering
369 community among all students. Reports to Associate Provost for Education and Student Life.

370 **2.04 University-Wide Committees**

371 In addition to such special committees as from time to time may be appointed or elected, there
372 shall be standing administrative committees. The most current list is presented in [Appendix](#)
373 [2.04](#). All of these committees have faculty representation. Additional information on these
374 committees may be obtained from the Committee Information Office located in the Office of the
375 President.

376 **3. FACULTY ORGANIZATION AND GOVERNANCE**

377 **3.01 The Faculty Body**

378 The faculty of MUSC is composed of the President, the vice presidents, the deans, the directors
379 of university programs, any officers of the University who hold academic rank, and the members
380 of the teaching, research, service and administrative staff who hold academic rank at MUSC or
381 its affiliated programs. With regard to University affairs, the voting faculty shall be those

382 individuals holding a full-time primary academic appointment at MUSC with rank from
383 Instructor and above.

384 **3.02 The Faculty Senate**

385 The Faculty Senate acts as the sole representative body for organizing and executing that
386 business of the faculty submitted to it by members of the faculty, the administration, or the
387 Senate itself. The Senate also advises the administration and the faculty in matters pertaining to
388 the faculty. The Faculty Senate is organized and governed according to the Faculty Senate
389 Constitution and By-Laws located in [Appendix 3.02](#).

390 **4. FACULTY RANKS AND STATUS**

391 **4.01 Regular Faculty Ranks**

392 The following faculty ranks, as generally described below, are employed throughout MUSC.
393 Refer to individual college/department guidelines for specific criteria regarding appointment or
394 promotion to any of these faculty ranks.

395 4.01a Assistant

396 This rank usually requires a bachelor's degree and the ability to participate in teaching, research,
397 and/or in some clinical service. This appointment does not carry faculty-voting privileges.

398 4.01b Instructor

399 This rank usually requires training beyond the baccalaureate degree. Demonstrated technical
400 proficiency and experience may serve in lieu of formal training. The ability to contribute to the
401 University's teaching programs is required.

402 4.01c Associate

403 This rank usually requires at least a non-terminal master's degree or comparable training and
404 experience in an appropriate area.

405 4.01d Assistant Professor

406 This rank usually requires that a faculty member holds the appropriate terminal degree and
407 posses strong potential for development as a teacher, scholar, and researcher. An Assistant
408 Professorship may be awarded in the absence of a terminal degree to individuals who have made
409 significant teaching, research, or service contributions and who have shown evidence of
410 academic potential.

411 4.01e Associate Professor

412 This rank usually requires the appropriate terminal degree and exemplary service as an Assistant
413 Professor for at least three (3) years at this university or equivalent service elsewhere.
414 Individuals achieving this rank should have demonstrated teaching effectiveness, should have
415 made significant contributions in the areas of research/scholarly activity and service, and should
416 show promise of continued intellectual growth.

417 4.01f Professor

418 This is the highest academic rank at the University and usually requires an appropriate doctoral
419 degree. For appointment at or promotion to the rank of Professor an individual normally will
420 have served at the rank of Associate Professor for at least four (4) years and will have

421 demonstrated excellence in the three areas of academic pursuit: teaching, research/scholarly
422 activity and service. In addition, the individual should have an academic reputation extending
423 beyond the University.

424 **4.02 Modifiers to Faculty Ranks**

425 Faculty members whose ranks are preceded by the modifiers visiting or adjunct, and part-time
426 faculty with clinical or research modifiers may participate in faculty governance, but have no
427 vote. Full-time faculty members whose ranks are preceded by the modifiers clinical or research
428 may participate in faculty governance and may vote regarding university affairs.

429 4.02a Visiting

430 An associated faculty member whose appointment to the faculty is for a limited time and whose
431 responsibilities are important in the regular programs of MUSC is eligible for this modified rank.
432 (10/11/2002)

433 4.02b Adjunct

434 An associated faculty member whose responsibilities are important though not extensive in the
435 regular programs of MUSC, whose appointment is annual or continuous, and whose activities do
436 not ordinarily involve direct patient contact is eligible for this modified rank.

437 4.02c Clinical

438 An associated faculty member whose responsibilities are important though usually not extensive
439 but may be full-time in the regular programs of MUSC, whose appointment is annual or
440 continuous, and whose activities for which the appointment is made ordinarily involve direct
441 patient contact is eligible for this modified rank.

442 4.02d Research

443 An associated faculty member whose responsibilities are important to the University, often are
444 full-time but may be part-time, and who has few or no job obligations other than doing research,
445 often as a member of a research team.

446 **4.03 Special Faculty Ranks**

447 Faculty holding special appointments does not have voting privileges.

448 4.03a Research Associate

449 An associated faculty member who holds an academic appointment, but is not assigned to a
450 position in the progression of faculty rank may be eligible for appointment as a Research
451 Associate.

452 **4.04 Medical University Hospital Authority (MUHA)***

453 *NOTE: For clarification of subsequent narrative, the “MUHA” is referred to when describing
454 the legal organization and/or governance of clinical care. When describing the clinical entity
455 itself, it will be called the “MUSC MEDICAL CENTER”.

456 Individuals whose primary responsibility rests in one of the components of MUHA may hold a
457 faculty appointment at a specified rank in a designated college, thereby recognizing participation
458 in its educational programs. These joint appointments are without tenure, carry no faculty

459 benefits or privileges, and shall be designated by MUHA following the faculty rank [e.g.
460 Assistant Professor of Nursing (MUHA)].

461 **4.05 South Carolina Area Health Education Consortium (SC AHEC)**

462 Faculty serving in the South Carolina Area Health Education Consortium (SC AHEC) may be
463 recognized with appointments at MUSC. Individuals involved on a full-time basis in the
464 educational programs of their respective hospital may be awarded full-time appointments. These
465 appointments are without tenure. Clinical or adjunct appointments recognize associated faculty
466 members whose responsibilities are important though not extensive in the regular programs of
467 the respective hospital.

468 **4.06 University**

469 The Board may appoint distinguished academicians to special university-wide rank.

470 4.06a Emeritus

471 Definition: Emeritus is an honorary title for a faculty member retiring from active University
472 service. This rank recognizes distinguished service to the institution. It is conferred upon a
473 faculty member when he/she retires by the Provost upon the recommendation of the Department
474 Chair and Dean of the respective College, following approval from the Board.

475 Eligibility: Emeritus status is generally reserved for regular, full-time faculty who are retiring at
476 the rank Professor or Associate Professor and such individuals are designated as Emeritus
477 Professor. An individual retiring at a lower rank may be granted the status of Emeritus at that
478 rank based on the length and quality of his/her service to the institution. An administrator
479 retiring with the rank of the Dean or above may be designated as Dean Emeritus, etc.

480 Procedure: The retiring Faculty member may initiate the process for obtaining Emeritus status,
481 through a formal request to their Department Chair. The Department Chair on behalf of the
482 retiring faculty member may also initiate this process. The Chair will make a written
483 recommendation to the Dean of the College with documentation of the faculty member's service,
484 usually his/her *curriculum vitae*. If the Dean concurs, the Dean forwards the recommendation to
485 the Provost. If the Provost concurs, the Provost seeks approval from the Board. If approved, the
486 Provost shall notify the faculty member in writing of the award of Emeritus Faculty status. If the
487 retiring faculty member is a Department Chair, the Dean initiates the request. For administrative
488 titles at the level of Dean or above, the next highest administrator initiates the recommendation.

489 Benefits: Emeritus status is conferred on the faculty member for life, subject to the same policies
490 for termination as apply for an active tenured faculty member. The following university benefits
491 may be made available to all present and future emeritus faculty to include at a minimum:

- 492 • MUSC ID badge reflecting Emeritus status
- 493 • Continued Access to the University library and certain computer facilities such as email
494 and homeroom access
- 495 • Eligibility for continued membership at the Wellness Center at the regular faculty rates
- 496 • Maintenance on a mailing list to receive university related news, announcement and
497 invitations to events as appropriate.

498 Other benefits may be negotiable with the college/department. All benefits are subject to
499 administrative review and the availability of resources. (10/12/01)

500 4.06b Distinguished University Professor (10/12/01)

501 Definition: The title of Distinguished University Professor is an honorary title given to a senior
502 level Faculty member who has had a distinguished academic career in teaching, service or
503 research. It is conferred in writing by the Provost upon the recommendation of the Department
504 Chair and the Dean of the College, following approval of the Board. Upon retirement, the faculty
505 member may use the title of Distinguished University Professor Emeritus.

506 Eligibility: Distinguished University Professor status is generally reserved for regular, full-time
507 senior or retiring faculty at the rank of Professor. This high honor is reserved for those faculty
508 members who have made outstanding contributions to their professions and have achieved
509 national and/or international recognition for their accomplishments.

510 Procedure: Consideration of a Faculty member for the title of Distinguished University Professor
511 within the colleges will comply with the college level process for appointment and promotion. If
512 the Dean approves the request within the college, the Dean forwards the recommendation to the
513 Provost with documentation substantiating the request. If the Provost concurs, the Provost seeks
514 approval from the Board. If approved, the Provost shall notify the faculty member in writing of
515 the award of Distinguished University Professor. If the candidate is a Department Chair, the
516 Dean initiates the request with consideration by the College Appointments, Promotion, and
517 Tenure committee.

518 Benefits: Status as a Distinguished University Professor is conferred on the faculty member for
519 life, subject to the same policies for termination as apply for an active tenured faculty member.
520 The Distinguished University Professor will automatically be eligible for all the benefits
521 conferred upon the Emeritus Faculty, if he/she is retiring from active service.

522 **4.07 Faculty Appointment to More than One Unit**

523 The primary appointment of a faculty member holding joint/dual appointments is confirmed by
524 the Vice President for Academic Affairs and Provost. If a faculty member resigns his primary
525 appointment or if his primary appointment is otherwise terminated, all dual and/or joint
526 appointments in other departments or colleges are terminated the date the primary appointment is
527 terminated. If a change of status is to be requested by the chair of the department in which the
528 dual or joint appointment rests, such a request is submitted as a primary faculty appointment
529 through the appropriate channels.

530 The following terms are descriptive of appointments in more than one unit of MUSC, or between
531 MUSC and some other institution. These terms may be used with all of the above modifiers and
532 ranks as appropriate.

533 4.07a Joint

534 A faculty member who holds a coordinated appointment in the two or more colleges of ~~the~~
535 MUSC or between MUSC and some other institution of higher learning holds a joint
536 appointment.

537 4.07b Dual

538 A faculty member who holds an appointment between or among two or more departments within
539 the same college holds a dual appointment.

540 **5. UNIVERSITY APPOINTMENT POLICIES**

541 All University appointments and employment decisions shall be made strictly on the basis of
542 merit.

543 **5.01 Affirmative Action**

544 It is the policy of the Medical University of South Carolina that no discrimination on the basis of
545 race, creed, national origin, sex, age, disability or political affiliation will exist in any area of the
546 University. All decisions regarding recruitment, hiring, promotions, and all other terms and
547 conditions of employment are made without discrimination on the above grounds, or on other
548 factors which cannot lawfully be the basis for employment decisions.

549 The University Equal Employment Opportunity/Affirmative Action Compliance Director
550 (EEO/AA Director), appointed by the President, coordinates and monitors implementation of the
551 University's Affirmative Action Plan. Compliance with the plan is documented and periodic
552 status reports are submitted to all concerned units of the University by the EEO/AA Director.

553 **5.02 Nepotism**

554 The Medical University of South Carolina prohibits nepotism in accordance with the "[Ethics,
555 Government and Campaign Reform Act of 1991](#)", see Section 8-13-700 South Carolina Code of
556 Laws (<http://www.scstatehouse.net/code/t08c013.htm> See [Appendix 5.02](#) for the current version
557 of this policy.

558 **5.03 Employee Health Screening Policy**

559 The purpose of this policy is twofold: 1) to fulfill MUSC's commitment to preventive health
560 measures, and 2) to provide for the faculty member's safety on the job as well as for the safety of
561 those with whom the faculty member comes in contact. This is especially important in the area
562 of patient care. Health screening examinations of all new faculty members are required. Present
563 faculty members are required to participate in specific screening and annual updates for
564 tuberculosis. Present faculty members will be offered immunizations or may sign immunization
565 declinations. Any faculty member involved in an infectious disease exposure will follow normal
566 surveillance screening procedures.

567 The health screening will be provided by the MUSC Employee Health Services, at the expense
568 of MUSC. The screening will be performed prior to the faculty member reporting for duty. The
569 screening will be arranged by the Department of Human Resources Management. Once the
570 faculty member has been cleared to work by MUSC Employee Health Services, the new faculty
571 member may sign up for payroll, benefits and receive a start date for work.

572 **5.04 MUSC Employee Health Services Screening Criteria**

573 All employees should obtain past immunization records for presentation at their Employee
574 Health Services appointment. Anyone who presents at Employee Health without immunization
575 documentation will receive all necessary vaccines and screenings on arrival prior to orientation.
576 [Appendix 5.04](#) presents the most current screening criteria.

577 **5.05 Criminal Record Searches**

578 The Medical University reserves the right to conduct criminal record searches to insure the
579 suitability of its employees. [Appendix 5.05](#) includes the most current University policy.

580 **6. FACULTY APPOINTMENT, PROMOTION, AND TENURE POLICIES**

581 Each college shall develop and publish in one document all appointments, promotions, and
582 tenure guidelines or criteria, and establish a formal review of this document every three years.
583 [Appendix 6](#) presents the most current version of these documents. Each document should be
584 explicit and the process clearly defined with input from the faculty. A formal review of each
585 faculty member's professional progress shall be established and maintained on a three-year cycle.
586 Such reviews should be the basis for faculty development programs. (NOTE: Appointment,
587 Promotion, initial and post tenure review is in addition to annual performance review).

588 Each college shall establish an appropriate system for faculty appointment, promotion, and
589 tenure, selecting either (1) a two-track system: Tenure Track (which may include an up-or-out
590 rule) and Non-Tenure track or (2) the University's traditional system (one-track), or (3) other, as
591 established by individual colleges and approved by the Board of Trustees. Implementation of the
592 two-track system shall apply only to faculty appointed after Fall 1989. Academic titles will be
593 the same for both tracks. Faculty may switch between tracks once upon approval by the dean of
594 the college. A dean may appoint non-tenured faculty members for a contract period of two to
595 three years. Faculty members on the tenure track will be afforded protected time for academic
596 pursuits.

597 **6.01 College/Department Faculty Appointment, Promotion and Tenure**
598 **Committee**

599 Purpose:

600 Each College and General Faculty Unit will have an Appointments, Promotion and Tenure
601 (APT) Committee. In addition to reviewing initial appointments, this committee shall evaluate
602 faculty seeking promotion, tenure and review of tenured faculty. Colleges may choose to have a
603 subcommittee of the APT that will exclusively evaluate initial tenure and review of tenured
604 faculty. Any subcommittee must follow the guidelines for composition. The College APT
605 committee will be advisory to the Dean.

606 Composition:

607 The Dean may determine the composition of the committee by either appointment or election, as
608 long as the composition of the committee meets the following guidelines. The term of
609 membership should be three years in length for both elected and appointed members, and may be
610 renewed once. One-third of the committee shall be appointed or elected each year.

611 If the College has multiple tracks (educator/clinician, educator/researcher) faculty representatives
612 from each track should be represented on the committee.

613 Administrators who serve in a supervisory role to faculty members being evaluated for
614 promotion/tenure (e.g., deans, department chairs), and thus have other avenues for input into the
615 promotion/tenure process, shall be excluded from the College APT committee. Division heads
616 and program directors who have already had input into an individual's evaluation should be
617 excluded from deliberation and voting on that individual if they are on the committee.

618 The committee should consist of a minimum number of six. There shall be no maximum
619 number.

620 Only faculty at or above the rank, for which the individual is being considered, may vote on
621 decisions involving promotion.

622 Only tenured faculty may vote on decisions involving individuals seeking tenure, or on review of
623 tenured faculty.

624 If there are insufficient numbers of tenured faculty available to meet the above guidelines, non-
625 tenured faculty may serve in their place, at the discretion of the Dean (10/2000)*.

626 *NOTE: For clarification, this is not meant to exclude administrative individuals who are
627 in an advisory position to an APT Committee (e.g., Associate Dean in the College of
628 Medicine).

629 **6.02 Faculty Appointment**

630 6.02a Criteria for Appointment

631 Each college, through its Appointments, Promotions, and Tenure Committee, shall develop and
632 publish a set of criteria which has been approved by the President through appropriate channels,
633 and which will be used in the appointment of new faculty members. Such criteria should reflect
634 the specific missions of the individual colleges and should be formulated to promote faculty
635 excellence within the institution as a whole.

636 6.02b Procedures for Appointment

637 Appointments to the faculty ordinarily are initiated by the department chair. Academic
638 appointments at the level of department chairman or higher usually are initiated by the
639 administrative officer of the next higher rank.

640 The department chair shall consult with the departmental faculty of equal or superior rank to the
641 prospective appointee or with the departmental Appointments, Promotions, and Tenure
642 Committee before nominations are forwarded to the dean.

643 Upon approval by the dean, requests for appointment shall be forwarded to the Vice President for
644 Academic Affairs and Provost for approval. If departmental affiliation within a college is not
645 involved, the requests shall be initiated by the appropriate dean and addressed to the Vice
646 President for Academic Affairs and Provost. If collegial affiliation is not involved, the requests
647 shall be initiated by the Vice President for Academic Affairs and Provost and addressed to the
648 President. Upon such approval, recommendations for appointment shall be forwarded to the
649 President.

650 Appointments to the rank of Assistant Professor without tenure and below shall be made by the
651 President. On the recommendation of the President, appointments to any rank with tenure, and
652 all appointments to the rank of Associate Professor or Professor shall be made by the Board.

653 When a faculty member holding a modified rank or special appointment is considered for a
654 change to a regular non-modified rank, the appointment shall follow the established procedures
655 for initial appointment.

656 6.02c Term of Appointment

657 Appointment of faculty members with respect to term is of three types:

- 658 • A twelve (12) month appointment
- 659 • A nine (9) month appointment
- 660 • Appointment for other specified periods of time

661 Appointments are made on an annual basis: Twelve (12) month appointments usually begin July
662 1st. Appointments for time periods other than twelve (12) months span the academic year of the
663 college of primary responsibility. The initial letter of appointment and/or contract and
664 subsequent written notification of reappointment specifying the salary, rank, term of
665 appointment, and tenure status, is given by the department chairman or other responsible
666 administrative officer with the approval of the Vice President for Academic Affairs and Provost.

667 Term of Appointment for Non-Tenured Faculty:

668 Any change in term of appointment for non-tenured faculty must be based upon documented
669 evidence of financial exigencies or impending financial exigencies or of need for program
670 redirection to insure the viability of a department or college. Efforts to make suitable
671 reassignments of affected personnel will be made by the responsible administrative officers
672 should the faculty desire to retain his or her original term of appointment.

673 The recommendation and rationale for faculty term of appointment changes must be written by
674 the Dean or responsible administrative officer and submitted to the Provost for approval.
675 Following approval by the Provost, written notice of the intention to change the term of
676 appointment of a non-tenured faculty member shall be given, to the extent that appropriated
677 funds are available and legislation permits, as follows:

- 678 (1) At least three [3] months prior to the expiration of the contract for faculty under his or her
679 initial faculty appointment.
- 680 (2) At least six [6] months prior to the expiration of the contract for faculty appointed under a
681 second-year contract.
- 682 (3) At least one [1] year prior to the expiration of the contract for faculty under a third [3rd]
683 year or subsequent-year contract. (10/13/00)

684 **6.03 Faculty Promotion**

685 Promotion both recognizes achievement and acknowledges that the individual is capable of
686 greater accomplishments and responsibilities. The policy of the University is to make
687 promotions strictly on merit.

688 6.03a Criteria for Promotion

689 Each college, through its Appointments, Promotions and Tenure Committee, shall develop,
690 publish, and distribute to its faculty a set of criteria which have been approved by the President
691 through appropriate channels, and which shall be used in the consideration of promotion to the
692 various ranks. Such criteria should reflect the specific missions of the individual colleges and
693 should be formulated to promote faculty excellence within the institution as a whole.

694 6.03b Procedures for Promotion

695 Recommendations for promotion of a faculty member are submitted to the dean by the
696 department chairman after consultation: 1) with those faculty members of the department or

697 administrative unit who are at or above the academic level to which the faculty member is
698 seeking promotion; and/or 2) with the department or college Appointments, Promotions and
699 Tenure Committee. In the case of department chairs or deans, the next higher administrator shall
700 compile and forward the recommendations.

701 The faculty member being considered for promotion will be notified in writing by the department
702 chair or other appropriate administrative officer of the schedule for the promotion review and
703 will be given the opportunity to submit evidence relevant to the evaluation of his/her
704 performance and future promise.

705 If the recommendation for promotion is disapproved, the faculty member shall be notified of the
706 disapproval and the reason for it prior to the promotion deadlines.

707 Recommendations for promotion are considered by the dean of the appropriate college following
708 the recommendation of his/her committee. Recommendations concerning administrative officers
709 who hold faculty rank are submitted by the next higher administrative officer.

710 The dean makes formal recommendations and prepares a consolidated report for the Vice
711 President for Academic Affairs and Provost, who makes formal recommendations to the
712 President. The President reviews the recommendations submitted by the Vice President, renders
713 decisions, and, when required, submits recommendations to the Board.

714 The dean is responsible for notifying the faculty member in writing of any action taken in regard
715 to promotion by the Vice President for Academic Affairs and Provost or the President, and where
716 applicable, also by the MUSC Board. The department chair notifies the faculty member in
717 writing regarding salary for the forthcoming fiscal year.

718 Promotions are ordinarily made twice a year on January 1 and July 1. (5/19/2005)

719 **6.04 Faculty Tenure**

720 Tenure shall be the assurance of continuous appointment to a particular faculty rank, with
721 continuation of salary commensurate with the rank, as long as duties are performed in
722 accordance with accepted standards, subject to termination for cause, upon retirement, on
723 account of financial exigency, or the change or abolition of institutional programs. Tenure rests
724 in the college or department of primary appointment only. The initial letter of appointment
725 and/or contract and annual renewals shall specify status with regard to tenure.

726 The following full-time faculty are not eligible for tenure: (a) faculty holding limited term
727 appointments and (b) faculty holding modified ranks or special appointments as designated in
728 Sections 4.02, 4.03, 4.04, and 4.05.

729 The tenure of a faculty member who also holds an administrative position, such as dean or
730 department chair, extends only to the faculty position s/he holds conjointly with such an
731 administrative position. Full-time administrators or administrative staff holding faculty rank are
732 not tenured unless their notices of appointment or promotion specifically state that tenure is
733 carried with the faculty rank.

734 ~~The assurance of continuation of salary commensurate with academic rank shall apply to that~~
735 ~~base salary which is agreed upon by the individual department head and faculty member. The~~
736 ~~amount of the base salary shall be commensurate with rank in the appointee's department, and~~
737 ~~defined in the annual contract. It shall not apply to supplemental or additional sources of funding~~

738 ~~including, but not limited to, clinical practice income, consultation fees, administrative~~
739 ~~payments, and special payments.~~

740 The assurance of continuation of salary commensurate with academic rank shall apply to that
741 base salary which is agreed upon by the individual department head and faculty member. The
742 amount of the base salary shall be commensurate with rank in the appointee's department, and
743 defined in the annual contract. It shall not apply to supplemental or additional sources of funding
744 including, but not limited to, clinical practice income, consultation fees, administrative
745 payments, and special payments (Date of approval).

746 6.04a Criteria for Tenure

747 The faculty member must demonstrate competence and promise of long-term usefulness to the
748 missions and programs of the University to be considered for tenure.

749 Each college, through its Appointments, Promotions, and Tenure Committee shall develop a set
750 of criteria to be used in the consideration of granting tenure and which shall have received the
751 approval, through appropriate channels, of the Board. Each committee shall also publish and
752 distribute these

753 criteria to its faculty. Such criteria should reflect the specific missions of the individual colleges
754 and should be formulated to promote faculty excellence within the institution as a whole.

755 6.04b Procedures for Granting Tenure

756 (1) The department chair or her/his designee initiates and forwards a recommendation to the
757 dean after consultation with the departmental Appointments, Promotion and Tenure
758 Committee and, where appropriate, with students, faculty outside the department, and
759 professional colleagues. After consideration, the college Appointments, Promotion and
760 Tenure Committee submits its recommendation to the dean.

761 (2) The dean reviews recommendations and forwards approved recommendations to the Vice
762 President for Academic Affairs and Provost, and through him/her to the University
763 Tenure Committee. The recommendations of the University Tenure Committee are
764 reviewed by the Vice President for Academic Affairs and Provost and approved
765 recommendations are then forwarded to the President and the Board for final action.

766 (3) If the recommendation for tenure is disapproved, the faculty member shall be notified of
767 the disapproval and the reason for it prior to the tenure deadlines.

768 (4) Tenure is ordinarily awarded once a year on January 1.

769 **6.05 Post Tenure Review**

770 **Approved by Board of Trustees, December 10th, 2010**

771
772 At every stage of a faculty member's career, the Division Director and/or Department Chair will
773 review the faculty member's performance through the annual review process and reviews for
774 promotion and tenure. Post-tenure review serves to evaluate a tenured faculty member's
775 professional ongoing contributions and value to the University. During these reviews, efforts
776 should be made to identify realistic long-range goals for career enhancement, evaluate the faculty
777 member's strengths and weaknesses in performance, and, through appropriate advice and action,
778 provide opportunities to correct any weaknesses to enable the faculty member to realize her/his

779 full professional development. The review should be used to ensure that all tenured faculty
780 members: (a) continue to perform at a level to achieve their long and short range career goals and
781 (b) serve the needs of the students and the institution.

782 All tenured faculty members are subject to post-tenure review. There are two mechanisms of
783 post-tenure review: a streamlined post-tenure review (described in Section 2 of this document)
784 and a full post-tenure review (described in Section 4 of this document). A streamlined post-
785 tenure review occurs every six years for those who have been evaluated as adequate or superior
786 in each of the six years. The full post-tenure review occurs either every six years if a faculty
787 member has received an inadequate evaluation during the prior six years, or is triggered if a
788 faculty member's performance is deemed to be inadequate in two consecutive years. In either
789 mechanism, the post-tenure review is reliant on the annual review.

790 **(1) Each tenured faculty member undergoes annual reviews.** The faculty member's
791 annual review is integral in determining performance. The Department Chair/Division Head will
792 use the five-point scale for annual reviews (unsatisfactory, marginal, satisfactory, very good or
793 outstanding), but for the purposes of reporting to the Provost's Office, overall performance will
794 be summarized on a three-point scale (superior, adequate, inadequate). If a faculty member is
795 rated as below satisfactory in a majority of applicable performance categories on the five-point
796 scale, they will receive an "inadequate" overall evaluation on the three-point scale. Each year,
797 the faculty member must be made aware of specific requirements to attain an adequate annual
798 review so that he or she is given the chance to meet these specific requirements.

799 **(2) If the tenured faculty member receives no ratings of inadequate, they undergo**
800 **streamlined post-tenure review every sixth year.** For a tenured faculty member who has
801 received overall ratings of adequate or superior in all annual performance evaluations in the
802 preceding six years, the Department Chair/Division Head will send a letter to the Appointment,
803 Promotions and Tenure (APT) Committee of the faculty member's college stating that the faculty
804 member satisfies the requirements of a favorable post-tenure review. A copy of this letter will be
805 sent to the faculty member under review and the College Dean, and placed in the faculty
806 member's personnel file. The faculty then starts a new six-year cycle.

807 **(3) If the faculty member receives a rating of inadequate, they undergo a full post-**
808 **tenure review.** There are two mechanisms that lead to a full post-tenure review: (i) If a faculty
809 member has received an inadequate evaluation during the six-year cycle, the faculty member is
810 subject to full post-tenure review at the end of that cycle (see (b) below), or (ii) If the faculty is
811 rated as inadequate in two consecutive years, a full post-tenure review is triggered, which starts
812 after the second year of the performance-improvement plan (see (c) below).

813 **(a) Upon the first rating of inadequate in an annual review, a Performance-**
814 **Improvement Plan (PIP) is implemented.** If a tenured faculty member is rated
815 inadequate on an annual evaluation, the Department Chair/Division Head shall meet
816 with the faculty member to outline the steps of improvement to be taken to correct the
817 deficiencies, to establish criteria for the satisfaction of those deficiencies and to
818 indicate what resources are available to support the plan, as appropriate. This
819 Performance-Improvement Plan (PIP) should be approved by the College Dean,
820 reported to the Provost, and described in the associated annual contract. The faculty
821 member will be given two years beyond the date of the contract to execute the plan
822 successfully. The goal shall be restoration of adequate performance. A written

823 summary of the meeting shall be prepared for the faculty member by the Department
824 Chair/Division Head and copied to the College Dean, the College APT committee,
825 and the Provost.

826 **(b) Upon a rating of adequate or superior in the year after a rating of inadequate on**
827 **annual review, the faculty member will undergo a full post-tenure review at the**
828 **end of the six-year period.** The Department Chair/Division Head shall send a letter
829 to the College Dean, the College APT Committee, and the Provost stating that the
830 faculty member has received an overall rating of adequate or superior on their
831 subsequent annual performance evaluation, noting that deficiencies have been
832 corrected. A copy of this letter will be sent to the faculty member under review and
833 placed in the faculty member's personnel file. The faculty member then continues
834 their cycle for post-tenure review, but at the end of the six years will be subject to a
835 full post-tenure review, as described in Section 4 of this document.

836 **(c) Upon the second rating of inadequate in an annual review, a full post-tenure**
837 **review is triggered.** If the Department Chair/Division Head finds that the tenured
838 faculty member fails to make substantial progress toward meeting the performance
839 goals that had been set in the performance-improvement plan and receives a second
840 inadequate evaluation on the subsequent annual evaluation, the faculty member
841 begins year 2 of the performance-improvement plan. Two consecutive inadequate
842 evaluations is also the trigger for a full post-tenure review to be conducted at the end
843 of year 2 of the performance-improvement plan, which is described in Section 4 of
844 this document. If, however, the performance of the faculty has improved significantly
845 at the end of year 2 of the performance-improvement plan, the Department
846 Chair/Division Head may recommend that the full post-tenure review not occur until
847 the end of the six-year period.

848 The process leading to full post-tenure review after two inadequate evaluations is illustrated in
849 Figure 1.

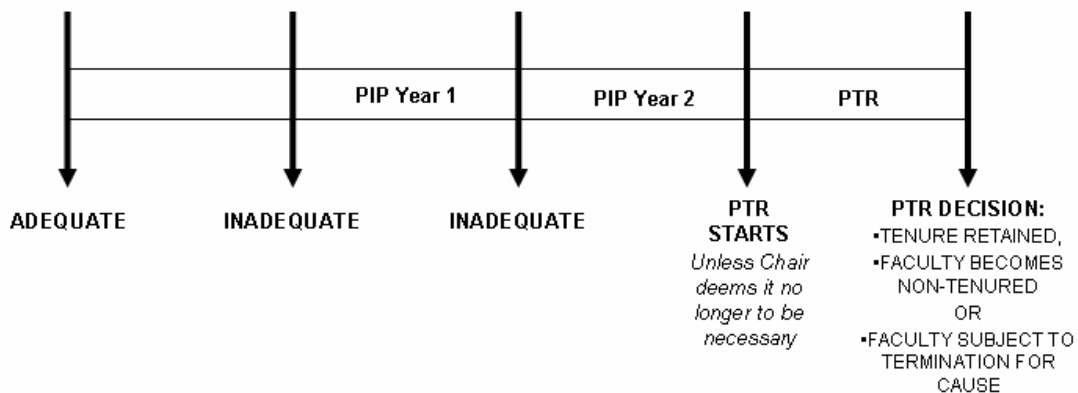


Figure 1: The full post-tenure process as triggered by two consecutive inadequate evaluations. PIP=performance improvement plan; PTR=full post-tenure review.

850
851 **(4) Full Post-Tenure Review:** The full post-tenure review is initiated by the Department
852 Chair/Division Head or supervising administrator. The Department Chair/Division Head submits
853 a letter to the College APT Committee detailing the deficiencies of the faculty member under
854 review with corroborating documentation. The Department Chair/Division Head must also notify
855 the College Dean and the Provost. A copy of the letter will also be sent to the faculty member
856 under review and placed in the faculty member's personnel file.

857 The charge of the College APT Committee is to recommend for or against the removal of
858 tenure. The College APT Committee will review the faculty member's performance based upon
859 written standards and criteria that are developed by the individual College APT Committees. The
860 criteria should reflect the specific missions of the individual Colleges and the University. Each
861 College APT Committee shall publish and distribute these criteria to its faculty. The basic
862 standard for appraisal shall be whether the faculty member under review discharges the duties
863 appropriately associated with her or his position as documented by annual faculty contracts and
864 the initial offer letter for the position, if applicable. The review must also be flexible enough to
865 acknowledge different expectations in different disciplines and changing expectations at different
866 stages of faculty careers. In reviewing a faculty member's performance, the College APT
867 Committee will recognize not only the diverse talents, activities and accomplishments of faculty
868 within that College, but also that individual faculty are expected, in consultation with their
869 Department Chair/Division Head, to focus their efforts in selected areas of endeavor. The
870 College APT Committee will also verify that an adequate environment was provided by the
871 Department Chair/Division Head to support the faculty member in performance of these
872 directives. The College APT Committee must include a tenured MUSC faculty member from
873 outside of the College to review the faculty member's performance. The Department
874 Chair/Division Head may suggest outside reviewers to the APT Committee.

875 (a) For its deliberations, the College APT Committee will utilize the following:

876 (i) A full report on the faculty member will be prepared by the Department
877 Chair/Division Head, consisting of copies of the previous six years' annual performance
878 evaluations conducted by the Department Chair/Division Head using the
879 college/department/division specific faculty performance evaluation forms, and when applicable,
880 written summaries that document deficiencies and plan(s) of remediation, plus the Chair's letter
881 outlining efforts to remedy the deficiencies, supplemented by any other documents and
882 information that the Department Chair/Division Head wishes to submit.

883 (ii) The faculty member under review shall be given the opportunity to appear
884 before the committee and/or submit any documents that he or she wishes to be considered.
885 During the time in which the post-tenure review process is being conducted, the faculty member
886 can submit new materials relevant to the consideration as they become available. Examples of
887 types of documents that a faculty member may wish to submit include: evaluations of teaching
888 performance, documentation related to service and clinical practice, evidence of research or
889 scholarship and any other material regarding activities pertinent to the college's mission.

890 (iii) The College APT Committee may request the submission of further
891 documentation in addition to that provided by the Department Chair/Division Head.

892 (b) After completing their review, the College APT Committee shall submit a written
893 report to the Department Chair/Division Head. The report, which shall be a permanent part of the
894 faculty member's personnel file, will contain:

895 (i) An appraisal of the faculty member's performance and progress, including the
896 perceived strengths and weaknesses.

897 (ii) An analysis of the faculty member's potential for further professional
898 development. If applicable, opportunities for development should be identified (*e.g.*,
899 encouragement of research initiatives, potential mentorships in teaching and research, or
900 appropriate professional development courses that could be taken).

901 (c) The College APT Committee shall forward the report to the College Dean with a
902 clear recommendation for retention of tenure when the faculty member, in the Committee's
903 judgment, is rated superior or adequate. A rating of inadequate by the College APT Committee
904 shall be forwarded to the College Dean with a recommendation pertaining to tenure. The College
905 Dean reviews the recommendation and if he or she determines the removal of tenure is
906 warranted, forwards the recommendation to the Vice President for Academic Affairs and Provost
907 for review and action by the University Tenure Committee. The College Dean shall provide to
908 the faculty member, Department Chair/Division Head and College APT Committee memoranda
909 indicating her/his action.

910 (d) If the University APT Committee, after a full hearing of the case, supports the
911 recommendation for removal of tenure, this recommendation will be forwarded to the Vice
912 President for Academic Affairs and Provost. The faculty member then has the option to file a
913 Grievance and Appeal Procedure, as described in the Faculty Handbook (Section 8.01). The
914 Provost will make the final determination and, if necessary, make a recommendation to the
915 Board of Trustees for action.

916 If the Provost's decision and, if used, the Grievance and Appeal Procedure, results
917 in the decision to remove the faculty member's tenure, there are two possible outcomes: the
918 faculty will continue as a non-tenured faculty or the faculty member will be subject to
919 termination for cause under Section 7.01a (1) of the Faculty Handbook. In the event of
920 termination for cause, the process of full post-tenure review will have fulfilled Section 7.01a(5)
921 of the Faculty Handbook.

922

923 (5) **Policies:** The following policies are applicable to post-tenure review:

924 (a) The full post-tenure review process, as described in Section 4 of this document,
925 must be concluded within 12 months. Responsibility for adhering to this timetable rests with the
926 Provost's office.

927 (b) The outcomes of all evaluations shall be confidential; that is, confined to the
928 appropriate college or university persons or bodies and faculty member being evaluated, and
929 shall be released only with the written consent of the faculty member.

930 (c) In accordance with the review process mandated by the Faculty Handbook, the
931 above policy and standards and criteria developed to carry out this policy should be evaluated
932 biannually with respect to the effectiveness in supporting faculty development and redressing
933 problems of faculty performance.

934

935 **Preamble:** At every stage of a faculty member's career the Division Director and/or Department
936 Chair will review the faculty member's performance through the annual review process and
937 reviews for promotion and tenure. A tenured faculty member will be additionally subjected to
938 post tenure review, every sixth year after obtaining tenure. Post-tenure review serves to evaluate
939 rigorously a faculty member's professional contributions and is guided by "Best Practices for
940 Post-tenure Review" ([Appendix 6.05](#)). During these reviews, efforts should be made to identify
941 realistic long range goals for career enhancement, and evaluate the faculty member's strengths
942 and weaknesses in performance, and through appropriate advice and action, provide
943 opportunities to correct the weaknesses and realize her/his full professional development. The
944 review should be used to ensure that all faculty members: (a) continue to perform at a level to
945 achieve their long and short range career goals; (b) serve the needs of the students, and the
946 institution; and that (c) outstanding faculty are rewarded.

947 1) All tenured faculty members shall normally be subject to a review of professional
948 performance and progress ("post tenure review") every 6 years. The process will be linked to
949 annual faculty evaluations that are summarized on a five point scale (unsatisfactory,
950 marginal, satisfactory, very good, outstanding) using the standard Faculty Performance
951 Evaluation Form for all colleges and units of the University ([See Appendix 6.05a](#)). This
952 review will be conducted by the Appointment, Promotions and Tenure (APT) Committee of
953 the faculty member's college.

954 2) The post-tenure review process will be initiated by the Chair/Director of the Department who
955 will review the performance records of the faculty member and take action according to the
956 following guidelines:

957 a) If a faculty member has been rated as satisfactory or above in a majority of applicable
958 performance categories in all annual performance evaluations in the preceding six years,
959 the Departmental Chair/Director will send a letter to the Appointment, Promotions and
960 Tenure (APT) Committee of the faculty member's college stating that the faculty member
961 has received satisfactory or above in the majority of applicable categories relevant to
962 her/his tenured appointment in the annual performance evaluations done during the
963 preceding six years and, thus, is performing in accordance with standards of the
964 university for a tenured faculty member. A copy of this letter will be sent to the faculty
965 member under review.

966 b) If a faculty member has been rated below satisfactory in a majority of applicable
967 performance categories in one of the six preceding annual evaluations, and the
968 deficiencies have subsequently been corrected, the Chair/Director shall send to the APT
969 Committee of the faculty member's college a letter stating that the faculty member has
970 received satisfactory or above in the majority of applicable categories on all but one of
971 the annual performance evaluations in the preceding six years, that deficiencies have
972 subsequently been corrected, and that the faculty member is performing at a level in
973 accordance with standards of the university for a tenured faculty member. A copy of this
974 letter will be sent to the faculty member under review.

975 c) If a faculty member is rated below satisfactory in a majority of applicable
976 performance categories in the sixth year of the cycle, the process will be extended for one

977 additional year to allow the faculty member to correct identified deficiencies before
978 further action is taken.

979 d) ~~Whenever a tenured faculty member has been rated below satisfactory in a majority
980 of applicable performance categories on an annual evaluation, the Chair /Director shall
981 meet with the faculty member to document the deficiencies, to outline the steps of
982 improvement to be taken to correct the deficiencies and to indicate the source of the
983 resources (funds) that will be provided to support the plan. The goal shall be to restore
984 satisfactory performance. A written summary of the meeting, including a reasonable
985 timetable for correcting deficiencies and a statement of the resources provided, shall be
986 prepared for the faculty member. If the Chair/Director finds that the tenured faculty
987 member fails to make substantial progress toward meeting the performance goals that had
988 been set and continues to be rated below satisfactory in a majority of applicable
989 performance categories on two succeeding annual evaluations, a special review by the
990 College APT Committee may be requested by the Chair or supervising administrator
991 independent of the six year review cycle. The Chair/Director must submit a letter
992 detailing the deficiencies of the faculty member under review with corroborating
993 documentation as described under Section 6.05(2c) to the College APT Committee. A
994 copy of the letter detailing the deficiencies will also be sent to the faculty member under
995 review.~~

996 e) ~~If a faculty member has been rated below satisfactory in a majority of applicable
997 performance categories in more than one annual evaluation despite appropriate support
998 and guidance from the Department Chair/Director in the preceding six years, the
999 Chair/Director shall submit a letter to the College APT Committee detailing the
1000 deficiencies of the faculty member under review with corroborating documentation as
1001 described under Section 6.05(2c) to the College APT Committee. A copy of the letter
1002 shall also be sent to the faculty under review.~~

1003 3) ~~The College APT Committee will utilize the following materials for a post tenure review.~~

1004 a) ~~A full report on the faculty member from the Chair/Director, consisting of copies of the
1005 previous six years' annual performance evaluations conducted by the Chair/Director for
1006 the period in question using the standard Faculty Performance Evaluation Form for all
1007 colleges and units of the University (See [Appendix 6.05a](#)), and when applicable, written
1008 summaries that document deficiencies and plan(s) of remediation, (if any), plus the
1009 Chair's letter outlining his efforts to remedy the deficiencies, and supplemented by any
1010 other documents and information that the Chair/Director wishes to submit.~~

1011 b) ~~The faculty member's curriculum vitae, plus a copy of the faculty member's annual
1012 reports for the period in question detailing her/his activity and progress, and including
1013 such aspects as the outcome of any sabbatical leave, professional development courses
1014 taken, etc. The faculty member under review shall be given the opportunity to appear
1015 before the committee and/or submit any documents that s/he wishes to be considered.~~

1016 c) ~~Evaluations of teaching performance, in addition to those provided in the annual review
1017 by the Department Chair/Director will be included in this review. These would typically
1018 include such evaluations as student PACE evaluations, and comments by the directors of
1019 courses in which the faculty member has taught.~~

- 1020 d) ~~Evaluation of research/scholarly activities by peers outside the department (although not~~
1021 ~~necessarily outside the university). Refereed publications or other peer reviewed~~
1022 ~~research/scholarly exercises will be considered as having been peer reviewed outside the~~
1023 ~~department.~~
- 1024 e) ~~Any other documents or reports relating to the performance of the faculty member in any~~
1025 ~~of the areas of professional activity that the Department Chair, the faculty member, or the~~
1026 ~~members of the APT Committee wish to be considered.~~
- 1027 4) ~~The College APT Committee will review the faculty member's performance based upon~~
1028 ~~written standards and criteria which are developed by the College APT Committees,~~
1029 ~~approved by the majority of faculty of the college or unit and be periodically reviewed by the~~
1030 ~~faculty. These criteria will incorporate attention to "Best Practices for Post Tenure Review",~~
1031 ~~numbers 1 through 12 (See [Appendix 6.05a](#)). The criteria should reflect the specific missions~~
1032 ~~of the individual Colleges and the University. Each College APT Committee shall publish~~
1033 ~~and distribute these criteria to its faculty. The basic standard for appraisal shall be whether~~
1034 ~~the faculty member under review discharges conscientiously and with professional~~
1035 ~~competence the duties appropriately associated with her or his position, not whether the~~
1036 ~~faculty member continues to meets the standards for the award of tenure as those will have~~
1037 ~~changed since initial granting of tenure to that faculty member. The review must also be~~
1038 ~~flexible enough to acknowledge different expectations in different disciplines and changing~~
1039 ~~expectations at different stages of faculty careers. In reviewing a faculty member's~~
1040 ~~performance, the College APT Committee will recognize not only the diverse talents,~~
1041 ~~activities and accomplishments of faculty within that College, but also that individual faculty~~
1042 ~~are expected, in consultation with their Chair/Director, to focus their efforts in selected areas~~
1043 ~~of endeavor. The College APT Committee will also verify that an adequate environment, as~~
1044 ~~outlined in Section 6.05(5b), was provided by the Chair/Director to support the faculty~~
1045 ~~members in performance of these directives.~~
- 1046 5) ~~The College APT Committee shall, after completing their review, make a Report to the~~
1047 ~~Department Chair/Director. The report, which shall be a permanent part of the faculty~~
1048 ~~member's personnel file, will contain:~~
- 1049 a) ~~An appraisal of the faculty member's performance and progress, including the perceived~~
1050 ~~strengths and weaknesses. The performance shall be rated as superior, satisfactory or~~
1051 ~~unsatisfactory. Any faculty member who receives a superior appraisal will be entitled to~~
1052 ~~receive a permanent merit increase in base pay, in addition to any annual raise as~~
1053 ~~determined by the Dean of the faculty member's college, or chair of the faculty member's~~
1054 ~~department with approval of the Dean. The merit increase will be awarded by the~~
1055 ~~Provost and will be funded for the first year by the Office of the Provost.~~
- 1056 b) ~~An analysis of the faculty member's potential for further professional development.~~
1057 ~~Opportunities for development should be identified (e.g.; encouragement of research~~
1058 ~~initiatives, granting of sabbatical leave, potential mentorships in teaching and research,~~
1059 ~~appropriate professional development courses that could be taken).~~
- 1060 6) ~~The College APT Committee shall forward the Report to the Dean with a clear~~
1061 ~~recommendation for retention of tenure when faculty, in the Committee's judgment, are rated~~
1062 ~~superior or satisfactory. A rating of unsatisfactory by the College APT Committee shall~~

1063 result in a recommendation for remediation of the faculty member, or for removal of her/his
1064 tenure. When removal of tenure is recommended by the College APT Committee, the Dean
1065 reviews the recommendation and, if in agreement, forwards the recommendation to the Vice
1066 President for Academic Affairs and Provost for review and action by the University Tenure
1067 Committee. The Dean shall provide to the faculty member Department Chair/Director and
1068 College APT Committee memoranda indicating her/his action.

1069 ~~7) If the University APT Committee, after a full hearing of the case, supports the~~
1070 ~~recommendation for removal of tenure, this recommendation will be forwarded to the Vice~~
1071 ~~President for Academic Affairs and Provost and will activate the Grievance and Appeal~~
1072 ~~Procedure for the faculty member as described in the Faculty Handbook (8.01).~~

1073 ~~8) If the Grievance and Appeal Procedure results in an unfavorable decision for the tenured~~
1074 ~~faculty member, the faculty member will then function under the guidelines for non-tenured~~
1075 ~~faculty.~~

1076 ~~9) The outcomes of evaluations shall be confidential, that is, confined to the appropriate college~~
1077 ~~or university persons or bodies and faculty member being evaluated, and shall be released~~
1078 ~~only with the written consent of the faculty member.~~

1079 ~~10) Year one of the post-tenure review cycle will begin upon approval of this policy by the Board~~
1080 ~~of Trustees and shall apply to all tenured faculty after the effective date.~~

1081 ~~11) In accordance with the review process mandated by the Faculty Handbook, the above policy~~
1082 ~~and standards and criteria developed to carry out this policy should be evaluated biannually~~
1083 ~~with respect to the effectiveness in supporting faculty development and redressing problems~~
1084 ~~of faculty performance. (02/08/02)~~

1085 **7. FACULTY SEPARATION**

1086 **7.01 Termination of Tenured Faculty**

1087 7.01a Criteria for Termination of Tenured Faculty

1088 Tenure terminates when a faculty member resigns or retires. Tenure may also be terminated for
1089 cause. Cause includes one or more of the following:

1090 1) Neglect or refusal to perform the duties and responsibilities of the academic rank to which
1091 the faculty member is appointed, or performance below the standards generally accepted for
1092 the rank.

1093 2) Conduct seriously prejudicial to the Medical University of South Carolina through infraction
1094 of the law, moral turpitude, or infraction of commonly accepted standards of behavior in
1095 academic and professional communities.

1096 3) Inability to perform the usual duties because of physical or mental incapacities.
1097 Terminations for medical reasons must be based upon clear and convincing medical
1098 evidence.

1099 4) Documented evidence of financial exigencies or need for curtailment or discontinuance of
1100 programs, departments, colleges or positions. The administration shall seek appropriate
1101 faculty input in arriving at such decisions and shall observe every effort to make suitable
1102 reassignments of displaced personnel. In such decisions, appropriate weight will be given to

1103 seniority of service. The place of any faculty member so released shall not be filled within a
1104 period of two years, unless the released faculty member has been offered reappointment and
1105 has declined or failed to respond within a specific and reasonable period of time.

1106 5) In instances involving termination for cause, the faculty member has the right to appeal
1107 through the Faculty Grievance and Appeal Procedure (Section 8.01).

1108 7.01b Procedures for Termination of Tenured Faculty

1109 The President may remove a faculty member for cause at any time, including termination or
1110 removal prior to hearing. Should such action be taken, the President shall implement a full
1111 hearing pursuant to the grievance procedure within sixty (60) days of said removal. Prior to the
1112 presentation of notice of dismissal, discussions concerning mutually agreeable settlement may be
1113 held through the organized administrative structure between the faculty member and the
1114 administrative officer(s) as designated by the President. Except for summary termination or
1115 removal by the President, termination of tenure for cause, unless waived by the faculty member
1116 involved, will be preceded by the following:

1117 1) For termination pertaining to quality of work, please refer to Section 6.05 Post Tenure
1118 Review, items 1 through 11.

1119 This procedure serves as the initial stage of the Faculty Grievance and Appeal Procedure.
1120 Referral to the Vice President for Academic Affairs will actuate the Grievance Procedure.

1121 2) For termination pertaining to prejudicial conduct and for precedence for rectifying the
1122 situation, the appropriate dean shall meet with the faculty member to discuss the nature of the
1123 conduct. The President may suspend the faculty member until the consequences of due
1124 process have been accomplished. A written summary of the meeting shall be provided to the
1125 faculty member who must abide by its terms. Failure of the dean to reach accord with the
1126 faculty member, or failure of the faculty member to meet the terms of the summary, shall
1127 result in the matter being referred to the Vice President for Academic Affairs and Provost.

1128 This procedure serves as the initial stage of the Faculty Grievance and Appeal Procedure.
1129 Referral to the Vice President for Academic Affairs will actuate the Grievance Procedure.

1130 3) For termination pertaining to incapacity, the department chair shall meet with the faculty
1131 member to document the nature and extent of the incapacity and forward a copy of the
1132 documentation to the dean, who shall refer the matter through appropriate channels to the
1133 Vice President for Academic Affairs and Provost.

1134 This procedure serves as the initial stage of the Faculty Grievance and Appeal Procedure.
1135 Referral to the Vice President for Academic Affairs will actuate the Grievance Procedure.

1136 4) For termination pertaining to documented evidence for abolition or discontinuance of
1137 positions or programs, the President of the University through the Vice President for
1138 Academic Affairs and Provost notifies the dean of the college concerned of such exigencies.
1139 Written notice of termination, through appropriate channels, is given to the faculty
1140 member(s) involved by the respective dean. Such notice is given at least twelve months in
1141 advance of the termination, to the extent that appropriated funds are available and legislation
1142 permits. Prior to the written termination notice, the dean and the Vice President for
1143 Academic Affairs and Provost will have made reasonable efforts to place the faculty
1144 member(s) in any existing faculty vacancies within the University, consistent with the faculty

1145 member's qualifications and area of expertise. The faculty member(s) shall have a right to a
1146 hearing under the Faculty Grievance and Appeal Procedure.

1147 5) Until a final decision concerning termination of tenure has been reached, the appropriate
1148 dean and the Vice President for Academic Affairs and Provost, upon approval by the
1149 President, may suspend or assign the faculty member to other duties. Before suspending a
1150 faculty member, the dean shall consult with the Appointments, Promotions and Tenure
1151 Committee of his/her college. A faculty member who has been suspended will suffer no loss
1152 of salary unless his/her appointment is duly terminated, in which event the Vice President for
1153 Academic Affairs and Provost, subject to the approval of the President and the Board, will
1154 determine the date of termination. In determining the date, the Vice President for Academic
1155 Affairs and Provost may take into account the length and quality of service of the faculty
1156 member.

1157 **7.02 Non-reappointment, Termination and Dismissal of Non-Tenured Faculty**
1158 **Members**

1159 7.02a Non-reappointment and Termination of Non-Tenured Faculty

1160 Unless otherwise stated by a written contract of appointment, all non-tenured faculty members
1161 are under contract for one (1) year from the date of their employment with the department. For
1162 appointments other than 12-months, the contract period shall be stated in writing at the time of
1163 appointment or employment.

1164 State legislation (S.C. Code of Laws, as amended, [Section 8-17-380](http://www.scstatehouse.net/code/t08c017.htm))
1165 (<http://www.scstatehouse.net/code/t08c017.htm>) provides that non-renewal of employment
1166 contracts at the end of the contract term is not grievable by the mechanism outlined in the Code.
1167 When a decision of non-renewal of contract is reached, no reason for non-renewal need be given,
1168 but it is usually more professional and humane for the chair to discuss the reasons leading to the
1169 decision with the faculty member affected.

1170 When a decision not to renew an appointment has first been reached, the faculty member
1171 involved will be informed of that decision by the department chair making the decision; the
1172 faculty member may be advised upon request of the reasons which contributed to that decision.
1173 The faculty member may request reconsideration by the deciding individual. If the faculty
1174 member so requests, the reasons given in explanation of the non-renewal will be confirmed in
1175 writing.

1176 Written notice of the intention not to renew the appointment of a non-tenured faculty member
1177 shall be given, to the extent that appropriated funds are available and legislation permits, as
1178 follows:

- 1179 1) At least three (3) months prior to the expiration of the most recent contract for faculty with
1180 the Medical University if the initial contract was for a one (1) year term.
- 1181 2) At least six (6) months prior to the expiration of the most recent contract for faculty
1182 appointed under a second-year contract with the department. Previous service to the
1183 University to other departments or capacities is calculated for notice purposes).
- 1184 3) At least one (1) year prior to the expiration of the most recent contract for faculty under a
1185 third (3rd) year or subsequent-year contract with the department.

1186 7.02b Dismissal For Cause Before the End of a Specific Contract Period for Non-Tenured
1187 Faculty

1188 Cause or grounds for dismissal of a non-tenured faculty member before the end of a specific
1189 contract period are the same as those set forth for revocation of tenure (see section 7.01a, Criteria
1190 for Termination of Tenured Faculty).

1191 **7.03 Resignation**

1192 Under ordinary circumstances, a faculty member is expected to fulfill his or her contractual
1193 obligations to the University. Letters of resignation requesting release from those contractual
1194 obligations prior to the end of a contract period may be accepted by the appropriate department
1195 chair or administrator if such actions are mutually acceptable. In the event the resignation is not
1196 accepted by the University, the faculty member shall complete his or her contractual service for
1197 the year in question. Faculty members who plan to leave University employment at the end of a
1198 contract period shall give sufficient notice and clear all financial and other obligations.

1199 **7.04 Retirement**

1200 Information regarding eligibility and procedures for retirement are contained in Section 13.04.

1201 **8. FACULTY GRIEVANCE AND APPEAL**

1202 The right to grieve and appeal by any member of the faculty is recognized by the administration
1203 and the Board. Presentation of grievances is made through the following procedures established
1204 by and for the faculty and approved by the administration and the Board of Trustees. (sections
1205 8.01-8.10, effective October 3, 2008)

1206 **8.01 Faculty Grievance and Appeal Procedure**

1207 In any community of free people, even under the best of circumstances, complaints will be
1208 generated from time to time by individuals or groups who feel that a condition exists that is
1209 detrimental to their professional careers or personal well-being.

1210 A community of academicians operates on the premise that a complaint brought by one or more
1211 of its members against another or against the institution itself is best resolved when the parties
1212 involved are encouraged to seek a just and equitable solution.

1213 When individual efforts fail to produce a satisfactory resolution of a complaint, it behooves the
1214 greater academic community to intercede so that an equitable solution is obtained with dispatch.

1215 Therefore, a grievance and appeal procedure is established to handle complaints that cannot be
1216 resolved in an informal way at the department or college level and which are not covered by
1217 other procedures.

1218 Participation in a grievance procedure in any capacity, including as a grievor, within the scope of
1219 such grievance proceeding is considered by the University to be within the scope of duties of a
1220 faculty member. The faculty member shall be afforded the same protection for such participation
1221 as for any other faculty duties subject to the provisions of the liability insurance policies
1222 purchased to cover liability of faculty members.

1223 The granting or the failure to grant tenured status to teaching and research faculty, professional
1224 librarians, academic administrators and all other persons holding faculty appointments or
1225 nonrenewal of employment contracts at the end of the contract term shall not be subject for

1226 consideration by this grievance procedure (Section 8-17-380, S.C. Code of Laws 1976). **Section**
1227 **8.11 governs resolution of faculty appointment contract disputes.**

1228 **8.02 Initial Stage and Grievance Procedure**

1229 A complaint concerning any condition that is felt to be detrimental to the complainant's
1230 professional development or personal well-being shall first be directed as described below:

- 1231 1) Complaints against a member of the complainant's department shall be explained to the
1232 departmental chair. When the complaint is against the chair, it is lodged with the dean of the
1233 college.
- 1234 2) Complaints against a member or chairman in the complainant's college, but not a member of
1235 the complainant's department, shall be lodged with the dean of the college.
- 1236 3) Complaints against a member of another college shall be lodged with the dean(s) of the
1237 college(s) involved.
- 1238 4) Complaints against any administrator shall be lodged with the next higher level of
1239 administration.

1240 ~~It shall be the responsibility of~~ The person with whom the complaint is lodged shall attempt to
1241 mediate an amicable solution through his/her good offices, or to suggest another person who
1242 might more effectively mediate an amicable solution.

1243 **8.03 Grievance Procedure**

- 1244 1) In the event that the complaint is not resolved within a reasonable period of time, the
1245 complainant may submit a written request for a hearing. The proper avenue for such a request
1246 is through established channels of authority to the Vice President for Academic Affairs and
1247 Provost. Once initiated, a grievance or appeal must be afforded full due process regardless of
1248 changes in employment status.
- 1249 2) The grievance or appeal shall be referred by the Vice President for Academic Affairs and
1250 Provost to a Standing University Faculty Hearing Committee consisting of three (3) faculty
1251 members recommended by the Faculty Senate, three (3) faculty members recommended by
1252 the Deans' Council, and one (1) faculty member selected by the Vice President for Academic
1253 Affairs and Provost. ~~There will be seven (7) alternates available for service selected in a like~~
1254 ~~manner.~~ The Committee **may elect it's a chair, or may request that the Vice President for**
1255 **Academic Affairs and Provost designate one of the seven individuals to be chair. Preferably,**
1256 **committee members will be selected from a pool of individuals representing each College**
1257 **and the Library System, who have received training in mediation. Faculty Senate and Deans'**
1258 **Council may nominate individuals to receive mediation training and to serve in the pool of**
1259 **potential Hearing Committee Members. This pool (referred to as the Standing University**
1260 **Faculty Hearing Committee) will be composed of two members from each college and the**
1261 **Library System nominated by the Faculty Senate, and up to two members from each college**
1262 **and the Library System nominated by the Deans' Council. Standing University Faculty**
1263 **Hearing Committee members shall serve terms of up to three years, staggered such that there**
1264 **will be some continuity of membership from year to year.** ~~The Committee members will~~
1265 ~~serve for one (1) year.~~

1266 3) The grievance or appeal shall be in writing and shall specify the condition(s) felt to be
1267 detrimental to the individual's professional development or personal well-being and the
1268 manner in which it/they may affect the complainant adversely. The statement shall specify
1269 the reason(s) why such a condition is/are felt to be the responsibility of a person or persons
1270 named in the grievance or appeal, and it shall suggest the changes in conditions that would
1271 satisfy the complainant.

1272 4) Upon receipt of a grievance or appeal, and in no case longer than thirty (30) days after the
1273 receipt thereof, the Vice President for Academic Affairs and Provost will convene a **seven**
1274 **member Faculty Hearing Committee** at full strength from ~~regular members or alternates~~
1275 **individuals selected from the Standing University Faculty Hearing Committee pool.**

1276 **8.04 Action by the Hearing Committee**

1277 1) When a grievance or appeal is referred to the Faculty Hearing Committee, the chair of the
1278 Committee shall distribute true copies of all pertinent materials to the parties involved who
1279 have not already received them and to the members of the Committee within one week of the
1280 referral.

1281 The Committee shall refuse to hear a grievance or appeal if it determines that:

1282 a) The parties have made inadequate effort to resolve the dispute by discussion and
1283 agreement or have not utilized other reasonably available avenues for relief within the
1284 division, department, college(s);

1285 b) The dispute is patently frivolous or plainly without merit;

1286 c) The relief sought is beyond the power of the University to grant;

1287 d) The grievance is insufficiently related to the concerns of the academic community;

1288 e) The dispute is within the jurisdiction of another committee or unit of the University.

1289 2) Within twenty-one (21) days of the distribution of the materials pertinent to the grievance or
1290 appeal, the Committee shall meet and decide whether to hear the case. If the Committee
1291 decides to hear the case, it shall immediately notify the principals and shall commence
1292 hearings within another seven (7) days. As it deems appropriate, the Committee may call any
1293 witnesses and examine any documents in addition to those presented by the parties to the
1294 grievance or appeal. The Committee shall prepare and keep a transcript of its proceedings.

1295 3) After hearing the parties to the grievance or appeal and the witnesses, the Committee shall
1296 deliberate in secret. It shall then determine to: (a) recommend an appropriate action or (b)
1297 dismiss the grievance. The chair shall send, in writing, the Committee's ~~decision~~
1298 **recommendation(s)** to the parties. It shall then declare the hearing concluded.

1299 4) The chair also shall send the Committee's recommendation(s) and rationale for it/them to the
1300 Vice President for Academic Affairs and Provost of the University for consideration and
1301 recommendation by that officer. This report shall be submitted within ten (10) days after the
1302 conclusion of the hearing.

1303 5) In reaching the ~~decisions on which its~~ written recommendations to the Vice President for
1304 Academic Affairs and Provost ~~shall be based~~, the Committee shall consider only the evidence

1305 presented at the hearing and such written and oral arguments as the Committee, in its
1306 discretion, may allow.

1307 6) Under unusual and compelling circumstances, the Committee, with the concurrence of the
1308 Vice President for Academic Affairs and Provost, may extend any deadlines upon written
1309 notification to the parties to the grievance or appeal.

1310 **8.05 Action by the Administration of the University**

1311 Within thirty (30) days of the receipt of the Faculty Hearing Committee recommendations and
1312 rationale, the Vice President for Academic Affairs and Provost of the University, who is
1313 ordinarily appointed by the President to act on her/his behalf, shall review the record and notify
1314 the parties to the grievance or appeal and the chair of the Faculty Hearing Committee of his/her
1315 recommendation in the case. In the event that the Vice President for Academic Affairs and
1316 Provost has been a participant in the hearing of the aggrieved faculty member or for other valid
1317 reasons, the Vice President for Academic Affairs and Provost may disqualify herself/himself and
1318 request the President to appoint another designee for said review.

1319 If the Vice President for Academic Affairs and Provost concurs in the recommendation of the
1320 Committee that is favorable to the faculty member, no further action in the matter may be taken.
1321 If the Vice President for Academic Affairs and Provost either declines to accept a Committee
1322 recommendation that is favorable to the faculty member, or concurs in a Committee
1323 recommendation that is unfavorable to the faculty member, the faculty member may appeal to
1324 the Board for review. The appeal shall be submitted in writing to the Secretary of the Board
1325 within ten (10) days following the decision of the Vice President for Academic Affairs and
1326 Provost who ordinarily acts as the designee of the President. It shall state the decision
1327 complained of and the redress desired.

1328 **8.06 Action by the Board**

1329 The appeal shall be placed on the next regular Agenda of the Board for the consideration of the
1330 Board.

1331 The Board in its sole discretion may grant a review, but if granted the Board shall not be required
1332 to conduct an additional hearing or hear arguments of the faculty member or counsel but may
1333 review the record of the proceedings. The Board, at its discretion, may elect to hear arguments,
1334 oral or written, by both of the principals or their representatives and may consult with the hearing
1335 Committee.

1336 Any action taken by the Board shall be final.

1337 **8.07 Definition of Rights and Challenges in a Grievance Procedure**

1338 1) Challenge of Committee Members:

1339 a) Upon the request of a party to a grievance, a member of the Committee may be removed
1340 from considering a case if deemed biased or in conflict of interest. If a member of the
1341 Committee refuses to remove herself/himself when challenged for such cause, the
1342 challenging party may appeal to the entire Committee which shall make a final
1343 determination of the challenge. A Committee member may disqualify herself/himself.

1344 b) If s/he so desires, each party shall have, in addition, a challenge without stated cause. A
1345 member so challenged shall not consider the case.

- 1346 2) To Present Witnesses and Supporting Materials:
1347 Each party involved in a grievance or appeal may:
1348 a) submit any written materials in support of his/her position;
1349 b) present witnesses at hearings.
- 1350 3) To Have an Advisor During the Hearing:
1351 a) Each party to a grievance or appeal may be accompanied in the hearing by a non-
1352 participating advisor of his/her choice and may consult with the advisor throughout the
1353 hearing.
1354 b) If any party chooses to have participating legal counsel present, written notification must
1355 be presented to the chair of the Committee at least five (5) days before the hearing. The
1356 chair shall then promptly notify the other parties. **The Hearing Committee conducts an**
1357 **internal administrative review, rather than a legal proceeding. Legal counsel may advise,**
1358 **but may not participate in the hearing. The Committee chair, in consultation with**
1359 **University General Counsel, may remove any advisor from the hearing should said**
1360 **advisor persist in attempts to participate in the hearing [rather than to render advice to**
1361 **any participant(s)].**

- 1362 4) To Have an Observer Attend Hearings:
1363 At the request of any party to a grievance or appeal, or at the request of the Committee
1364 hearing the case, a representative of a responsible professional or educational association
1365 shall be permitted to attend hearings as an observer. The chair will determine the
1366 qualifications and responsibility of the association.

1367 **8.08 Access to Records of Hearings:**

- 1368 1) A written record shall be made of the proceedings during hearings.
1369 2) Each party to a grievance or appeal shall have access to all records of the hearing and, should
1370 s/he request it, shall be furnished, upon payment of reasonable charges for transcription or
1371 reproduction, a record of the proceedings. (A copy of the official record of the proceedings,
1372 in whatever form it is made, shall satisfy this requirement.)

1373 **8.09 To Receive Expeditious Consideration:**

- 1374 1) The parties to any grievance or appeal have the right to expeditious consideration at all stages
1375 of these procedures.
1376 2) The ~~Faculty~~ Hearing Committee is expected to formulate its written recommendation(s) and
1377 to communicate it/them to the parties to the grievance or appeal within ten (10) days of the
1378 conclusion of the hearing.

1379 **8.10 Annual Report of the Chair of the Hearing Committee.**

1380 Each July the chair of the ~~Faculty~~ Hearing Committee shall make a summary of formal grievance
1381 and appeal activities and statistics on cases in progress and those settled during the preceding
1382 year. S/he shall send this report to the Chair of the Faculty Senate, to the Chair of the Deans'
1383 Council, and to the President of MUSC.

1384 **8.11 Faculty Appointment Contract Dispute Resolution**
1385 **(effective February 13, 2009)**

1386 The Faculty Appointment Contract (FAC) clarifies an individual’s activities and responsibilities
1387 for the upcoming academic year and links the listed activities to compensation. These contracts
1388 are offered in good faith between the faculty member and the chair. They serve as a platform for
1389 discussing and resolving issues that could be misinterpreted between a faculty member and the
1390 chair. To assure collegial working relationships, the primary responsibility for resolving any
1391 dispute concerning the FAC lies with the faculty member and the department chair / division
1392 chief. However, some issues in a proposed FAC occasionally cannot be resolved at the
1393 department level.

1394 The FAC signing period begins in early June. By June 20, the Associate Provost for Integrated
1395 Planning and Assessment will send to each college a notice asking if there are any members of
1396 the full- or part-time faculty contesting their draft contracts. Any faculty member unwilling to
1397 sign his/her draft FAC will be contacted by the Associate Provost for Integrated Planning and
1398 Assessment to determine whether the faculty member wants a formal review and adjudication of
1399 the draft contract. If the faculty member requests a review, the current FAC will be extended
1400 with appointment rights continued until July 31, by the Vice President for Academic Affairs and
1401 Provost or her/his designee. This should provide sufficient time for a review panel to gather facts
1402 and hear from those involved as needed to clarify issues in dispute.

1403 The review panel will be established by the Dean and be composed of faculty peers. The panel
1404 will have at least three senior faculty members, excluding department chairs or division chiefs,
1405 and may include faculty member(s) from another college. Panels are convened to review the
1406 issues and to render an opinion to the disputants, the Dean, and to Vice President for Academic
1407 Affairs & Provost. Each review panel member will sign a confidentiality agreement in order to
1408 encourage the free sharing of opinions and facts. Panel members may recuse themselves for
1409 perceived conflict of interest. The Vice President for Academic Affairs & Provost makes the
1410 final MUSC decision regarding the FAC being offered.

1411 Both the faculty member and the chair or division chief shall have the opportunity to meet with
1412 the panel. The panel determines when to close fact-finding and hearing phases of the review and
1413 to begin deliberation. Following adequate deliberation on the issues, the panel shall submit a
1414 written recommendation to the disputants, the Dean, and the Vice President for Academic
1415 Affairs and Provost. The Dean may mediate and resolve the dispute; however, if necessary,
1416 upon receipt of the Dean’s comments on the Panel Report prior to July 31st, the Vice President
1417 for Academic Affairs and Provost will provide the final written decision on the contested issue to
1418 all parties. If a resolution has not been achieved by July 31st, the Vice President for Academic
1419 Affairs and Provost, or designee, can grant an additional extension to facilitate the resolution.

1420 The general grievance policy in sections 8.01 -8.10 covers complaints that cannot be resolved in
1421 an informal way at the department or college level and which are not covered by other
1422 procedures. For FAC disputes, this policy recognizes: 1) the importance of timely resolution,
1423 and 2) faculty desire for peer review at the college level. The flow chart in [Appendix 8.11](#)
1424 outlines this policy.

1425 **9. FACULTY DUTIES AND RESPONSIBILITIES**

1426 It is the duty of the faculty to create an environment that is conducive both to the education of
1427 skilled professionals and to the scholarly pursuits of the faculty. The University provides an
1428 environment for intellectual development, reasonable working space, and an appropriate amount
1429 of time for scholarly growth and achievement.

1430 Subject to the approval of the Board, the faculty of each college has jurisdiction over all matters
1431 pertaining to the curriculum. The faculty has the responsibility for prescribing the curriculum,
1432 determining academic standards and teaching and examining accordingly. It has the
1433 responsibility for determining the entrance requirements, determining requirements for
1434 promotion and dismissal of students, determining the requirements for the graduation of students,
1435 recommending candidates for degrees and certificates, and enacting rules and regulations for the
1436 overall guidance of student programs.

1437 The faculty shall serve an advisory function on the appointment, promotion or dismissal of
1438 faculty and administrators, on the distribution of funds and facilities for education, research and
1439 service; and on the acquisition of external support for research and other scholarly activities.

1440 **9.01 Academic Freedom**

1441 A member of the faculty is free to teach and to discuss in classes any aspect of a topic pertinent
1442 to the understanding of the subject matter of the course which is being taught; to act and to speak
1443 as a private citizen without institutional censorship or discipline. A member of the faculty is free
1444 to carry on research and publish the results.

1445 **9.02 Faculty Evaluation**

1446 The State of South Carolina requires that all state universities and colleges evaluate faculty
1447 performance. In order to comply with this requirement, MUSC has developed a faculty
1448 evaluation procedure which has been approved by the Division of Human Resources of the State
1449 Budget and Control Board. Each college of the University has an approved Performance
1450 Appraisal form (faculty evaluation). See [Appendix 6.05a](#) for copies of these forms. The form is
1451 completed annually for each member, and is kept in a permanent file under the purview of the
1452 dean or director. The faculty member has a right to full disclosure of the Performance Appraisal.

1453 The faculty member is required to sign the appraisal, indicating s/he has read the evaluation
1454 form, but has the right to make written comments concerning agreement or disagreement with
1455 the evaluation.

1456 **9.03 Faculty Salary Increases**

1457 Salary increases for faculty members will be distributed as merit based increases.

1458 When funds are designated for faculty salary increases, the amount and the procedure for
1459 allocation of these funds will be communicated to the faculty.

1460 All funds will be distributed as merit increases, based on the approved Faculty Performance
1461 Evaluation Form, which is mentioned in section 9.02 of the University Faculty Handbook.

1462 Should the faculty member disagree with her or his supervisor's evaluation, s/he should make
1463 written comments on the Performance Evaluation Form before signing it.

1464 Detail of faculty merit salary distribution based on annual evaluation:

1465 The college/department identifies merit salary monies to be distributed to faculty. Within each
1466 college/department as a result of the annual evaluation process, each faculty member is rated in
1467 overall performance as follows: unacceptable, marginal, satisfactory, very good, outstanding.
1468 These rating categories are each assigned a weighting factor (0-Unacceptable, 0.5-Marginal, 1.0-
1469 Satisfactory, 1.5- Very Good, 2.0- Outstanding). The ratings would be summed for all faculty.

1470 The identified merit salary monies to be distributed would be divided by this sum resulting in the
1471 dollar amount value of one unit of merit salary money. Each faculty member would receive as a
1472 merit increase the dollar amount value of one unit multiplied by the weighting factor of the
1473 overall rating of their evaluation.

1474 ****NOTE:** Adjustments for equity increases are excluded from the formula******.

1475 ****NOTE:** Following is an Example of the formula computation:

1476 A department uses the above weighting factors as follows: 0- Unacceptable, 0.5- Marginal, 1.0-
1477 Satisfactory, 1.5- Very Good, 2.0- Outstanding.

1478 The department consists of 10 Faculty who have the following ratings on their Faculty
1479 Performance Evaluation Form: one Marginal (0.5), seven Satisfactory (1.0), one Very Good (1.5),
1480 and one Outstanding (2.0). The sum of the weighting factor for the ten faculty members is 11
1481 (0.5 + 7.0 + 1.5 + 2.0). The department had a total of \$11,000 available for merit increases. One
1482 unit of merit salary is calculated to be \$1000 (\$11,000/11). The faculty member rated Marginal
1483 receives a \$500 increase, the faculty members rated Satisfactory receive a \$1000 increase, the
1484 faculty member rated Very Good receives a \$1500 increase and the faculty member rated
1485 Outstanding receives a \$2000 increase. The total increase for the faculty is \$11,000.

1486 **9.04 Distribution of Faculty Activity**

1487 The assignment of a faculty member's division of responsibilities between academic activities is
1488 initially specified in the letter of offer and initial contract. Review and, eventually, reevaluation
1489 of division of obligations is carried out as part of the annual evaluation, at which time the faculty
1490 member and supervisor mutually agree upon any changes in the balance of instruction/teaching,
1491 scholarly activity, administrative responsibilities, community services, and, when applicable,
1492 clinical services, in keeping with the mission of the Medical University. The faculty member and
1493 the supervisor sign the Performance Appraisal Form, on which the percent effort for various
1494 assignments/responsibilities is outlined in writing. Should an agreement not be reached, either
1495 Faculty or Chair will proceed under policies detailed in Section 8 of the Faculty Handbook.

1496 **9.05 Faculty Record Review**

1497 Faculty members shall possess the right upon written request to their department chair and/or
1498 dean, to review their personnel file and may make additional submissions or explanations of
1499 alleged errors or omissions. Such additions shall become a part of the permanent file. Nothing
1500 herein shall grant the faculty member a right to purge or remove anything in their personnel file
1501 without prior written consent of their direct supervisor and the dean of the college.

1502 **9.06 Outside Activities**

1503 Members of the faculty are expected to devote all of their normal working time to the Medical
1504 University.

1505 A faculty member may engage in outside activities, whether for compensation or not, on a
1506 limited basis, provided that such activities are in keeping with his/her professional practice
1507 agreement, competency, and development, and do not interfere with the performance of his/her
1508 assigned duties. Activities such as preparation and presentation of research results, presentation
1509 to professional groups, peer review activities, and service as members of professional or
1510 community societies are normally not considered outside activities, i.e., they are within the scope
1511 of work.

1512 Consultant work, part-time teaching at other institutions or other temporary undertakings are
1513 allowable provided such activities have the prior written approval of the appropriate department
1514 chair and confirmation by the dean of primary appointment and the Vice President for Academic
1515 Affairs and Provost. In no instance are facilities, equipment, secretarial personnel, or supplies
1516 furnished by the Medical University to be used in the course of outside employment or activities.
1517 Employment of faculty by other state agencies or institutions must be accomplished through the
1518 procedures established by the state; remuneration is limited by law. Approval of such activity is
1519 the same as outlined above.

1520 **9.07 Political Activities**

1521 Faculty members of the Medical University may undertake civic duties and participate in
1522 community political activities and, as a general rule, hold municipal or local political offices
1523 without interference from the Medical University. However, great care should be exercised in
1524 active political campaigning in state and federal elections. Campaigning for a major state or
1525 federal government office requires a leave of absence authorized by the President of the Medical
1526 University. Any faculty member elected to major state or federal government office either must
1527 obtain a leave of absence authorized by the President or resign from the faculty.

1528 **9.08 Conflict of Interest**

1529 The faculty of the Medical University of South Carolina engages in a wide variety of external
1530 activities with public and private organizations. The Medical University endorses and subscribes
1531 to the principles of the joint statement of the American Council on Education and the American
1532 Association of University Professors, "On Preventing Conflicts of Interest in Government-
1533 Sponsored Research at Universities." With the acceptance of a full-time appointment to the
1534 faculty of the Medical University of South Carolina, the faculty makes a commitment to MUSC
1535 that such employment is full-time in the most inclusive sense. Outside obligations, financial
1536 interests, and activities in other areas are not to conflict with their commitment to the Medical
1537 University of South Carolina.

1538 ~~Any faculty member or administrative staff member, who participates or anticipates such~~
1539 ~~participation in outside activities where conflicts of interest may arise, shall disclose in writing~~
1540 ~~such concerns or activities to their immediate supervisor. The supervisor shall in turn respond to~~
1541 ~~the next level of authority outlining the agreed upon course of action. All faculty and~~
1542 ~~administrative staff shall submit to their chair an annual report of their outside professional~~
1543 ~~and/or commercial activities which shall be forwarded to the office of the Vice President for~~
1544 ~~Academic Affairs and Provost. Infraction of the letter or spirit of this policy constitutes a serious~~
1545 ~~offense which shall be responded to with appropriate action ranging from private reprimands to~~
1546 ~~termination at the discretion of the department head, who shall forward such recommendation to~~
1547 ~~the Vice President for Academic Affairs and Provost through appropriate channels.~~

1548 All faculty and administrative staff shall disclose any conflict of interests using the MUSC web
1549 based disclosure mechanism, see <https://www.carc.musc.edu/coi>. Such disclosure is made on an
1550 annual basis as defined by the MUSC/MUHA conflict of interest policy. Whenever a new
1551 conflict of interest arises or when a significant change occurs concerning an existing disclosure,
1552 a new disclosure form must be completed and submitted for review either in advance of the
1553 anticipated change in situation or within 30 days of the event

1554 Infraction of the letter or spirit of this policy constitutes a serious offense, which shall be
1555 responded to with appropriate action ranging from private reprimands to termination at the
1556 discretion Vice President for Academic Affairs and Provost.

1557 The following policy, approved by the Board of Trustees on Feb. 13, 2009, governs employee
1558 financial conflicts of interest within MUSC, MUHA, and our affiliates. Various parts of the
1559 institution may have their own sub-policies, consistent with this general policy, but specific to
1560 their specific areas of activity. Clinical, research, and research start-up policies and charters
1561 appear in [Appendix 9.08](#).

1562 Medical University of South Carolina and Medical University Hospital Authority:
1563 Conflict of Interest Policy

1564 Persons covered by this policy

1565 This policy applies to all Trustees, Officers, Faculty, Administrators, and Staff, including
1566 all full-time, part-time, temporary, and contract Employees of Medical University of South
1567 Carolina (“MUSC”) and Medical University Hospital Authority (“MUHA”). Affiliates (entities
1568 which derive their not for profit status from MUSC, such as University Medical Associates, the
1569 MUSC Foundation, and the MUSC Foundation for Research Development) shall as a condition
1570 of continued business with MUSC and MUHA adopt a policy substantially similar to this Policy,
1571 adapted to accommodate those affiliate employees who are not public employees.

1572 Preamble

- 1573 1) Enhancing the public good through improved health initiatives and superior economic
1574 development is the foundation of many government policies. MUSC, as a contemporary,
1575 public research university, has a responsibility to actively participate and promote these
1576 initiatives even if conflicts of interest are more likely and many times unavoidable. Conflicts
1577 of interest, therefore, may arise from ordinary and appropriate activities as a part of assigned
1578 employment duties so the existence of a conflict should not imply wrongdoing. When
1579 conflicts of interest do arise, however, they must be recognized and disclosed, then
1580 eliminated or appropriately managed. The Board of Trustees for MUSC and MUHA has a
1581 duty to govern those State entities in a manner such that conflicts are appropriately reviewed
1582 and acted on to maintain public confidence in the integrity of our institutions.
- 1583 2) This policy provides a framework for recognizing and managing employee conflicts of
1584 interest, and should minimize even the appearance of conflicts of interest. The primary goal
1585 of this policy is to prevent an employee's activities from adversely influencing MUSC or
1586 MUHA operations.
- 1587 3) Particular departments and activities of MUSC or MUHA may have specific conflict of
1588 interest policies. It is intended, however, that this policy will apply to the entire MUSC
1589 enterprise, providing a framework for those specific additional policies to operate under, such

1590 that those specific policies will not supersede this policy unless approved by the Board of
1591 Trustees.

- 1592 4) This policy references South Carolina Code (S.C. Code § 8-13-10 *et seq.*) (the “Ethics
1593 Law”), which makes it unlawful for public officials, public members, and public employees
1594 to use their position to obtain an economic interest or to have a financial interest in most any
1595 contract or purchase connected with MUSC/MUHA, unless certain exceptions apply. This
1596 policy is implemented in addition to all requirements of the Ethics Law and does not
1597 supersede it. The South Carolina Ethics Law is at www.scstatehouse.net/code/t08c013.htm.
1598 5) As MUSC conducts research funded by the Public Health Service and other federal agencies,
1599 it is required by federal law to maintain an appropriate written, enforced policy on conflict of
1600 interest that complies with 42 CFR Part 50 Subpart F – “Responsibility of Applicants for
1601 Promoting Objectivity in Research for which Public Health Service Funding is Sought”
1602 (http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm) as well as all other
1603 relevant policies of federal funding and oversight agencies.

1604 A. Statement of general policy

- 1605 1) MUSC/MUHA policy is that its employees conduct the affairs of MUSC/MUHA in
1606 accordance with the highest legal, ethical and moral standards.
1607 2) MUSC/MUHA policy is that employees of MUSC/MUHA shall disclose perceived and real
1608 conflicts of interest.
1609 3) MUSC/MUHA policy is that employees shall not use their position to secure personal
1610 financial benefits or economic interest for themselves, any member of their immediate
1611 family, any individuals or entity with whom the employee has a business relationship that
1612 renders an employee economic benefit. A perceived and/or real conflict of interest arises
1613 whenever the employee has the opportunity to influence University or Authority operations
1614 or business decisions in ways that could result in a personal financial benefit or economic
1615 gain to the employee, a member of an employee's immediate family, or individuals or entities
1616 with whom the employee has a business relationship which renders the employee economic
1617 benefit. Although certain specific examples of conflicts of interest are provided in this policy,
1618 they are meant only as illustrations, and supervisors and employees are expected to use good
1619 judgment to identify possible conflicts of interest that may adversely influence
1620 MUSC/MUHA operations, and to avoid or manage them as appropriate.
1621 4) This policy is not intended to prohibit approved and appropriately managed economic
1622 development activities related to MUSC/MUHA generated intellectual property, including
1623 MUSC/MUHA employee involvement with startup companies, Small Business
1624 Administration (SBIR/STTR) funded research and Centers of Economic Excellence
1625 Activities. However, any such activities by MUSC/MUHA employees that make use of
1626 University or Authority property, facilities, equipment or other resources for personal benefit
1627 shall be approved as required herein, of benefit to MUSC/MUHA, and for fair value.
1628 5) Nothing in this policy shall be construed to permit, even with disclosure, any activity that is
1629 prohibited by law.

1630 B. Definitions

- 1631 1) *Conflicts of interest* occur when an employee or immediate family member receives personal
1632 financial benefit or an economic interest from the employee's position in a manner that may
1633 inappropriately influence the employee's judgment, compromise the employee's ability to
1634 carry out MUSC/MUHA responsibilities or, be a detriment to MUSC/MUHA integrity.

- 1635 2) *Immediate family* includes the employee's parents, spouse, siblings, children, stepchildren,
1636 and grandchildren.
- 1637 3) *Manage and managing* means an affirmative action by the University or the Authority to
1638 establish parameters or conditions that minimize or eliminate the risk of the perceived or real
1639 conflict of interest.
- 1640 4) *Personal financial benefit or economic benefit* is defined as anything of monetary value,
1641 including salary, commissions, fees, honoraria, gifts of more than nominal value, equity
1642 interests, interests in real or personal property, dividends, royalty, rent, capital gains,
1643 intellectual property rights, loans, and forgiveness of debt. "Personal financial benefit" does
1644 not include:
 - 1645 a) compensation or payments received from MUSC/MUHA or any of its affiliates or the
1646 Ralph H. Johnson Department of Veterans Affairs Medical Center;
 - 1647 b) payments for participation in seminars, lectures or other educational activities as long as
1648 not acting in the employee's official capacity, or reasonable expenses for the same
1649 activities even if acting in official capacity;
 - 1650 c) payments for participation in seminars, lectures or other educational activities, and
1651 reasonable expenses for the same activities as long as acting within the context of an
1652 individual's Faculty Appointment Contract;
 - 1653 d) any financial interest arising solely by means of investment in a mutual, pension, or other
1654 institutional investment fund over the management and investments of which the
1655 employee or an associated immediate family member does not exercise control; and
 - 1656 e) investments in publicly traded entities as long as employee owns less than a five percent
1657 and/or less than \$10,000 stake in said entity.
- 1658 5) *University* means Medical University of South Carolina.
- 1659 6) *Authority* means the Medical University Hospital Authority.
- 1660 7) *MUSC or MUHA responsibilities* are defined as the responsibilities of an employee to
1661 perform MUSC or MUHA activities as defined by management or contract.

1662 C. Policy provisions

- 1663 1. An employee shall disclose any situation in which the employee has, or may have, a real or
1664 potential conflict of interest as defined herein. These conflicts of interest must be reported
1665 annually to the appropriate Office of Compliance. Modifications to existing disclosures or a
1666 new activity will require submittal of an additional disclosure in a timely manner. An
1667 authorized group of employees shall review the disclosure and recommend to the appropriate
1668 Vice President a suitable action plan to eliminate or manage the conflict of interest so as to
1669 ensure that MUSC or MUHA business is not improperly influenced or adversely affected. In
1670 the event that there is no reasonable way to manage a conflict of interest, then the employee
1671 may be prohibited from participating in related MUSC/MUHA affairs until such a time as the
1672 conflict is eliminated. In other words, employees and Officers of MUSC/MUHA have a duty
1673 to immediately disclose, manage or eliminate any real or potential conflicts of interest that
1674 are not in the best interests of the University or Authority.
 - 1675 a. An employee shall disclose conflicts of interest in writing on an approved paper or
1676 digital Conflicts of Interest Disclosure Form, including a statement describing the
1677 nature and extent of the conflict, to their supervisor and to the appropriate
1678 Compliance Office. This disclosure must be completed annually, on a form
1679 designated for such purposes. A new disclosure form must be completed whenever a

- 1680 new conflict of interest arises or when a significant change occurs concerning an
1681 existing disclosure. See the following Web site for this disclosure form: Annual
1682 Conflict of Interest Disclosure < <https://www.carc.musc.edu/coi> >.
- 1683 b. If a supervisor becomes aware of a conflict of interest that an employee has not
1684 disclosed, the supervisor shall discuss the situation with the employee, require that a
1685 written disclosure be made as provided in this policy, and inform the Office of
1686 Compliance to anticipate the receipt of a new Disclosure Form.
- 1687 c. All conflicts of interest shall be reported to the MUSC or MUHA Office of
1688 Compliance. The Board of Trustees or its designee will retain authority to take such
1689 action as it deems appropriate regardless of any action or inaction by an Officer of
1690 MUSC and/or MUHA.
- 1691 2. The following are examples of conflicts of interest requiring disclosure. These examples are
1692 illustrations only and are not meant to be exclusive.
- 1693 a. Employee or immediate family member has a financial interest in a business entity
1694 with which the University or Authority does or proposes to do business, and the
1695 employee is in a decision-making role or otherwise is in a position to influence the
1696 University's or Authority's business decisions regarding the business entity. Business
1697 entity examples for which an employee disclosure is required:
- 1698 i. finance or accounting services
 - 1699 ii. equipment services
 - 1700 iii. marketing services
 - 1701 iv. construction services
 - 1702 v. consulting
 - 1703 vi. counseling
 - 1704 vii. catering
 - 1705 viii. computer supplies
 - 1706 ix. programming
 - 1707 x. architectural services
 - 1708 xi. legal services
 - 1709 xii. grant preparation
 - 1710 xiii. temporary personnel services
 - 1711 xiv. office or laboratory supplies
 - 1712 xv. painting services
 - 1713 xvi. lawn and grounds services
- 1714 b. Employee holds or assumes an executive, officer or director position in a for-profit or
1715 not-for-profit business or entity engaged in commercial, educational, or research
1716 activities similar to those in which the University or Authority engages.
- 1717 c. Employee participates in consultation activities for a for-profit or not-forprofit
1718 business or entity engaged in commercial, educational or research activities similar to
1719 those of the University or Authority.
- 1720 d. Employee holds or assumes an executive, officer or director position in a for-profit or
1721 not-for-profit business or entity that does business with the University or Authority.
- 1722 3. The activities listed below are prohibited unless sanctioned by an Officer of the University or
1723 Authority. Sanctioned activities are those activities documented within an individual's
1724 Faculty Appointment Contract, contained within an employee's job description or

- 1725 expectations, appropriately authorized agreements, Memoranda of Understanding, or
1726 otherwise approved by the employee's Vice President.
- 1727 a. Significant use of University or Authority property, facilities, equipment or other
1728 resources in any manner other than as part of the employee's responsibilities, that
1729 results in personal financial benefit or economic interest to an employee, a member of
1730 an employee's immediate family or business with which the employee has a business
1731 relationship.
 - 1732 b. Using significant University or Authority property, facilities, equipment or other
1733 resources in any manner to support an entity not associated with the University or
1734 Authority unless special permission is provided in writing by an authorized Officer of
1735 MUSC or MUHA.
 - 1736 c. Using University or Authority stationery, letterhead, logo, or trademark in connection
1737 with outside activities, other than activities having a legitimate relationship to the
1738 performance of University or Authority business.
 - 1739 d. Using University or Authority facilities, resources, or the employee's position at the
1740 University for the purpose of advocating, endorsing, or marketing the sale of any
1741 goods or services, other than as part of the employee's responsibilities, without the
1742 prior approval in writing by an authorized Officer of MUSC or MUHA.
 - 1743 e. Using the University or Authority name, trademark or trade name for personal
1744 business or economic gain to the employee, a member of the employee's immediate
1745 family or a business with which the employee has a business relationship.
 - 1746 f. Using any University or Authority intellectual property data or information that is not
1747 in the public domain for personal financial benefit or economic gain to the employee
1748 or a member of the employee's immediate family, or a business which the employee
1749 has a business relationship.
 - 1750 g. Using any University or Authority employee for any outside activity during normal
1751 work time for which he or she is receiving compensation from the University or
1752 Authority (not applicable when employees are on a paid or unpaid leave).
 - 1753 h. Participating in the selection or awarding of a contract between the University or
1754 Authority and any entity with which an employee is dually employed, is seeking
1755 employment or has been offered employment.
 - 1756 i. Other activities may be prohibited if there is no reasonable way to manage an
1757 associated conflict of interest.

1758 D. Employee responsibilities

- 1759 1) Employees shall not engage in the prohibited activities listed above unless sanctioned in
1760 advance or in any other activity that has been prohibited following a completed review of an
1761 employee's conflict of interest disclosure.
- 1762 2) Employees shall disclose a real or perceived conflict of interest as described above:
 - 1763 a) As soon as the employee knows of the conflict, and then annually thereafter for as long as
1764 the conflict continues to exist;
 - 1765 b) In writing on the approved Conflict of Interest Disclosure Form;
 - 1766 c) To the appropriate MUSC or MUHA Office of Compliance;
- 1767 3) Employees shall avoid any involvement with all related University or Authority activities and
1768 decisions until such time as the conflict of interest has been evaluated and the disclosed
1769 activity been approved.

1770 4) If there is any question whatsoever about an activity representing a conflict of interest, then
1771 the employee should consult with an MUSC or MUHA Office of Compliance or an MUSC
1772 or MUHA Office of Legal Counsel for direction.

1773 E. MUSC/MUHA responsibilities

- 1774 1. Supervisors shall ensure that all new employees are informed of this policy.
- 1775 2. Supervisors and administrators of MUSC and MUHA shall ensure that all current employees
1776 are reminded of this policy on a periodic basis.
- 1777 3. The University and Authority shall develop a peer process to evaluate conflict of interest
1778 disclosures, and to review the conduct of approved Management Plans.
- 1779 4. In the event that a reported conflict of interest is approved, the corresponding Office of
1780 Compliance shall ensure there is an appropriate Management Plan in place to monitor and
1781 manage the situation so that resources are used in an appropriate manner and that there is no
1782 improper influence on University or Authority decisions.
- 1783 5. The Offices of Compliance shall ensure that Conflicts of Interest Disclosure forms are
1784 retained for future reference. Upon an employee's transfer from the unit or termination from
1785 the University or Authority, associated Conflict of Interest Forms shall be retained by the
1786 Offices of Compliance for a minimum of three years.
- 1787 6. Supervisors shall establish and maintain a work environment that encourages employees to
1788 ask questions about real or potential conflicts of interest.
- 1789 7. If supervisors have any question whatsoever about an external activity representing a conflict
1790 of interest, they should consult with an Office of Compliance or an Office of Legal Counsel.

1791 F. Sanctions for violation

- 1792 1) Violations of University or Authority policies, including the failure to avoid a prohibited
1793 activity or disclose a conflict of interest in a timely manner, will be dealt with in accordance
1794 with applicable policies and procedures that may include disciplinary actions up to and
1795 including termination of employment.
- 1796 2) The Board of Trustees, as the ultimate governing body, or its designee retains authority to
1797 make a final determination of any matter covered by this Policy.

1798 G. South Carolina state law

- 1799 1. The South Carolina Ethics Government Accountability and Campaign Reform Act (herein
1800 the "Ethics Law") S.C. Code § 8-13-100, among other things, makes it unlawful for a public
1801 official, public member or public employee to knowingly use his official office, membership
1802 or employment to obtain economic interest for himself, a member of his immediate family,
1803 an individual with whom he is associated* or a business with whom he is associated**. This
1804 policy is implemented in addition to any requirements of the Ethics Law. Certain persons
1805 associated with the Authority or University are required to make filings with the South
1806 Carolina Ethics Commission and completion of the form attached to this policy will not
1807 satisfy that requirement.
 - 1808 • Defined in the Act as: "Individual with whom he is associated" means an individual
1809 with whom the person or a member of his immediate family mutually has an interest
1810 in any business of which the person or a member of his immediate family is a
1811 director, officer, owner, employee, compensated agent, or holder of stock worth one
1812 hundred thousand dollars or more at fair market value and which constitutes five
1813 percent or more of the total outstanding stock of any class.

- 1814 • Defined in the Act as: "Business with which he is associated" means a business of
1815 which the person or a member of his immediate family is a director, an officer,
1816 owner, employee, a compensated agent, or holder of stock worth one hundred
1817 thousand dollars or more at fair market value and which constitutes five percent or
1818 more of the total outstanding stock of any class.

1819 Office responsible for this policy

1820 University and Authority Compliance Offices.

1821 Policy Review

1822 This Policy establishes a set of conditions that may have an unanticipated impact on existing
1823 MUSC, MUHA, and affiliate policies and procedures. Given the breadth of this policy, it seems
1824 reasonable that not only may some unforeseen consequences surface but that State or federal
1825 compliance regulations may require some alterations to this Policy. A periodic review of this
1826 Policy by the Vice President for Academic Affairs and Provost, acting on behalf of the Vice
1827 Presidents, seems most appropriate. If proposed change(s) is(are) considered necessary and
1828 appropriate, a Vice President may ask the Board of Trustees to modify this Policy by approving
1829 the change(s).

1830
1831 For specific policies related to Research Conflict of Interest and the Charter please refer to
1832 [Appendix 9.08a and b](#). The MUSC Faculty Start-up Venterures policies and guidelines are in
1833 [Appendix 9.08c](#). The Charter of the MUSC Administrative and Clinical Conflict of Interest
1834 Committee can be found in [Appendix 9.08b](#).

1835 **9.09 University Compliance Plan**

1836 The Faculty is subject to the University Compliance Plan, the most current version of which is
1837 included in [Appendix 9.09](#).

1838 **9.10 Expert Medical Testimony**

1839 The Medical University of South Carolina neither encourages nor discourages faculty
1840 participation as witnesses in legal proceedings. All such requests or directives to serve as a
1841 witness because of professional training or position should be immediately reported to and
1842 receive the prior approval of the department chair or next higher administrator. Department
1843 chairs should file an annual report on all such witness activity with their respective deans.

1844 It is expected that time and resources spent as a witness or consultant in legal matters be
1845 considered patient care-related and that all remuneration as set by the Medical University of
1846 South Carolina should be reimbursed to the medical practice plan.

1847 **9.11 Evaluation of Department Chairs and/or Unit Directors**

1848 A process for the annual review by the faculty for performance of chairs and/or other unit
1849 directors has been approved by the Provost. Each May, deans of all colleges send out
1850 questionnaires to full-time faculty (inclusion of part-time faculty should be addressed in the
1851 future). See [Appendix 9.11](#) for a copy of the department chair evaluation form. Completed forms
1852 are sent anonymously to the Office of the Associate Provost for Institutional Research and
1853 Assessment where results are collated, tabulated, summarized, etc., and given to deans of the
1854 respective colleges. The Provost informs the Chair of the Faculty Senate in August that the

1855 process has been completed and deans have reviewed the data which is archived in event future
1856 reexamination becomes necessary.

1857 **9.12 Alcohol and Drug Abuse**

1858 The MUSC policy on Alcohol and Drug Abuse complies with the Federal Drug-Free Workplace
1859 Act and formalizes the procedure for dealing with an impaired employee.

1860 See [Appendix 9.12](#) for the most current policy.

1861 **9.13 Infectious Diseases**

1862 The Medical University of South Carolina follows the Center for Disease Control (CDC) and
1863 Occupational Safety and Health Act (OSHA) guidelines on prevention of transmission of blood-
1864 borne infectious diseases (HIV, hepatitis, syphilis, etc.) with universal precautions in use. For
1865 university-wide policies and procedures, contact the Associate Provost for Research; for those
1866 pertaining to the MUSC Medical Center, contact the Chair of the Infection Control Committee.

1867 **9.14 Sexual Harassment Policy and Procedures for MUSC Faculty**

1868 MUSC prohibits any form of sexual harassment. The offender shall be subject to disciplinary
1869 action, up to and including dismissal. This policy is in keeping with federal and state guidelines.
1870 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or
1871 written, pictorial or electronic material of a sexual nature constitute sexual harassment when:

- 1872 (1) Submission to such conduct is made explicitly or implicitly a term or condition of
1873 employment or advancement; or a condition of instruction; or participation in any
1874 other University activity (*quid pro quo*); or
- 1875 (2) Submission to or rejection of such conduct by an individual is used as the basis
1876 for employment decisions affecting such individuals; or used as a basis for
1877 evaluation in making academic or personnel decisions; or
- 1878 (3) Such conduct has the purpose or effect of unreasonably interfering with an
1879 individual's performance or creating an intimidating, hostile, or offensive working
1880 environment.

1881 In determining whether the alleged conduct constitutes sexual harassment, consideration shall be
1882 given to facts and circumstances, including the context in which the alleged incidents occurred.
1883 (8/14/98)

1884 See [Appendix 9.14](#) for policy and procedures guiding a complaint evaluation for sexual
1885 harassment.

1886 **9.15 Use of the University Name or Seal or Logos**

1887 The name of this institution, the Medical University of South Carolina, and/or any imprint or
1888 reproduction of its seal and approved logos shall not be used to support or promote, through any
1889 means, a meeting, conference, activity or product which has not received the prior written
1890 approval of the Board of Trustees or its designees.

1891 **9.16 MUSC Computer Use Policy**

1892 The University recognizes its legal and social obligations to respect the privacy of the authorized
1893 users of its computing and network resources. However, users must recognize that the

1894 confidentiality of their electronic communications cannot be guaranteed by the University.
1895 Moreover, the University reserves the right to audit or monitor any uses of its computing and
1896 network resources when necessary to ensure compliance with University policy, and with
1897 federal, state and local law.

1898 The University network provides its authorized users with access to many classes of privileged
1899 information. Users must maintain the confidentiality and integrity of the information they access,
1900 and must not use privileged information for any purpose not explicitly authorized.

1901 The University's computing and network resources exist to support the University's missions of
1902 teaching, research, patient care and public service. Incidental personal use of these resources by
1903 authorized users is permitted only to the extent that such use is lawful and ethical, does not
1904 conflict with the University's missions, does not interfere with other authorized users, and does
1905 not cause additional expense to the University. (10/12/01)

1906 See [Appendix 9.16](#) for current computer use related operating policies.

1907 **9.17 Sequestration of Documents/Records for Audits/Investigations Carried Out** 1908 **by the Medical University of South Carolina**

1909 On occasion, sequestration of a faculty member's documents/records is necessary to address
1910 allegations generated within or external to the Medical University. Several things should be kept
1911 in mind: 1) the presumption of innocence of the respondent until proven otherwise; 2)
1912 sequestration will invariably disrupt the activities of the respondent and, often others at MUSC
1913 with both internal and external effects. Appropriate planning must be carried out and adequate
1914 personnel must be provided to carry out the sequestration in a manner that minimizes disruption
1915 while protecting the interests of MUSC and the rights of the respondent. (12/13/02)

1916 See [Appendix 9.17a](#) MUSC Research Data Ownership & Record Retention and [Appendix 9.17b](#)
1917 Sequestration of Documents which govern this process.

1918 **9.18 Disaster Preparedness**

1919 **The faculty are expected to be active participants in the University Disaster Preparedness Plan;**
1920 **[Appendix 9.18](#) contains a link to the MUSC Disaster Toolbox which provides the latest**
1921 **guidelines for dealing with disaster. [Appendix 9.18a](#) provides information related to Disaster**
1922 **Preparedness – Research Continuity.**

1923 **9.19 Copyright Protections**

1924 **The Faculty is subject to the University copyright policies. See [Appendix 9.19](#) for the most**
1925 **current versions.**

1926 **10. FACULTY RESEARCH ACTIVITIES**

1927 **10.01 Research and Sponsored Programs**

1928 The Office of Research and Sponsored Programs assists investigators and/or leaders of other
1929 sponsored programs in filing timely and complete grant or other support proposals, coordinating
1930 regulatory reviews, filing progress reports as required, and identifying potential sources of
1931 funding. It maintains liaison with federal, state, and other major research support agencies,
1932 assures compliance with MUSC, state, federal, and other agencies' policies and procedures,
1933 reviews proposals and provides administrative approval.

1934 Faculty members are encouraged to consult the office at any time for information or advice on
1935 program development, application preparation, and grants and contracts management. Those
1936 who are ready to make application for funds should contact the Research Office early in the
1937 process to be sure there is sufficient time to complete the required administrative review before
1938 the submission deadline.

1939 A directory of Resources for Researchers at the Medical University of South Carolina is
1940 available on request through the Research Office or the office of the Associate Provost for
1941 Research. Directory of Research Support, which includes abstracts of research being conducted,
1942 is also available on request. In addition, updated research support data on past and ongoing
1943 grants, cooperative agreements, contracts and other mechanisms of extramural funding are
1944 available through the office of the Associate Provost for Research.

1945 The financial management of awards is provided by the office of Grants Accounting.

1946 **10.02 Responsible Conduct of Research**

1947 The MUSC Responsible Conduct of Research policy is a key element of the overall University
1948 Compliance policies (see MUSC Webpage: research.musc.edu/compliance/home.htm as well as
1949 [Appendix 10.02](#)) and must be signed by all faculty, staff, and students of the University using
1950 research resources or facilities, or receiving research funds administered by the University, and
1951 those engaged in oversight of research facilities or funds. It was approved by the University
1952 Board of Trustees and is presented in its entirety below.

1953 Section I. Introduction

1954 The MUSC is committed to the highest standards of professional conduct; therefore all members
1955 of the University community are expected to adhere to the highest ethical standards of
1956 professional conduct and integrity. The values we hold among ourselves to be essential to
1957 responsible professional behavior include: honesty, trustworthiness, respect and fairness in
1958 dealing with other people, a sense of responsibility toward others and loyalty toward the ethical
1959 principles espoused by the institution. It is important that these values and the tradition of ethical
1960 behavior be consistently demonstrated and carefully maintained.

1961 Section II. Definitions

1962 Members of the University Community or “Members” mean faculty, staff, fellows, residents and
1963 students or any individual employed by the University using University research resources or
1964 facilities, or receiving research funds administered by the University, and those engaged in
1965 oversight of research facilities or funds.

1966 Section III. Responsibilities

1967 **Fairness:** Members of the University community have the obligation to respect, and to be fair to
1968 other members, students and persons they supervise, and to foster their intellectual and
1969 professional growth. Members must not engage in, nor permit, harassment and illegal
1970 discrimination. Members must not abuse the authority they have been given and care must be
1971 taken to ensure that any personal relationships do not result in situations that might interfere with
1972 objective judgment.

1973 **Professional Conduct:** Work place and educational experiences must impart ethical standards of
1974 professional conduct through instruction and example. Members of the University community

1975 are expected to conscientiously fulfill their obligations toward students, advisees, colleagues and
1976 perform their duties as part of the University community. Members must support intellectual
1977 freedom.

1978 **Compliance:** Members of the University community are expected to understand and comply
1979 with laws and regulations related to their duties. Members are responsible for adherence to
1980 University policies and procedures and are expected to comply with State and Federal laws. The
1981 University has the obligation to provide the opportunities necessary to assure awareness.
1982 Members are expected to see that those who report to them are informed about, understand and
1983 comply with regulations such as those for health and safety in the workplace, including the
1984 procedures to assure the ethical treatment of human subjects and animals and the use of
1985 hazardous materials. Members also have an obligation to report any noncompliance of
1986 regulations that are observed.

1987 **Authorship:** In an academic environment we continually seek after knowledge and
1988 understanding and must transmit our findings faithfully. Members of the University community
1989 who create scholarly products or works of art must guarantee the originality of their work and
1990 provide credit for the ideas of others upon which their work is built. All authors on a published
1991 work are responsible for the accuracy and fairness of the presented information. It is expected
1992 that members of the University community consider individuals for inclusion as authors on work
1993 submitted for publication if they have contributed substantially intellectually to the work. Special
1994 care must be taken to clarify authorship with entry level professional persons such as graduate
1995 students, postdoctoral fellows and trainees, preferably before the work is begun. It is
1996 inappropriate for members to include individuals as authors if they contributed only peripherally
1997 to the work.

1998 **Peer Review:** Any material received by members of the University community to review for
1999 funding or publication is confidential and the ideas contained therein must not be used in any
2000 other manner by the reviewer unless specifically permitted.

2001 **Data Collection and Management:** Falsification, fabrication and unacknowledged
2002 appropriation of the data of others by members of the University community are unethical and
2003 prohibited. At the outset of any research project all participants are expected to discuss and agree
2004 upon data management and access and retention procedures including procedures for having
2005 participants join or leave the project. Privacy of collected data and rights to intellectual property
2006 must be protected. Student rights to data are expected to be clearly specified. All documentation
2007 necessary to reconstruct investigations is expected to be available and data are to be recorded in a
2008 timely and consistent manner.

2009 **Fiscal Responsibilities:** Members of the University community must not accept money or gifts
2010 for research on behalf of the University or as part of their University activities except as
2011 prescribed by University policy. All funds provided for research must be spent in ways
2012 consistent with the funding documents and in compliance with the guidelines on allowable costs.
2013 Members in charge of budgets have an obligation to monitor records of expenditures for
2014 compliance with University policies and procedures and to allow these records to be viewed by
2015 appropriate parties. Departmental files are the property of the University.

2016 The University has the obligation to provide up-to-date records of financial transactions.
2017 (04/12/02)

2018 **10.03 Misconduct in Scientific Research**

2019 The principles that govern scientific research long have been established and applied in the
2020 discovery of new knowledge. The faculties and administrators at academic medical centers and
2021 teaching hospitals have a central and critical responsibility to maintain these high ethical
2022 standards. Validity and accuracy in the collection and reporting of data are intrinsically essential
2023 to the scientific process. Dishonesty in these endeavors is contrary to the very nature of
2024 research; that is, the pursuit of truth.

2025 “Research misconduct means fabrication, falsification, or plagiarism in proposing, performing,
2026 or reviewing research, or in reporting research results.” Honest error or differences of opinion
2027 are not included in this definition. [42 CFR § 93.103]. A finding of misconduct “requires that-
2028 (a) There be a significant departure from accepted practices of the relevant research community;
2029 and (b) The misconduct be committed intentionally, knowingly, or recklessly; and (c) The
2030 allegation be proven by a preponderance of the evidence.” [42 CFR § 93.104].

2031 Primary responsibility for the integrity of all scientific research rests with the individual
2032 researcher. The researcher accepts this responsibility with the understanding that the
2033 commission of misconduct in the research process is a major breach of contract between the
2034 researcher and the institution.

2035 Pursuant to the Final Rule notice of 42 CFR Parts 50 and 93 Public Health Service Policies on
2036 Research Misconduct in the May 17, 2005 Federal Register effective June 16, 2005, MUSC, as
2037 the awardee or applicant "institution," has complied with the necessary assurance to the
2038 Department of Health and Human Services (HHS) that there are both policies and procedures in
2039 place, and other institutional responsibilities are consonant with 42 CFR Subpart C, § 93.300-319
2040 of the Federal Register's Rules and Regulations.

2041 MUSC Policies and Procedures for Responding to Allegations of Research Misconduct may be
2042 accessed at <http://research.musc.edu/ori/ric/home.htm>. Both the inquiry and the investigative
2043 phases, as well as administrative actions in the event of a finding of misconduct are included.
2044 Information at this Office of Research Integrity website supercedes the Faculty Handbook in the
2045 event of a discrepancy. (8/12/2005)

2046 **10.04—10.18—Intellectual Property Policies and Procedures**

2047 **10.04a—Basic Objectives**

2048 ~~The Medical University of South Carolina is a non-profit institution striving to improve human~~
2049 ~~health and welfare by engaging in the investigation, prevention, and treatment of disease and in~~
2050 ~~the education of health care professionals. The intellectual endeavors and activities of its~~
2051 ~~employees and trainees may result in products of a tangible nature for which the University and~~
2052 ~~the employee or trainee may deem it advantageous to enter these products into commerce. These~~
2053 ~~products may be the subject of a patent application or a copyrightable work or other tangible~~
2054 ~~material and are known collectively as "Intellectual Property." MUSC has an affiliation with the~~
2055 ~~MUSC Foundation for Research Development to manage the identification, evaluation,~~
2056 ~~protection, marketing, and licensing and/or sale of such Intellectual Property on behalf of MUSC~~
2057 ~~and for the benefit of the public.~~

2058 This policy is intended to:

- 2059 (1) ~~provide an incentive to creative intellectual effort and the advancement of~~
 2060 ~~knowledge for the welfare of the people, particularly the people of South~~
 2061 ~~Carolina;~~
- 2062 (2) ~~insure that the respective interests of the employee or trainee, the University, and~~
 2063 ~~supporting sponsor, and society are considered and protected through the~~
 2064 ~~development of fair contracts and procedures;~~
- 2065 (3) ~~assist the employee or trainee and the University to realize tangible benefits from~~
 2066 ~~Intellectual Property; and~~
- 2067 (4) ~~advance and encourage further research within the University with whatever~~
 2068 ~~funds accrue to the University from Intellectual Property resulting from~~
 2069 ~~University research.~~

2070 **10.04b—Definitions**

- 2071 (1) ~~"University" shall mean the Medical University of South Carolina.~~
- 2072 (2) ~~"Staff" shall mean any member of the faculty, administration, staff, or student body; or~~
 2073 ~~classified employee, postdoctoral fellow, clinical fellow, visiting scientist or clinician.~~
- 2074 (3) ~~"Inventor" shall mean any staff member who shall conceive or reduce to practice an invention~~
 2075 ~~while engaged in University activities.~~
- 2076 (4) ~~"Author" shall mean any staff member who prepares any University copyrightable work.~~
- 2077 (5) ~~"Contributor" shall mean any staff member who shall have contributed substantially to the~~
 2078 ~~existence of any item of Intellectual Property.~~
- 2079 (6) ~~"University Activities" shall mean activities engaged in by a member of the staff by: (a)~~
 2080 ~~written assignment of the University administration; (b) contractual agreement with the~~
 2081 ~~University or any sponsor; (c) material use of facilities (other than its libraries), materials, or~~
 2082 ~~other resources of the University.~~
- 2083 (7) ~~"Intellectual Property" shall mean inventions, University copyrightable works, and tangible~~
 2084 ~~results of research.~~
- 2085 (8) ~~"Invention" shall mean "...any new and useful process, machine, manufacture or composition~~
 2086 ~~of matter or any new and useful improvement thereof..." as defined under the Patent Laws of the~~
 2087 ~~United States.~~
- 2088 (9) ~~"University Copyrightable Work" shall mean any work subject to copyright under the laws of~~
 2089 ~~the United States (or any foreign country) including any written works, musical or dramatic~~
 2090 ~~compositions, photographs, films, transparencies or other visual aids, video or audio tapes and~~
 2091 ~~cassettes, sound recordings, computer software, algorithms, drawings, blueprints or other graphic~~
 2092 ~~works and sculptural works that result from University activities. Nothing herein shall be~~
 2093 ~~construed to include within University copyrightable works those written works or visual aids~~
 2094 ~~that are prepared as a part of a faculty member's obligation to produce scholarly works such as~~
 2095 ~~books, journal articles, abstracts, films, sound recordings, and photographs that in academic~~
 2096 ~~institutions have traditionally been the property of the individual faculty member unless such~~
 2097 ~~written works or visual aids are the express subject of a written work assignment or agreement~~

2098 between the staff member and the University or sponsor. However, computer software and
2099 algorithms are regarded as University property.

2100 (10) "~~Tangible Results of Research~~" shall mean any tangible material other than an invention or
2101 University copyrightable work that results from University activities by any member of the staff.
2102 Such tangible material shall include, but not be limited to, antibodies, cell lines, new
2103 microorganisms, plant lines, or progeny thereof; recombinant or other biological materials;
2104 chemical compounds; devices; machines; or models.

2105 (11) "~~Sponsor~~" shall mean any individual or organization that by written agreement with the
2106 University shall finance in whole or part any University activities.

2107 (12) "~~Net Proceeds~~" or "~~Annual Net Royalty~~" shall mean the net amount received by the
2108 University in each fiscal year from the sale, licensing or other disposition of any Intellectual
2109 Property, initially owned in whole or part by the University after deduction of all costs
2110 reasonably attributable to the protection and distribution of such Intellectual Property, including
2111 any reasonable expense of patent or copyright prosecution, maintenance, interference
2112 proceedings, litigation, marketing or other dissemination and licensing. The costs of protection
2113 and distribution shall be assessed at a rate of 15% on the first \$200,000 of total, cumulative
2114 income plus any out of pocket expenses.

2115 (13) "~~MUSC Foundation for Research Development (FRD)~~" shall mean the Medical University
2116 of South Carolina Foundation for Research Development, Inc.

2117 **10.05 — Composition of the Committee:**

2118 (1) ~~The Committee on Intellectual Property ("Committee") shall consist of the Associate Provost~~
2119 ~~for Research, who shall serve as an active member, and five members of the full-time faculty,~~
2120 ~~one of which shall be a representative from the Faculty Senate. A representative from the Office~~
2121 ~~of Research Administration, the Foundation for Research Development and the General Counsel~~
2122 ~~shall serve as non-voting members of the "Committee." Four faculty members of the~~
2123 ~~"Committee" shall be recommended by the Associate Provost for Research, and the Chair of the~~
2124 ~~Faculty Senate shall appoint their representative. Initially one faculty member shall be appointed~~
2125 ~~for a term of one year, one for two years, one for three years and one for four years. Thereafter~~
2126 ~~each faculty appointment shall be for a term of four years with the exception of the Faculty~~
2127 ~~Senate Representative who shall serve for one year. A quorum of the Committee shall be at least~~
2128 ~~three members eligible to vote; and, excepting adjournment, every action by the Committee shall~~
2129 ~~require the presence of a quorum. The Office of Research Administration shall provide~~
2130 ~~administrative support for the Committee.~~

2131 ~~Powers and Duties of the "Committee": The powers and duties of the "Committee" shall be: (a)~~
2132 ~~to interpret and apply these Policies and Procedures; (b) upon request of the Associate Provost~~
2133 ~~for Research or the Vice President for Finance and Administration, to review any agreement with~~
2134 ~~a Sponsor other than the state or federal government; (c) upon request of the Associate Provost~~
2135 ~~for Research or the Vice President for Finance and Administration, to review any agreement~~
2136 ~~providing any individual or organization with rights to Intellectual Property to which the~~
2137 ~~University has rights of ownership; and (d) to report on the activities of the "Committee" to the~~
2138 ~~Associate Provost for Research, including the "Committee's" recommendations, if any, for~~
2139 ~~amendment of these policies and (e) to serve as a faculty advisory group to the Foundation for~~
2140 ~~Research Development.~~

2141 **10.06 — Coverage**

2142 These policies shall apply as a condition of appointment or employment by the University to
2143 every member of the staff, who during the period of their appointment or employment by the
2144 University shall: (a) ~~conceive or first reduce to practice actually or constructively, any invention;~~
2145 ~~(b) prepare any University copyrightable work; or (c) contribute substantially to the existence of~~
2146 ~~any tangible result of research. These policies replace the Patent Policy Statement adopted~~
2147 ~~December 12, 1980, and also apply to an Intellectual Property disclosed to the "Committee" after~~
2148 ~~adoption of this Policy.~~

2149 **10.07 — Disclosure of Intellectual Property**

2150 Every staff member shall, in writing and in reasonable detail, give the "FRD" prompt notice of
2151 any: (a) invention; (b) University copyrightable work; or (c) tangible results of research which or
2152 he or she shall desire to have patented, copyrighted or made available to the investigators or the
2153 public by commercial or other means, or shall believe or have reason to believe is patentable,
2154 copyrightable, or of value to other investigators or the public, or otherwise of commercial value.

2155 **10.08 — Ownership of Inventions**

2156 The rights of ownership to all inventions which shall result from University activities shall be the
2157 property of the University; provided, however, that:

2158 a. ~~Within the ninety (90) days next following disclosure of an~~
2159 ~~invention to the University under the preceding Section 5 (or such~~
2160 ~~further period of time as may be agreed upon by the inventor and~~
2161 ~~the "FRD"), the "FRD" shall determine, and advise the inventor in~~
2162 ~~writing, whether such rights shall be retained by the University,~~
2163 ~~conditionally retained by the University or shall be released to the~~
2164 ~~inventor; and~~

2165 b. ~~The rights of ownership to every invention conceived by any~~
2166 ~~member of the University's staff while engaged in other than~~
2167 ~~University activities shall be the property of that person.~~

2168 **10.09 — Ownership of Copyrightable Works**

2169 The rights of ownership to all copyrightable works prepared while the staff member is engaged
2170 in University activities shall be the property of the University; provided however that:

2171 (1) ~~Within the ninety (90) days following disclosure of copyrightable work to the~~
2172 ~~University under the preceding Section 10.09 (or such further period of time as~~
2173 ~~may be agreed upon by the author and the "FRD"), the "FRD" shall determine,~~
2174 ~~and advise the author, in writing, whether such rights shall be retained by the~~
2175 ~~University, conditionally retained by the University or shall be released to the~~
2176 ~~author; and~~

2177 (2) ~~Copyrightable works prepared by a member of the staff while engaged in~~
2178 ~~activities other than University activities shall be the property of the author.~~

2179 **10.10 — Ownership of Tangible Results of Research**

2180 All tangible results of research shall be the property of the University.

2181 **10.11 — Sponsorship of Intellectual Property**

2182 The rights of ownership to each item of Intellectual Property produced during activities
2183 conducted pursuant to any agreement between the University and any sponsor shall be
2184 determined in accordance with such agreement; however, it shall be the policy of the University
2185 to retain title to Intellectual Property whenever possible under state or federal law. Any
2186 agreement with a sponsor pertaining to the ownership of Intellectual Property and assignment
2187 thereof shall be made between the University and the sponsor in advance of the research or other
2188 activity that produces the Intellectual Property.

2189 **10.12 — Disagreements**

2190 Resolution of any disagreements over the rights of ownership to any Intellectual Property will
2191 first be heard by the "Committee." Unresolved disputes shall be determined solely by recourse
2192 to the standard Medical University of South Carolina Faculty Grievance and Appeal Procedures.

2193 **10.13 — Seeking a Patent or Copyright**

2194 Whenever the "FRD" shall determine to seek the patenting or copyrighting of any Invention or
2195 University copyrightable work, the University shall, without expense to the inventor or author
2196 provide such professional services as it shall deem to be necessary or desirable for such purpose,
2197 and which may include the services of an independent patent organization. The inventor or
2198 author is obligated to cooperate fully in such effort, including his or her execution of all
2199 necessary or desirable agreements, applications, and other forms and instruments. If, at any time
2200 subsequently, the University shall terminate its effort to seek such patent or copyright, it shall
2201 promptly give written notice thereof to the inventor or author who thereupon to the extent
2202 allowed by law or any sponsorship agreement shall be free at his or her her or his expense to
2203 develop, license, and otherwise use the invention, patent application, patent or copyright. In this
2204 event the inventor or author shall receive all benefits of any development, licensing or other use
2205 of the invention, patent application, patent or copyright except that the University shall be
2206 entitled to recovery of associated costs.

2207 As an incentive to promote patenting of inventions made in the course of University activities,
2208 the University shall make a nominal cash award to each inventor upon filing of a patent
2209 application. The amount of such award shall be two hundred and fifty dollars (\$250.00) per
2210 patent to be divided equally among the inventors in the case of multiple inventors on one patent.

2211 **10.14 — Transfer or Sale of Tangible Results of Research**

2212 Tangible results of research may not be transferred or sold to any party outside the University
2213 before: (a) a disclosure of the tangible results of research has been submitted to the "FRD" and
2214 (b) the Contributor(s) has been notified by the "FRD" of any required conditions of such transfer
2215 or sale. Such notification shall be made within thirty (30) days following the disclosure of
2216 tangible results of research.

2217 **10.15 — Promotion and Licensing**

2218 In interpreting and applying these policies, the Committee and "FRD" shall, by such means as
2219 they shall deem to be most effective and appropriate in each case, act to bring to the public all
2220 Intellectual Property to which the University has rights of ownership in whole or part. Such
2221 means may include, but shall not be limited to, agreements for the development, patenting,
2222 copyrighting, promotion, licensing, printing, distributing or manufacturing of any Intellectual

2223 Property; and in every case the University shall advise the inventor, author, or contributor of the
2224 terms of any such proposed agreement. No agreements will be entered into by the University
2225 without the review of all inventors, authors or contributors. Any disagreement between the
2226 University and the inventor(s), author(s) or contributor(s) concerning a proposed agreement will
2227 be resolved in a timely fashion by the "Committee" and, if necessary the Grievance and Appeal
2228 Procedure as stated in Section 10.12.

2229 **10.16 — Proceeds from Distribution of Intellectual Property**

2230 The Net Proceeds or Annual Net Royalty received by the University from any Intellectual
2231 Property initially owned in whole or part by the University in accordance with Sections 10.08,
2232 10.09, and 10.10 shall be apportioned and paid over by the University in accordance with the
2233 following schedules:

2234 (1) Patent Proceeds:

2235 _____ Percentage (%) to _____

2236 Net Proceeds University or Inventor's Royalty

2237 Royalty (\$) Inventor Laboratory Department Account

2238 First \$50,000 — 35 — 35 — 15 — 15

2239 \$50,000 to

2240 \$100,000 — 30 — 30 — 15 — 25

2241 Over \$100,000 — 25 — 30 — 15 — 30

2242 (2) Copyright Proceeds: Proceeds from the sale, licensing or distribution of University
2243 copyrightable works shall be distributed proportionate to the contribution of the author(s) and the
2244 University in accordance with the following equities.

2245 _____ Percentage (%) to _____

2246 Net Proceeds University or Author's Royalty

2247 Royalty (\$) Author Laboratory Account

2248 First \$50,000 — 70 — 15 — 15

2249 \$50,000 to

2250 \$100,000 — 50 — 25 — 25

2251 Over \$100,000 — 35 — 30 — 35

2252 If the development of a copyrightable work is supported by a sponsor other than the University
2253 or is the result of a contractual agreement, the University and the author must adhere to the
2254 conditions of the award and/or the terms of the contractual agreement. Where no special
2255 contractual agreement requirements prevail, royalties derived will be handled in the manner
2256 provided in Section 10.16, Subsection 1. The University must approve of such contracts.

2257 (3) Tangible Results of Research Proceeds: To the extent allowed by law, where any tangible
2258 result of research is not within the scope of the claims of a patent, patent application, or
2259 copyright, each contributor shall share in any net proceed or annual net income to the same
2260 extent an inventor shares in patent proceeds pursuant to Section 10.16, Subsection 1.

2261 In the case of patent, copyright or tangible results of research proceeds where there is more than
2262 one inventor, author or contributor, the payment apportioned under said schedules to the
2263 inventor, author or contributor shall be divided: (a) equally among all such inventors, authors, or
2264 contributors; or (b) in accordance with any written agreement signed by the inventors, authors or
2265 contributors. Payment by the University pursuant to any apportionment made to any inventor,
2266 author or contributors in accordance with this Section shall not be terminated for the reason that
2267 such inventor, author or collaborator shall cease to be a staff member. In the event of the death
2268 of a staff member any such payment shall remain a part of the staff member's estate. It is
2269 recognized that in some cases more than one invention may contribute to a royalty and that the
2270 contribution may not be equal. In the absence of written agreement by the inventors, authors or
2271 contributors, the University may, but is not obligated to, attempt to provide arbitration, but
2272 otherwise the University will treat the inventions as equal, dividing the royalties first by
2273 invention and then by inventors to each invention. Laboratory and department shares will be
2274 divided in direct proportion to inventor shares in such multi-inventor cases.

2275 It is recognized that in multi-inventor cases some, but not all, inventors may leave the University
2276 or may not have been a university employee at the time of the invention. In this instance, the
2277 inventor's laboratory shares will remain with those remaining inventors unless the departing
2278 inventor moves to a not-for-profit institution and conducts research as described below. The
2279 University may, but is not obligated to, provide arbitration or other legal aid in the event of
2280 disputes with non-University inventors; such costs are attributable to the costs of the invention
2281 and will be recovered first from the royalties.

2282 In the event that an inventor, author or contributor changes departments within the University,
2283 the department shares shall move to the new department. Funds previously earned by the former
2284 department shall remain in their account. In the event that an inventor or contributor leaves the
2285 University for another academic institution or other not-for-profit institution, then the laboratory
2286 shares shall follow the inventor or contributor provided that the inventor or contributor has a
2287 laboratory and conducts research, but the department shares shall remain payable to the
2288 department. If an inventor or contributor leaves the University to join a for-profit organization,
2289 the Associate Provost for Research shall decide whether or not the laboratory shares shall remain
2290 at MUSC or follow the inventor, author or contributor. No funds other than those shares directly
2291 payable to the inventor, author or contributor shall follow an inventor, author or contributor to a
2292 for-profit corporation or other employment. If an inventor or contributor subsequently moves to a
2293 not-for-profit institution, the laboratory shares earned subsequent to the move will then move to
2294 the new place of employment for his/her use in research as above. If a department ceases to
2295 exist, their shares shall accrue to the University Royalty Income Account until and unless the
2296 inventor, author, or contributor joins a new University department.

2297 Should an inventor become disabled while a University employee, then 50% of the laboratory
2298 share will be added to the inventor's share with the remainder being added to the department
2299 share.

2300 For any patent, copyright or tangible results of research producing income in a fiscal year, the
2301 University shall provide to the inventors, authors, or contributors eligible to receive a share of
2302 the income, an accounting of the disposition of such income.

2303 That share of income accruing to the University Royalty Income Account shall be administered
2304 by the Associate Provost for Research with the advice of the University Research Council for the

2305 primary purpose of advancing and encouraging further research and intellectual property
2306 development within the University.

2307 **10.17 — Sponsors: Other Organizations**

2308 ~~If and when any conflict shall arise between these Policies and any condition or conditions of (a)~~
2309 ~~any proposed grant from or contract with any organization offering to act as a sponsor or (b) the~~
2310 ~~patent, copyright or intellectual property policies and procedures of any other organization to~~
2311 ~~which any joint appointment or any affiliation or consulting agreement is made, such conflict~~
2312 ~~shall be referred to the Committee. Following consideration of the conflict the Committee shall~~
2313 ~~recommend a course of action to the University administration. It is incumbent on the University~~
2314 ~~to take all reasonable steps, including but not limited to appropriate legal action, to protect and~~
2315 ~~advocate issues on its behalf and those of the inventor, author or contributor in the event of~~
2316 ~~conflicts with sponsors.~~

2317 **10.18 — Release of Rights of Ownership**

2318 ~~Subject to the approval of the Associate Provost for Research, the "FRD" may, for reasons and~~
2319 ~~upon terms deemed to be satisfactory by it, release on behalf of the University at any time any~~
2320 ~~invention, patent, patent application, University copyrightable work, copyright or right of~~
2321 ~~ownership to tangible results of research to its inventor, author or contributor.~~

2322 10.04 INTELLECTUAL PROPERTY: POLICIES AND PROCEDURES

2323 (Passed, Adopted by Board of Trustees May 15, 2008.)

2324 [Intellectual Property Policy 10.04-10.18 in the 2007 edition of the Faculty Handbook applies to
2325 faculty/staff who have intellectual property, conceived or first reduced to practice any invention
2326 or trade secret, prior to May 15, 2008].

2327 10.04.1 Purpose

2328 The purpose of this document is to delineate the policy and procedures pertaining to intellectual
2329 property created by employees, students, and visitors of the Medical University of South
2330 Carolina (“MUSC”).

2331 10.04.2 Objective

2332 The objective of this policy is to further MUSC’s mission by (i) providing for the necessary
2333 protections, incentives, and vehicles to encourage the discovery and development of new
2334 knowledge for the public good; (ii) fostering of research links and collaboration with industry
2335 and other academic institutions; and (iii) enabling advancement of economic development in
2336 South Carolina and beyond.

2337 10.04.3 Applicability

2338 10.04.3.1 Employees (including faculty and staff) and Students (including trainees):

2339 This Policy applies as a condition of appointment or employment by MUSC to every employee,
2340 and as a condition of enrollment by every student, who during the period of their appointment,
2341 employment, or enrollment by MUSC shall:

2342 (a) Conceive or first reduce to practice, actually or constructively, any invention or trade
2343 secret;

2344 (b) Prepare a copyrightable work;

2345 (c) Contribute substantially to the existence of any tangible result of research; or (d)
2346 Otherwise create an item of intellectual property.

2347 10.04.3.2 Visitors:

2348 This Policy applies as a condition of use of University Resources (as defined below) to all
2349 persons who are not covered under Section 3.1 above, who through their use of University
2350 Resources shall:

2351 (a) Conceive or first reduce to practice, actually or constructively, any invention or trade
2352 secret;

2353 (b) Prepare a copyrightable work;

2354 (c) Contribute substantially to the existence of any tangible result of research; or

2355 (d) Otherwise create an item of intellectual property.

2356 Such persons are called “Visitors” herein. MUSC personnel allowing Visitor access to
2357 University Resources shall ensure that the Visitor has been notified of this Policy and obtained
2358 written consent from the Visitor, using approved forms (VISITORS consent on IP Policy -
2359 <http://frd.musc.edu/forms.html>), to be bound by this Policy.

2360 10.04.4 Definitions

2361 10.04.4.1 “Intellectual Property” as used herein is broadly defined to include inventions,
2362 discoveries, know-how, show-how, processes, unique materials, tangible results of research,
2363 copyrightable works, original data, and other creative or artistic works which have potential
2364 commercial value. Intellectual property includes that which is protectable by statute or
2365 legislation, such as patents, copyrights, trademarks, service marks, trade secrets, mask works,
2366 and plant variety protection certificates. It also includes the physical embodiments of intellectual
2367 effort including, for example, models, machines, devices, designs, apparatus, instrumentation,
2368 circuits, computer programs and visualizations, biological materials, chemicals, other
2369 compositions of matter, plants, and records of research.

2370 10.04.4.1.1 “Copyright” shall mean copyrightable works as defined under the laws of the United
2371 States of America, including 17 U.S.C. 101 et seq. A computer program (defined in 17 U.S.C.
2372 101 as: “...a set of statements or instructions to be used directly or indirectly in a computer in
2373 order to bring about a certain result”) when licensed solely as a copyrightable work shall have
2374 the resulting Net Proceeds distributed as a “Copyright”.

2375 10.04.4.1.2 “Patent and Other Intellectual Property (excluding Copyright)” shall mean (a) a
2376 patentable invention as defined under the laws of the United States of America including 35
2377 U.S.C. 101 and (b) all other forms of Intellectual Property, excepting for Copyrights. This
2378 definition (of 4.1.2) includes patentable processes which can be implemented in a computer
2379 (often called “business method patents”) and methods and algorithms capable of being
2380 implemented using a computer and protectable as a trade secret. In instances where patentable
2381 processes and/or trade secrets, and copyrightable works which fix in a tangible medium a
2382 specific instance of the patentable process and/or trade secret (i.e. a computer program) are
2383 licensed out together, the resulting total Net Proceeds shall be distributed as “Patent and Other
2384 Intellectual Property (excluding Copyright)” and not distributed as a “Copyright”

2385 10.04.4.2 “Traditional Academic Copyrightable Works” are a subset of copyrightable works
2386 created independently and at the creator’s initiative for traditional academic purposes. Examples
2387 include manuscripts for scholarly journals, class notes, books, theses and dissertations,
2388 educational software (also known as courseware or lessonware), videos, digital video disks
2389 (dvds) containing audio, video, and/or interactive simulations as well as non-interactive
2390 demonstrations, compact disks containing audio, video and/or interactive simulations, as well as
2391 non-interactive demonstrations, articles, non-fiction, fiction, poems, musical works, dramatic
2392 works including any accompanying music, pantomimes and choreographic works, pictorial,
2393 graphic and sculptural works, or other works of artistic imagination that are not created as a) an
2394 institutional initiative or b) with University Resources. Specifically excluded from this definition
2395 are software works.

2396 10.04.4.3 "Creator" means an individual or group of individuals who create, conceive, reduce to
2397 practice, author, or otherwise make a substantive intellectual contribution to the creation of,
2398 Intellectual Property. "Creator" includes the definition of "inventor" used in U.S. patent law and
2399 the definition of "author" used in the U.S. Copyright Act. Creators may be faculty, staff, and
2400 other persons employed by MUSC whether full- or part-time; visiting faculty and researchers;
2401 and any other persons, including students, who create or discover applicable intellectual property
2402 using University resources.

2403 10.04.4.4 “University Resources” means the material use of facilities, supplies, materials, or
2404 other resources of MUSC, with the exception of its Library collections.

2405 10.04.4.5 "Net Proceeds" means the net amount received by MUSC or its designee in each fiscal
2406 year from the sale, licensing or other disposition of any Intellectual Property, initially owned,
2407 pursuant to this policy, in whole or in part by MUSC, after deduction of all costs reasonably
2408 attributable to the protection and distribution of such Intellectual Property, including a fifteen
2409 (15) percent 15% deduction from gross income for administration expenses of the technology
2410 transfer office (TTO), which shall be used to further the objectives and purpose of this Policy,
2411 and any reasonable expense of patent or copyright prosecution, maintenance, interference
2412 proceedings, litigation, marketing or other dissemination and licensing.

2413 10.04.4.6 “Employees” means full-time and part-time faculty (of all ranks and status as outlined
2414 in the MUSC faculty handbook) and all levels of full-time and part-time staff.

2415 10.04.4.7 “Students” means full-time and part-time students of all levels including those in
2416 training, such as post doctoral fellows and residents.

2417 10.04.4.8 “Visitors” means all persons other than those covered in 4.6 and 4.7 including visiting
2418 professors, adjunct professors, teachers, researchers and volunteers.

2419 10.04.5 Disclosure Requirements

2420 10.04.5.1 Intellectual Property is required to be disclosed, pursuant to this Policy, by the Creator
2421 to the MUSC Office of the Associate Provost for Research or its Designee, using approved forms
2422 (<http://frd.musc.edu/forms.html>). All disclosures are confidential. Ownership of such disclosure
2423 shall be determined pursuant to the applicable provisions of this policy.

2424 10.04.5.2 Disclosure should be made in a timely manner upon the Creator’s recognition that
2425 Intellectual Property may have been created. Disclosure should be made prior to public
2426 presentations or publications, or other dissemination of the Intellectual Property to third parties
2427 whether public or confidential.

2428 10.04.6 Ownership

2429 10.04.6.1 Employees (including faculty) and Staff: MUSC shall be entitled to claim ownership of
2430 Intellectual Property which is made in the field in which the employee or staff Creator is engaged
2431 by MUSC or made with the use of University Resources. The employee or staff Creator shall
2432 share in any proceeds derived there from in accordance with this policy and subject to any
2433 preexisting commitments to outside sponsoring agencies.

2434 10.04.6.2 Students (including trainees): Intellectual Property created by student Creators shall be
2435 owned by the student Creator unless the Intellectual Property is created, conceived or reduced to
2436 practice (a) during the course of research conducted at MUSC; (b) through the use of University
2437 Resources; (c) in conjunction with one or more persons who are otherwise obligated to assign
2438 their rights in such Intellectual Property to MUSC under this policy; or (d) under terms of an
2439 MUSC contract with a third party which provide for other disposition of the Intellectual
2440 Property. For Intellectual Property of categories (a) through (d), MUSC shall be entitled to claim
2441 ownership, and the student Creator shall share in any proceeds derived there from in accordance
2442 with this policy and subject to any preexisting commitments to outside sponsoring agencies.

2443 10.04.6.3 Visitors: MUSC shall be entitled to claim ownership of Intellectual Property created by
2444 Visitors through the use of University Resources. The Visitor shall share in any proceeds derived
2445 there from in accordance with this policy and subject to any preexisting commitments to outside
2446 sponsoring agencies.

2447 **10.04.6.4 Copyright:**

2448 10.04.6.4.1 Copyrightable works that MUSC is entitled to claim ownership to under this policy
2449 shall be treated as works for hire.

2450 10.04.6.4.2 Unless subject to any of the exceptions specified in Section 6.4.3, Creators shall
2451 retain all rights to Traditional Academic Copyrightable Works and are free to submit such for
2452 publication and execute assignment documents in their own name.

2453 10.04.6.4.3 MUSC shall own Traditional Academic Copyrightable Works as follows:

- 2454 (a) Works created pursuant to the terms of an MUSC agreement with an external party;
- 2455 (b) Works created as a specific requirement of employment or as an assigned university duty that
2456 may be specified, for example, in a written job description or an employment agreement;
- 2457 (c) Works specifically commissioned by MUSC; and
- 2458 (d) Works that are also patentable.

2459 Nothing contained herein shall be interpreted to grant ownership to MUSC of Traditional
2460 Academic Works that are manuscripts for submission to scholarly journals, including electronic
2461 submissions which contain multimedia interactive components.

2462 **10.04.6.5 Agreements Impacting University Ownership**

2463 10.04.6.5.1 Sponsored Research Agreements: Ownership and disposition of Intellectual Property
2464 may be governed in whole or in part by sponsored research agreements, which may supersede
2465 certain provisions of this Policy. Prior to the execution of any sponsored research agreement
2466 which would conflict with this Policy, the Associate Provost for Research or its designee must
2467 approve the agreement in question.

2468 10.04.6.5.2 Consulting: Employees engaged in external consulting work or business are
2469 responsible for ensuring that agreements emanating from such work are not in conflict with
2470 university policy or with MUSC's contractual commitments. Such employees should make their
2471 university obligations known to others with whom they make such agreements and should
2472 provide the parties to such agreements a statement of applicable university policies regarding
2473 ownership of intellectual property and related rights.

2474 10.04.7 Commercialization of Intellectual Property

2475 **10.04.7.1 Commercialization**

2476 10.04.7.1.1 In making commercialization decisions for its Intellectual Property, MUSC, or its
2477 designee, shall have full discretion, subject to the purpose, objectives, and requirements of this
2478 policy. MUSC shall designate an internal office, or a retained third party entity such as a not-for-
2479 profit foundation, whose sole purpose is too solely benefit MUSC, hereafter referred to as the
2480 Technology Transfer Office ("TTO") for the administration and commercialization of
2481 Intellectual Property.

2482 10.04.7.1.2 The TTO shall keep the Creator reasonably informed of its commercialization
2483 efforts; provided, however, if the Creator has an interest in an entity which desires to license or
2484 otherwise make commercial use of the Intellectual Property, the Creator shall not be privy to
2485 financial or other confidential information concerning the offers of competing parties. In this
2486 event, the supervisor of the conflicted Creator shall be informed of the commercialization efforts
2487 in lieu of the conflicted Creator.

2488 **10.04.7.2 Timetable**

2489 10.04.7.2.1 Complete Submission: Upon submission of an Intellectual Property Disclosure, the
2490 TTO shall notify the Creator within thirty (30) days if the Intellectual Property Disclosure is
2491 deemed complete. If it is not deemed complete, the Intellectual Property Disclosure shall be
2492 returned to the Creator with a request for the additional information needed.

2493 10.04.7.2.2 Ownership: Within nine (9) months of a Complete Submission, the TTO shall inform
2494 the Creators if MUSC is exercising its right to claim ownership of the intellectual property.

2495 10.04.7.2.3 The TTO shall be reasonably diligent in making efforts to commercialize the
2496 Intellectual Property to which it has claimed ownership.

2497 **10.04.7.3 Disposition of Intellectual Property**

2498 10.04.7.3.1 After evaluation of the Intellectual Property and review of applicable contractual
2499 commitments, the TTO may (a) commercialize the Intellectual Property through licensing or
2500 other transfer of rights, (b) release it to the sponsor of the research under which it was made (if
2501 contractually obligated to do so), (c) release it to the Creator if permitted by law, or (d) take such
2502 other actions as are determined to be in the interest of MUSC and the public. Licensing or other
2503 transfer of Intellectual Property rights to entities which the Creator has an interest in is not
2504 prohibited by any provisions of this policy. Commercialization by the TTO or its designee may
2505 or may not involve statutory protection of the intellectual property rights, such as filing for patent
2506 protection, registering a copyright or securing plant variety certification.

2507 10.04.7.3.2 The TTO may create a policy, with the approval of the Associate Provost for
2508 Research, to allow for the rapid and streamlined disposition of certain copyrightable works under
2509 “open source”, “creative commons” or “copy left” agreements.

2510 10.04.7.3.3 Should the TTO abandon commercialization of university-owned Intellectual
2511 Property, ownership may be assigned to the Creator as allowed by law subject to the rights of
2512 sponsors and to the retention of a license to practice the Intellectual Property rights for the
2513 internal purposes of MUSC, its affiliated entities, and not-for-profit research collaborators. The
2514 minimum terms of such license shall grant MUSC, its affiliated entities, and its not-for-profit
2515 research collaborators, the right to use the Intellectual Property in their internally administered
2516 programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive
2517 basis. In such event MUSC may require the repayment of its out of pocket patent prosecution
2518 and maintenance expenses from any profits made due to commercialization by the Creator. In
2519 such an event the Creator may if they desire avail themselves of Section 9.4.

2520 **10.04.7.4 Distribution of Net Proceeds:**

2521 Net Proceeds shall be distributed quarterly unless the recovery of costs reasonably attributable to
2522 the protection and distribution of such Intellectual Property necessitates a delay of up to six (6)

2523 months in order to receive and process third party invoices for such protection (i.e. patent
 2524 prosecution invoices). Net Proceeds shall be distributed pursuant to the following schedule:

2525 **Patent and Other Intellectual Property (excluding Copyright)**

2526 Net Proceeds University or Inventor’s Royalty

| Royalty (\$) | Inventor(s) | Lab(s) | Department(s) | University | College(s) |
|----------------------|-------------|--------|---------------|------------|------------|
| First \$50,000 | 40 | 30 | 10 | 15 | 0 |
| \$50,000 - \$100,000 | 30 | 30 | 10 | 20 | 5 |
| > \$100,000 | 25 | 30 | 10 | 25 | 5 |

2527 5% at each range is designated as the Angel Fund.

2528 **Copyright**

2529 Net Proceeds University or Inventor’s Royalty

| Royalty (\$) | Inventor(s) | Lab(s) | Department(s) | University | College(s) |
|----------------------|-------------|--------|---------------|------------|------------|
| First \$50,000 | 60 | 15 | 10 | 15 | 0 |
| \$50,000 - \$100,000 | 50 | 15 | 10 | 20 | 5 |
| > \$100,000 | 40 | 15 | 10 | 30 | 5 |

2530 If there is no laboratory or laboratories, then the lab share shall be distributed proportionally
 2531 among the Department(s), University and School(s)/College(s).

2532 10.04.7.4.1 If Net Proceeds are attributable to more than one item of Intellectual Property (e.g.
 2533 more than one patent), the Net Proceeds shall be first apportioned equally amongst each item
 2534 prior to application of the distribution schedule, unless otherwise agreed to by the pertinent
 2535 Creators or if no agreement, as directed by the Associate Provost for Research, who shall be
 2536 under no obligation to attempt to discern an apportionment other than equal.

2537 10.04.7.4.2 If Net Proceeds are attributable to more than one Creator, distribution of Net
 2538 Proceeds (the apportioned share if more than one item of Intellectual Property) pursuant to the
 2539 schedule shall be made using an equal distribution for each Creator absent a written agreement to
 2540 the contrary signed by all the Creators.

2541 10.04.7.4.3 Payment of the Creator’s Share shall not end due to the Creator’s death, disability, or
 2542 termination of employment or other association with MUSC. In the event of death, payment of
 2543 the Creator’s share shall be made to the Creator’s estate.

2544 10.04.7.4.4 In the event that a Creator changes departments within MUSC, future distribution of
 2545 the department share and funds previously earned by the former department shall remain in the
 2546 originating department. If a department ceases to exist, their shares shall accrue to the University
 2547 Royalty Income Account until and unless the inventor, author, or contributor joins a new
 2548 University department.

2549 10.04.7.4.5 In the event that a Creator, or in the case of a student-Creator, when their mentor,
 2550 leaves the employment of MUSC or terminates research operations then 50% of any remaining
 2551 balance of laboratory shares and future laboratory shares from net proceeds resulting from

2552 patents, licensing or copyrightable works shall be redistributed to the Angel Fund and the
2553 remaining 50% will be distributed proportionally among the Department, University and
2554 School/College according to the table in 7.4 with the stipulation that these funds be solely used
2555 to support further growth of intellectual property and technology transfer initiatives at MUSC.

2556 10.04.7.4.6 Students and Visitors: For Student or Visitor Creators, the lab, department, and
2557 school/college shares shall be payable to the Laboratory, Department, and School/College of the
2558 Student’s mentor or the Laboratory, Department, and School/College of the Visitor’s sponsor.

2559 10.04.7.4.7 In the event that equity is received from the commercialization of Intellectual
2560 Property, equity shall not be considered Net Proceeds until the equity can be freely tradable or
2561 liquidated. MUSC and/or its TTO shall not be responsible or liable for any valuation fluctuations
2562 of equity.

2563 10.04.7.4.8 Creators are responsible for any tax consequences associated with their receipt of Net
2564 Proceeds.

2565 10.04.7.4.9 In the event the TTO is a third party not-for-profit entity, MUSC can cause the TTO
2566 to make payments on MUSC’s behalf pursuant to the schedule.

2567 10.04.7.4.10 Angel Fund: The proceeds designated for the Angel Fund shall be paid to the
2568 MUSC TTO with its own budget line and be used to further the development of emerging MUSC
2569 owned Intellectual Property as approved by the TTO Board of Directors and the Associate
2570 Provost for Research. The Intellectual Property Committee shall be periodically informed by the
2571 TTO regarding the use of these funds.

2572 10.04.8 Faculty Cooperation

2573 The Creator is obligated to cooperate and assist, at no expense to the Creator, in the
2574 commercialization efforts of the TTO. The Creator shall execute appropriate documentation for
2575 the protection of the Intellectual Property and assignment of ownership documents as required to
2576 effectuate this policy. Potential conflicts of interest that a Creator has with respect to Intellectual
2577 Property and its disposition under this policy shall be disclosed by the Creator pursuant to
2578 appropriate MUSC policy.

2579 10.04.9 Intellectual Property Committee

2580 **10.04.9.1 Membership:**

2581 The Intellectual Property Committee (“IPC”) shall be a standing committee and consist of seven
2582 (7) to eleven (11) members appointed by the Associate Provost for Research. Members shall be
2583 chosen from the various colleges and departments of MUSC which generate disclosures of
2584 Intellectual Property. One member shall be designated by the Associate Provost for Research as
2585 the Chair. A student shall also be appointed to the committee by the Associate Provost for
2586 Research.

2587 **10.04.9.2 Duties:**

2588 The IPC shall:

2589 (a) Provide advice to the Associate Provost for Research and the TTO regarding
2590 implementation of this policy, and undertake a periodic review of the policy making
2591 recommendations for any revisions, if needed;

2592 (b) Encourage compliance with this policy through education of potential Creators of
2593 Intellectual Property, and through periodic meetings with those persons and entities
2594 responsible for implementation of this policy.

2595 **10.04.9.3 Meetings:**

2596 The IPC shall meet at least quarterly and at such other times as requested by the Associate
2597 Provost for Research, the TTO, the Chair, or by at least 1/3 of the committee members.

2598 **10.04.9.4 Dispute Resolution Procedures**

2599 10.04.9.4.1 A Creator or MUSC administration can request the IPC mediate a dispute
2600 arising under this policy.

2601 10.04.9.4.2 If a mediated resolution amongst the parties is not obtained, the Committee
2602 can make a recommendation to the Associate Provost for Research for a resolution of the
2603 dispute.

2604 10.04.9.4.3 Mediation of a dispute under this policy shall not be required and shall not be
2605 considered to be part of any required administrative remedies available to an employee of
2606 MUSC.

2607 **11. FACULTY DEVELOPMENT**

2608 **11.01 Sabbatical Leave**

2609 A faculty member holding the rank of Professor or Associate Professor who has rendered six or
2610 more years of satisfactory service to MUSC may be granted sabbatical leave in order to study or
2611 undertake further training. Sabbatical leave is for the primary purpose of enhancing the value of
2612 the professional status of the faculty member in further service to the Medical University. The
2613 period for sabbatical leave may be for up to one year. Salary support during this period will be at
2614 the rate of one month for each year of service to MUSC, up to a maximum of twelve months
2615 salary.

2616 A sabbatical leave may be granted by the Board upon recommendation by the President,
2617 following approval by the Department Chair, the Dean of the College concerned, and the Vice
2618 President for Academic Affairs and Provost, and with the understanding that the faculty member
2619 will return to active service MUSC when such leave has ended.

2620 During sabbatical leave, annual leave accrual is prorated according to the percentage of the
2621 MUSC salary paid to the faculty member (i.e., a faculty member receiving half-pay from the
2622 University while on sabbatical leave would accrue one-half of full annual leave entitlement.
2623 Upon return, it is incumbent upon a faculty member receiving partial pay while on sabbatical to
2624 request that his/her department submit a leave correction form (MISCO 21) to ensure that the full
2625 annual leave entitlement is reinstated.

2626 In accord with the state Sick Leave Act, faculty members will not accrue sick leave while on
2627 sabbatical leave.

2628 Benefits may continue during a sabbatical leave, but the faculty member MUST contact the
2629 Benefits Section of the Department of Human Resources Management for advice on what action
2630 is required to maintain current benefits. To prevent loss of benefits, it is essential that the faculty
2631 member contact Human Resources Management at least 60 days prior to beginning sabbatical
2632 leave.

2633 **11.02 Upward Faculty Mobility Toward Advanced Degrees**

2634 A full-time faculty member (9 to 12 months), who has no terminal degree in the area of her/his
2635 respective appointment may pursue such a degree if it is available at the Medical University of
2636 South Carolina or elsewhere, and provided s/he receives prior approval, in writing, from the dean
2637 of the college in which s/he holds his/her primary appointment. This policy, presented in
2638 [Appendix 11.02](#), establishes the process for achieving an orderly and evaluated educational
2639 experience.

2640 **11.03 Faculty Desiring to Obtain a Degree in Addition to Terminal Degree Already**
2641 **Held**

2642 A faculty member holding a terminal degree in the area of his/her original appointment who
2643 wishes to obtain an additional degree offered at MUSC will be subject to the same policy, rules,
2644 regulations and requirements as a faculty member who seeks a terminal degree. Further, since
2645 such a program of study is not to be construed as a faculty member's service to MUSC, a
2646 proportionate reduction in salary may be necessary to meet his/her responsibility, unless
2647 otherwise approved by the dean of the college of his/her primary appointment.

2648 **11.04 Travel**

2649 MUSC, as an agency of the State of South Carolina, is subject to the travel guidelines set by the
2650 State Budget and Control Board. [Appendix 11.04](#) contains **a link to** the latest version.

2651 **11.05 Tuition Assistance**

2652 MUSC provides tuition and mandatory fees assistance to permanent employees (classified,
2653 faculty, and other unclassified employees) for up to four credit hours a semester as authorized by
2654 [Section 59-111-15](#) of the 1976 South Carolina Code of Laws, as Amended. Tuition and
2655 mandatory fees assistance will be provided by reimbursement of tuition cost after course
2656 completion, subject to availability of employing department funds. Permanent employees who
2657 are employed at least 30 hours per week are eligible to apply for tuition and mandatory fees
2658 assistance regardless of race, color, religion, sex, age, national origin, disability or veteran status.
2659 The tuition assistance program is only for MUSC employees to enroll in a credit-bearing course
2660 at MUSC or any other state institution (not including continuing education) on a space-available
2661 basis and with approvals of the course director or department chairperson. See [Appendix 11.05](#)
2662 for **a link to** eligibility and procedures to participate in the tuition and mandatory fees assistance
2663 program.

2664 **12. FACULTY LEAVE**

2665 **12.01 Leave with Pay**

2666 12.01a Attendance in Court

2667 When a faculty member is a voluntary witness in litigation as an individual, and not in an official
2668 capacity, the time taken from work shall be charged as annual leave or leave-without-pay, as
2669 appropriate.

2670 When, in obedience to a subpoena or other legal direction by proper authority a faculty member
2671 appears to testify, serve as a witness, or serve on a jury for the Federal Government, the State of
2672 South Carolina or one of its political subdivisions, the faculty member shall be granted leave-
2673 with-pay for the necessary period of time which shall be recorded as Administrative Leave.

2674 12.01b Death in Family

2675 Administrative leave (with pay) may be authorized by the department for a death in the family.
2676 This leave, which shall not exceed three consecutive working days, may be granted in the case of
2677 death of the following relatives of the faculty member or spouse:

2678 Husband or wife

2679 Child

2680 Grandchild

2681 Great Grandchild

2682 Sister or Brother

2683 Mother or Father

2684 Grandmother or Grandfather

2685 Great Grandmother or Great Grandfather

2686 12.01c Voting

2687 Each faculty member who is eligible to vote in a South Carolina primary or general election will
2688 be authorized up to two hours leave for voting. If possible, voting should be done before or after
2689 work.

2690 12.01d Annual Leave

2691 Full-time faculty on a twelve-month contract are entitled to one calendar month (22 working
2692 days) of annual leave each fiscal year (July 1 - June 30). Leave time shall accrue from the date
2693 of employment at the rate of 22 days per fiscal year; however, the maximum amount of unused
2694 leave that may be carried over into a new fiscal year is 45 days.

2695 Part-time faculty with a twelve-month contract will accrue proportionate annual leave benefits
2696 based on the percentage of time worked. As with full-time faculty, the maximum amount of
2697 unused leave that part-time faculty may carry over into a new fiscal year is 45 days.

2698 Faculty with nine-month contracts are entitled to accrue and use annual leave during the period
2699 of their contract. The amount of accrual will be 75% (16.5 days) of the amount accrued by full-
2700 time twelve-month faculty. As with other faculty, 45 days is the maximum amount of unused
2701 leave that faculty with nine-month contracts may carry over into a new fiscal year.

2702 As far as possible, leave shall be scheduled in accordance with the preference of the faculty
2703 member. However, leave shall be approved by the appropriate supervisor/administrator to assure
2704 efficient operation. Recognizing the nature of academic responsibility and the high priority of
2705 class scheduling, faculty may be granted leave before it is earned.

2706 Twelve-month faculty (full & part-time) who leave the employment of MUSC who have unused
2707 annual leave are entitled to a lump-sum payment for such leave not to exceed 45 days, to be
2708 calculated as follows:

2709 Hourly rate multiplied by number of hours of leave due*.
2710

2711 *NOTE: Substitute number of working days per month for part-time faculty, as fraction of 22
2712 working days.

2713 12.01e Military Leave

2714 In accordance with State Law, a faculty member is entitled to a maximum of 15 work days of
2715 paid leave in any one calendar or fiscal year for active duty training with the South Carolina
2716 National Guard or one of the Reserve units of the Armed Forces of the United States. These 15
2717 days need not be consecutive and may be used intermittently throughout the year. Insofar as
2718 possible, such training should be arranged to be of least interference with regular academic,
2719 research or clinical commitments.

2720 In the event a faculty member is called upon to serve during an emergency ordered by the
2721 Governor or the Armed Forces concerned, s/he shall be entitled to an additional leave of absence
2722 with pay not to exceed 30 working days.

2723 A faculty member is normally entitled to leave-without-pay during an extended period for up to
2724 five years for active military duty. After such leave, the faculty member may return to active
2725 employment with MUSC in a comparable position to the one held at the time such leave was
2726 granted, provided:

2727 (1) Separation from the military service was under honorable conditions.

2728 (2) Physical and mental capacities remain adequate for the position.

2729 (3) Such application for re-employment is made within 90 days after release from the
2730 military service.

2731 12.01f Assault by Patient

2732 Covered employees who are temporarily disabled as a result of an assault by a patient or client
2733 are entitled to the use of administrative leave with pay during the period of disability.

2734 12.01g Donating Blood

2735 Administrative leave for blood donation is limited to four (4) hours. A department head may
2736 require documentation of the donation.

2737 12.01h Official Holidays

2738 Listed below are the holidays observed by the State of South Carolina.

2739 New Year's Day (January 1)

- 2740 Martin Luther King, Jr. Day (Third Monday in January)
- 2741 President's Day (Third Monday in February)
- 2742 Confederate Memorial Day (May 10)
- 2743 National Memorial Day (Last Monday in May)
- 2744 Independence Day (July 4)
- 2745 Labor Day (1st Monday in September)
- 2746 Veterans Day (November 11)
- 2747 Thanksgiving Day (4th Thursday in November)
- 2748 Day after Thanksgiving (4th Friday in November)
- 2749 Christmas Day (December 25)
- 2750 Day after Christmas (December 26)
- 2751 Any additional day(s) officially granted by the Governor and/or Legislature
- 2752 In the year of a General Election, the first Tuesday following the first Monday in
- 2753 November is also a State legal holiday.
- 2754 If conditions preclude taking the holiday at the prescribed time, compensatory time must be
- 2755 taken within one year; there is no provision for payment for earned but unused holidays.

2756 **12.02 Sick Leave**

2757 Sick leave is authorized by State law and is applicable to all full- and part-time faculty who work

2758 at least 50% of the time (including nine-month faculty). The law defines faculty members on

2759 twelve-month appointments as permanent full-time employees and those on nine-month

2760 appointments as permanent part-time employees. The overall benefits are the same for both

2761 groups of faculty except that twelve-month faculty may accumulate 1 1/4 days of sick leave per

2762 month for a total of 15 days per year, whereas nine-month faculty may accumulate 1 1/4 days of

2763 sick leave per month for a total of 11 1/4 days per academic year. Further, twelve-month faculty

2764 may accumulate sick leave credit to a maximum of 195 days; nine-month faculty may

2765 accumulate sick leave credit to a maximum of 146 1/4 days.

2766 See [Appendix 12.02](#) for the most current MUSC sick leave policy.

2767 [12.02a Family and Medical Leave](#)

2768 A faculty member who has worked for the State for 12 months or more and has worked at least

2769 1250 hours during the preceding 12 months, may be eligible for Family and Medical Leave. See

2770 [Appendix 12.02a](#) for current policy.

2771 [12.02b Leave Donation](#)

2772 Excess leave may be donated to the MUSC Leave Transfer Pool in accordance with the MUSC

2773 Leave Transfer Program. See [Appendix 12.02b](#) for current policy including the most recent

2774 approved Leave Donation form.

2775 **12.03 Extended Leave without Pay**

2776 Extended leaves of absence without pay may be granted by the President, through regular
2777 administrative channels, under circumstances wherein the best interests of MUSC would be
2778 served through granting such leave. Authorization may be considered in such cases as:

2779 (1) Absence for advanced academic training, research, or other experience which
2780 leads to increased competence and promotes the interests of the Medical
2781 University as well as those of the faculty member, and

2782 (2) Absences due to prolonged illness or for personal reasons when such absences
2783 extend beyond available annual leave or sick leave. Normally, the total period of
2784 absence will not exceed six months. However, under exceptional circumstances,
2785 the President may extend this period to one year.

2786 The granting of leave-without-pay is a matter of administrative discretion. The administrative
2787 channels for request for leave-without-pay shall be the same as for other faculty actions.

2788 Although sick leave or annual leave does not accrue during periods of leave-without-pay, the
2789 accumulated total is not forfeited.

2790 A member of the faculty who has acquired tenure shall retain tenure during any period of leave;
2791 however, time served on leave-without-pay may not be counted toward acquiring a sabbatical
2792 leave.

2793 A member of the faculty at MUSC Medical University has an obligation to give a written notice
2794 at least six months before the stated expiration date of the leave.

2795 **13. FACULTY BENEFITS**

2796 Faculty members who resign, retire, or for other reasons terminate their employment with MUSC
2797 must contact the Department of Human Resources Management Service Center concerning the
2798 action they need to take with regard to the following: a) Retirement, b) State Health and Dental
2799 Insurance, c) State Optional Life Insurance, d) Tax Sheltered Annuities, and e) Deferred
2800 Compensation Plans.

2801 Faculty employed by MUSC-affiliated institutions or organizations, such as VA Medical Center
2802 or University Medical Associates, should refer to their human resources management policies for
2803 eligible benefits.

2804 **13.01 State Insurance Program**

2805 All permanent faculty members employed by MUSC at least 50% of the time, or 20 hours per
2806 week, will be eligible to participate in the University's benefits program. Please see [MUSC](#)
2807 [Department of Human Resources](#) for specific information.

2808 Current human resource management policies govern available insurance coverage, enrollment,
2809 changes in coverage, and terminations of coverage

2810 **13.02 Liability Insurance**

2811 Pursuant to State law, faculty members and other employees are insured for all activities within
2812 the scope of their duties for MUSC. This State mandated insurance coverage is provided through

2813 the South Carolina Insurance Reserve Fund. Specific information regarding coverage may be
2814 obtained for the Office of University Risk Management.

2815 If an event occurs which may expose a health provider or the institution to a claim or legal
2816 action, notify the [University Risk Management](#) immediately. They will, in turn notify
2817 appropriate persons in the affected areas and hospitals.

2818 **13.03 Additional Benefits**

2819 Without excluding other employee benefits provided, faculty benefits include travel assistance,
2820 retirement, tax-deferred compensation plans, workers' compensation, unemployment
2821 compensation, direct deposit, and membership eligibility in the South Carolina State Employees
2822 Association. See [Appendix 13.03](#) for description of these benefits.

2823

Appendices

2824

2825 As of April 1, 2011, all links are up-to-date and working. To ensure that you are accessing the
2826 most current information, please contact your department's administrative office or MUSC
2827 Human Resources (<http://academicdepartments.musc.edu/musc/hr.htm>). Contact the Faculty
2828 Senate to report any broken hyperlinks.

2829 **Appendix A: Board Approved Faculty Senate Handbook Revisions**

2830

2831 **Appendix P: Universal Faculty Contract, 2009-2010**

2832 Can be accessed at: <https://www.musc.edu/fac/>

2833 **Faculty Annual Contract PDF file removed from appendix – this link has annual contract**
2834 **and additional information.**

Appendix 1: Abbreviations Used Throughout Handbook

| | |
|--------|--|
| APT | Appointment, Promotion and Tenure Committee |
| Board | MUSC Board of Trustees |
| EEO/AA | Equal Employment Opportunity/Affirmative Action |
| FMLA | Family and Medical Leave Act |
| FOIA | Freedom of Information Act |
| FRD | South Carolina Foundation for Research Development, Inc. |
| HHS | United States Department of Health Human Services |
| IRB | Institutional Review Board |
| MUHA | Medical University Hospital Authority |
| MUSC | Medical University of South Carolina |
| TERI | Teacher and Employee Retiree Incentive Program |
| UMA | University Medical Associates |

2835 ~~**Appendix 1.03 — Code of Conduct**~~

2836 ~~http://academicdepartments.musc.edu/uco/code_conduct.htm~~

2837 **Appendix 2.03 Academic Organization Chart**

2838 <http://www2.edserv.musc.edu/president/chart.htm>

| | |
|------|---|
| 2880 | Continuing Medical Education Advisory Committee |
| 2881 | Council of Associate Deans for Research |
| 2882 | Health Services Research/Academic Generalist Fellowship Committee |
| 2883 | HIPAA Research Subcommittee |
| 2884 | Interprofessional Education Working Group |
| 2885 | Pitts Lecture Series |
| 2886 | SACS Steering Committee |
| 2887 | SACS Accreditation (Governance) Committee |
| 2888 | SACS Federal Requirements Subcommittee |
| 2889 | Simulation Oversight Committee |
| 2890 | Student Research Day Committee |
| 2891 | Teaching Excellence Awards |
| 2892 | University Compliance Council |
| 2893 | University Continuing Education Committee |
| 2894 | University Honor Council |
| 2895 | Women Scholars Initiative |
| 2896 | Appendix 3.02 Constitution of the Faculty Senate of the Medical University of South |
| 2897 | Carolina |
| 2898 | This Constitution defines the composition of the Faculty Senate, its role in the academic |
| 2899 | affairs of the University, and the basic principles of self-governance of the faculty of the |
| 2900 | Medical University of South Carolina. The original constitution was authorized by the |
| 2901 | Bylaws of the Board of Trustees of the Medical University of South Carolina, Section 6, |
| 2902 | Article b, in August 1976. The Board approved the revised Constitution in February 2006 and |
| 2903 | amendments 1 and 2 in February 2007. |
| 2904 | http://www.musc.edu/facsen/bylaws/bylaws.html |
| 2905 | Appendix 5.02 University Nepotism Policy HR pol 7 (Reviewed 9/18/09) |
| 2906 | University HR |
| 2907 | http://www.musc.edu/hrm2/policies/policy07.html |
| 2908 | Hospital HR |
| 2909 | http://mcintranet.musc.edu/hr/documents/POLICY7-NEPOTISM.pdf |
| 2910 | Appendix 5.04 MUSC Employee Health Screening Criteria HR pol 1 (Reviewed |
| 2911 | 4/1/09) |
| 2912 | http://www.musc.edu/hrm2/policies/policy01.html |
| 2913 | http://mcintranet.musc.edu/hr/documents/POLICY1-EMPLOYEEHEALTH.pdf |
| 2914 | Appendix 5.05 University Criminal Records Search Policy HR pol 26 (Reviewed |
| 2915 | 4/9/09) |
| 2916 | http://mcintranet.musc.edu/hr/documents/POLICY26-CRIMINALRECORDSEARCH.pdf |
| 2917 | Appendix 6 Faculty Appointment, Promotion, & Tenure Policies for each College |
| 2918 | Appendix 6a. COLLEGE OF MEDICINE |

2919 Appointment, Promotion and Tenure Information

2920 General Guidelines, Criteria, and Supporting Documents

2921 <http://academicdepartments.musc.edu/com1/faculty/index.htm>

2922 **Appendix 6b. COLLEGE OF PHARMACY**

2923 **Promotion and Tenure Guidelines**

2924 These guidelines serve as an extension of the general University guidelines, as set forth in the
2925 Faculty Handbook, concerning promotion and the award of tenure. Promotions and tenure are
2926 recognition of achievements and of promise that the individual is capable of assuming additional
2927 responsibilities. The policy of the College of Pharmacy is to make promotions and to grant
2928 tenure solely on the basis of merit. To this end, the College of Pharmacy has established specific
2929 criteria for promotion and for granting tenure.

2930 **PART I - TENURE-TRACK**

2931 **I. PROMOTION**

2932 Promotion is an acknowledgment of excellent performance in two of the three areas of teaching,
2933 research/scholarship, and service (including service to the University and College and Clinical
2934 practice, if applicable). One of the two areas of excellence **MUST** be that which is given
2935 prominence based on activity reports and job description. Competence in the remaining area
2936 must be shown. In all cases teaching effectiveness and general service to the College or
2937 University must be demonstrated.

2938 **II. TENURE**

2939 Tenure is granted as a result of demonstrated competence and a strong commitment to serve the
2940 College of Pharmacy. Faculty requesting tenure will be evaluated according to the rules for
2941 promotion. Since tenure is basically a lifetime commitment by the College of Pharmacy, a higher
2942 level of attainment in the areas specified above and the promise of long-term contributions to the
2943 Medical University of South Carolina will be expected. Tenure-track faculty members who have
2944 not attained tenure must receive a formal review at least every three years (Appendix I). Tenured
2945 faculty will be reviewed in accordance with the MUSC Faculty Handbook.

2946 **III. CRITERIA, RATIONALE, AND METHODS FOR MEASUREMENT OF**
2947 **PERFORMANCE**

- 2948 A. Time requirements
2949 Current Rank Minimum Service (years)
2950 Assistant Professor 3
2951 Associate Professor 4

2952 **Appendix 6c. COLLEGE OF NURSING**

2953 Appointment, Promotion and Tenure Guidelines

2954 <http://academicdepartments.musc.edu/nursing/intranet/Documents/FacultyHandbook/SectionVI.pdf>
2955

2956 **Appendix 6d. COLLEGE OF DENTAL MEDICINE**
2957 Guidelines for Appointments, Promotion, and Tenure

2958 http://academicdepartments.musc.edu/dentistry/pdfs/Guidelines%20_07.pdf

2959 **Appendix 6e. COLLEGE OF HEALTH PROFESSIONS**
2960 Promotion and Tenure Guidelines

2961 http://academicdepartments.musc.edu/chp/chpnet/faculty_assembly/index.htm

2962 **Appendix 6f. COLLEGE OF GRADUATE STUDIES**

2963 Faculty members of the Graduate School are from various colleges; therefore tenure issues are
2964 handled by the various colleges to which the faculty members belong.

2965 **Appendix 6g. DEPARTMENT OF LIBRARY SCIENCE AND INFORMATICS**
2966 **(DLSI)**

2967 [MUSC Department of Library Science and Informatics \(DLSI\) Policy, Procedure, and Criteria](#)
2968 [for Appointment, Promotion, and Tenure](#)

2969 <http://www.library.musc.edu/page.php?id=1643>

2970 **Appendix 6.05 — Best Practices for Post Tenure Review**

2971 6.4.4. Post Tenure Review

2972 ~~Preamble: At every stage of a faculty member's career, the Division Director and/or Department~~
2973 ~~Chair will review the faculty member's performance through the annual review process and~~
2974 ~~reviews for promotion and tenure. A tenured faculty member will be additionally subjected to~~
2975 ~~post tenure review, every sixth year after obtaining tenure. Post tenure review serves to evaluate~~
2976 ~~rigorously a faculty member's professional contributions and is guided by "Best Practices for~~
2977 ~~Post tenure Review". During these reviews, efforts should be made to identify realistic long~~
2978 ~~range goals for career enhancement, and evaluate the faculty member's strengths and weaknesses~~
2979 ~~in performance, and through appropriate advice and action, provide opportunities to correct the~~
2980 ~~weaknesses and realize his/her full professional development. The review should be used to~~
2981 ~~ensure that all faculty members: (a) continue to perform at a level to achieve their long and short~~
2982 ~~range career goals; (b) serve the needs of the students, and the institution; and that (c)~~
2983 ~~outstanding faculty are rewarded.~~

2984 1. ~~All tenured faculty members shall normally be subject to a review of professional~~
2985 ~~performance and progress ("post tenure review") every 6 years. The process will be~~
2986 ~~linked to annual faculty evaluations that are summarized on a five-point scale~~
2987 ~~(unsatisfactory, marginal, satisfactory, very good, outstanding) using the standard Faculty~~
2988 ~~Performance Evaluation Form for all colleges and units of the University. This review~~
2989 ~~will be conducted by the Appointment, Promotions and Tenure (APT) Committee of the~~

2990 faculty member's college.

2991 2. The post tenure review process will be initiated by the Chair /Director of the Department

2992 who will review the performance records of the faculty member and take action

2993 according to the following guidelines:

2994

2995 a. If a faculty member has been rated as satisfactory or above in a majority of

2996 applicable performance categories in all annual performance evaluations in the

2997 preceding six years, the Departmental Chair/Director will send a letter to the

2998 Appointment, Promotions and Tenure (APT) Committee of the faculty member's

2999 college stating that the faculty member has received satisfactory or above in the

3000 majority of applicable categories relevant to his tenured appointment in the annual

3001 performance evaluations done during the preceding six years and, thus, is

3002 performing in accordance with standards of the university for a tenured faculty

3003 member. A copy of this letter will be sent to the faculty member under review

3004 b. If a faculty member has been rated below satisfactory in a majority of applicable

3005 performance categories in one of the six preceding annual evaluations, and the

3006 deficiencies have subsequently been corrected, the Chair/Director shall send to

3007 the APT Committee of the faculty member's college a letter stating that the

3008 faculty member has received satisfactory or above in the majority of applicable

3009 categories on all but one of the annual performance evaluations in the preceding

3010 six years, that deficiencies have subsequently been corrected, and that the faculty

3011 member is performing at a level in accordance with standards of the university for

3012 a tenured faculty member. A copy of this letter will be sent to the faculty member

3013 under review.

3014 c. If a faculty member is rated below satisfactory in a majority of applicable

3015 performance categories in the sixth year of the cycle, the process will be extended

3016 for one additional year to allow the faculty member to correct identified

3017 deficiencies before further action is taken.

3018 d. Whenever a tenured faculty member has been rated below satisfactory in a

3019 majority of applicable performance categories on an annual evaluation, the Chair

3020 /Director shall meet with the faculty member to document the deficiencies, to

3021 outline the steps of improvement to be taken to correct the deficiencies and to

3022 indicate the source of the resources (funds) that will be provided to support the

3023 plan. The goal shall be to restore satisfactory performance. A written summary of

3024 the meeting, including a reasonable timetable for correcting deficiencies and a

3025 statement of the resources provided, shall be prepared for the faculty member. If

3026 the Chair/Director finds that the tenured faculty member fails to make substantial

3027 progress toward meeting the performance goals that had been set and continues to

3028 be rated below satisfactory in a majority of applicable performance categories on

3029 two succeeding annual evaluations, a special review by the College APT

3030 Committee may be requested by the Chair or supervising administrator

3031 independent of the six year review cycle.

3032 The Chair/Director must submit a letter detailing the deficiencies of the faculty

3033 member under review with corroborating documentation as described under

3034 section 3 to the college APT Committee. A copy of the letter detailing the

3035 deficiencies will also be sent to the faculty member under review.

3036 e. ~~If a faculty member has been rated below satisfactory in a majority of applicable~~
3037 ~~performance categories in more than one annual evaluation despite appropriate~~
3038 ~~support and guidance from the Department Chair/Director in the preceding six~~
3039 ~~years, the Chair/Director shall submit a letter to the College APT Committee~~
3040 ~~detailing the deficiencies of the faculty member under review with corroborating~~
3041 ~~documentation as described under Section 3 to the College APT Committee. A~~
3042 ~~copy of the letter shall also be sent to the faculty member under review.~~

3043 3. ~~The College APT Committee will utilize the following materials for a post tenure review:~~

3044 a. ~~A full report on the faculty member from the Chair/Director, consisting of copies~~
3045 ~~of the previous six years' annual performance evaluations conducted by the~~
3046 ~~Chair/Director for the period in question using the standard Faculty Performance~~
3047 ~~Evaluation Form for all colleges and units of the University (See Appendix II),~~
3048 ~~and when applicable, written summaries that document deficiencies and plan(s) of~~
3049 ~~remediation (if any), plus the Chair's letter outlining his efforts to remedy the~~
3050 ~~deficiencies and supplemented by any other documents and information that the~~
3051 ~~Chair/Director wishes to submit.~~

3052 b. ~~The faculty member's *curriculum vitae*, plus a copy of the faculty member's~~
3053 ~~annual reports for the period in question detailing his/her activity and progress,~~
3054 ~~and including such aspects as the outcome of any sabbatical leave, professional~~
3055 ~~development courses taken, etc. The faculty member under review shall be given~~
3056 ~~the opportunity to appear before the committee and/or submit any documents that~~
3057 ~~he/she wishes to be considered.~~

3058 c. ~~Evaluations of teaching performance, in addition to those provided in the annual~~
3059 ~~review by the Department Chair/Director will be included in this review. These~~
3060 ~~would typically include such evaluations as student PACE evaluations, and~~
3061 ~~comments by the directors of courses in which the faculty member has taught.~~

3062 d. ~~Evaluation of research/scholarly activities by peers outside the department~~
3063 ~~(although not necessarily outside the university). Refereed publications or other~~
3064 ~~peer reviewed research/scholarly exercises will be considered as having been~~
3065 ~~peer reviewed outside the department.~~

3066 e. ~~Any other documents or reports relating to the performance of the faculty member~~
3067 ~~in any of the areas of professional activity that the Department Chair, the faculty~~
3068 ~~member, or the members of the APT Committee wish to be considered.~~

3069 4. ~~The College APT Committee will review the faculty member's performance based upon~~
3070 ~~written standards and criteria which are developed by the College APT Committees,~~
3071 ~~approved by the majority of faculty of the college or unit and be periodically reviewed by~~
3072 ~~the faculty. These criteria will incorporate attention to "Best Practices for Post-Tenure~~
3073 ~~Review", numbers 1 through 12. The criteria should reflect the specific missions of the~~
3074 ~~individual Colleges and the University. Each College APT Committee shall publish and~~
3075 ~~distribute these criteria to its faculty. The basic standard for appraisal shall be whether the~~
3076 ~~faculty member under review discharges conscientiously and with professional~~
3077 ~~competence the duties appropriately associated with his or her position, not whether the~~
3078 ~~faculty member continues to meet the standards for the award of tenure as those will have~~
3079 ~~changed since initial granting of tenure to that faculty member. The review must also be~~

3080 flexible enough to acknowledge different expectations in different disciplines and
3081 changing expectations at different stages of faculty careers. In reviewing a faculty
3082 member's performance, the College APT Committee will recognize not only the diverse
3083 talents, activities and accomplishments of faculty within that College, but also that
3084 individual faculty are expected, in consultation with their Chair/Director, to focus their
3085 efforts in selected areas of endeavor. The College APT Committee will also verify that an
3086 adequate environment, as outlined in section 2d was provided by the Chair/Director to
3087 support the faculty members in performance of these directives.

- 3088 5. ~~The College APT Committee shall, after completing their review, make a Report to the~~
3089 ~~Department Chair/Director. The report, which shall be a permanent part of the faculty~~
3090 ~~member's personnel file, will contain:~~
- 3091 a. ~~An appraisal of the faculty member's performance and progress, including the~~
3092 ~~perceived strengths and weaknesses. The performance shall be rated as superior,~~
3093 ~~satisfactory or unsatisfactory. Any faculty member who receives a superior appraisal~~
3094 ~~will be entitled to receive a permanent merit increase in base pay, in addition to any~~
3095 ~~annual raise as determined by the Dean of the faculty member's college, or chair of~~
3096 ~~the faculty member's department with approval of the Dean. The merit increase will~~
3097 ~~be awarded by the Provost and will be funded for the first year by the Office of the~~
3098 ~~Provost.~~
- 3099 b. ~~An analysis of the faculty member's potential for further professional development.~~
3100 ~~Opportunities for development should be identified (e.g., encouragement of research~~
3101 ~~initiatives, granting of sabbatical leave, potential mentorships in teaching and~~
3102 ~~research, appropriate professional development courses that could be taken.)~~
- 3103 6. ~~The College APT Committee shall forward the Report to the Dean with a clear~~
3104 ~~recommendation for retention of tenure when faculty, in the Committee's judgment, are~~
3105 ~~rated superior or satisfactory. A rating of unsatisfactory by the College APT Committee~~
3106 ~~shall result in a recommendation for remediation of the faculty member, or for removal of~~
3107 ~~his/her tenure.~~
- 3108 a. ~~When removal of tenure is recommended by the College APT Committee, the Dean~~
3109 ~~reviews the recommendation and, if in agreement, forwards the recommendation to~~
3110 ~~the Vice President for Academic Affairs and Provost for review and action by the~~
3111 ~~University Tenure Committee. The Dean shall provide to the faculty member,~~
3112 ~~Department Chair/Director and College APT Committee memoranda indicating~~
3113 ~~his/her action.~~
- 3114 7. ~~If the University APT Committee, after a full hearing of the case, supports the~~
3115 ~~recommendation for removal of tenure, this recommendation will be forwarded to the~~
3116 ~~Vice President for Academic Affairs and Provost and will activate the Grievance and~~
3117 ~~Appeal Procedure for the faculty member as described in the Faculty Handbook (8.1).~~
- 3118 8. ~~If the Grievance and Appeal Procedure results in an unfavorable decision for the tenured~~
3119 ~~faculty member, the faculty member will then function under the guidelines for non-~~
3120 ~~tenured faculty.~~
- 3121 9. ~~The outcomes of evaluations shall be confidential, that is, confined to the appropriate~~
3122 ~~college or university persons or bodies and faculty member being evaluated, and shall be~~
3123 ~~released only with the written consent of the faculty member.~~
- 3124 10. ~~Year one of the post-tenure review cycle will begin upon approval of this policy by the~~

3125 ~~Board of Trustees and shall apply to all tenured faculty members after the effective date.~~
3126 ~~11. In accordance with the review process mandated by the Faculty Handbook, the above~~
3127 ~~policy and standards and criteria developed to carry out this policy should be evaluated~~
3128 ~~biannually with respect to the effectiveness in supporting faculty development and~~
3129 ~~redressing problems of faculty performance.~~

3130 Appendix 6.05a **Faculty Performance Evaluation**

3131 Forms for each College

3132 **College of Medicine**

3133 MEDICAL UNIVERSITY OF SOUTH CAROLINA

3134 FACULTY PERFORMANCE EVALUATION

3135 Faculty Member _____ For Period of _____ Department _____

GOALS OF FACULTY MEMBER

ADDITIONAL GOALS SET FORTH BY CHAIR

I. Teaching Activity

I.

II. Research/Scholarly Activity

II.

III. Patient Care

III.

IV. Institutional Activity

IV.

V. Professional Growth

V.

VI. Other

VI.

3136

3137

FACULTY PERFORMANCE EVALUATION

Medical University of South Carolina

Faculty Name:

| Evaluation of Mutually Agreed Upon Goals | Rating Scale | | | | | | | | | | | |
|--|--------------------|--------------|----------|--------------|-----------|-------------|-----------------------|--------------|----------|--------------|-----------|-------------|
| | Faculty Evaluation | | | | | | Chairman's Evaluation | | | | | |
| | Not Applicable | Unacceptable | Marginal | Satisfactory | Very Good | Outstanding | Not Applicable | Unacceptable | Marginal | Satisfactory | Very Good | Outstanding |
| I. | | | | | | | | | | | | |
| II. | | | | | | | | | | | | |
| III. | | | | | | | | | | | | |
| IV. | | | | | | | | | | | | |
| V. | | | | | | | | | | | | |
| VI. | | | | | | | | | | | | |

Faculty Members Comments:

Evaluator Comments:

Faculty Member Date

Evaluator Date

Dean Date

2010-2011 Faculty Performance Specification

Faculty Member: _____

Date: / / _____

Contact

Teaching Workload Assignment

Hours

% Teaching = Contact Hours

Office Hours (# semesters x 2)

Course Work

FALL SEMESTER

Course #:

Credits:

Contact
Hrs:

SPRING SEMESTER

Course #:

Credits:

Contact
Hrs:

SUMMER SEMESTER

Course #:

Credits:

Contact
Hrs:

Course Overload: # students Fall + # Spr + # Sum = x 0.5 =

Off-site supervision of graduate students in preceptored practicum:

FALL: # students + SPRING: # students + SUMMER: # students = students x 2 =

Coordinator

Course (BSN clinical, 6 CH; DNP/MSN clinical, 2 CH; DNP/MSN online course 40+ students, 6 CH)

Clinical placement

FALL: # students + SPRING: # students + SUMMER: # students = students x 0.25 =

Students

Honors course: # students FALL: + SPRING + SUMMER: = students x 2 =

MEDICAL UNIVERSITY OF SOUTH CAROLINA
College of Nursing

Independent study: # students **FALL:** + **SPRING** + **SUMMER:** = students x 2 =

Mentored teaching: # students **FALL:** + **SPRING** + **SUMMER:** = students x 2 =

Mentored research: # students **FALL:** + **SPRING** + **SUMMER:** = students x 2 =

Dissertation/project committee

Chair: # students **FALL:** + **SPRING** + **SUMMER:** = students x 2 (PhD) *or* 1 (DNP) =

Member: # students **FALL:** + **SPRING** + **SUMMER:** = students x 0.5 =

Other

TOTAL CONTACT HOURS FOR TEACHING

Contact Hours by Percentage Effort

| | | | | | | | | | | | | | | | | | | |
|----------|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|
| % effort | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 | 60 | 65 | 70 | 75 | 80 | 85 | 90 |
| Hrs/wk | 2 | 4 | 6 | 8 | 10 | 12 | 14 | 16 | 18 | 20 | 22 | 24 | 26 | 28 | 30 | 32 | 34 | 36 |
| Total/yr | 6 | 12 | 18 | 24 | 30 | 36 | 42 | 48 | 54 | 60 | 66 | 72 | 78 | 84 | 90 | 96 | 102 | 108 |

PERCENT EFFORT PAGE 2

PERCENT TEACHING EFFORT PAGE 1

PERCENT EFFORT TOTAL

Comments/Faculty development priorities:

Faculty

Date

Department chair

Date

Dean

Date

Medical University of South Carolina
 College of Health Professions
 FACULTY PERFORMANCE EVALUATION YEAR END SUMMARY AND RECOMMENDATIONS
 2001-2002

Original to Dean's Faculty File; Copies to faculty member and Department Chair ATTACHMENT D1

Name _____ Department _____ Current Rank/Tenure Status _____

| Evaluation of Mutually Agreed Upon Goals | Rating Scale | | | | | | | | | | |
|---|--------------------|--------------|----------|--------------|-----------|-------------|------------------|--------------|----------|--------------|-----------|
| | Faculty Evaluation | | | | | | Chair Evaluation | | | | |
| | Not Applicable | Unacceptable | Marginal | Satisfactory | Very Good | Outstanding | | Unacceptable | Marginal | Satisfactory | Very Good |
| Teaching | | | | | | | | | | | |
| Scholarship/Research | | | | | | | | | | | |
| Service/Faculty Development | | | | | | | | | | | |
| Professional Practice | | | | | | | | | | | |
| Administration | | | | | | | | | | | |

Summary Evaluation and Recommendations: (To be completed and signed by Chair [and Program Director, as applicable])

Promotion and Tenure Recommendations: (Include timeline and recommendations for advancement in rank)

Overall Evaluation: (Circle) Outstanding Very Good Satisfactory Marginal Unacceptable

Faculty Comments:

Faculty Member Date

Program Director (as applicable) Date

Chair Date

Dean's Review: _____ Concur with Evaluation
Comments:

Dean Date

College of Pharmacy
Faculty Performance Evaluation
Medical University of South Carolina
(as applicable in each college)

| Evaluation of Performance Categories | Rating Scale | | | | | | | | | | | |
|--------------------------------------|--------------------|--------------|----------|--------------|-----------|-------------|-----------------------|--------------|----------|--------------|-----------|-------------|
| | Faculty Evaluation | | | | | | Chairman's Evaluation | | | | | |
| | Not Applicable | Unacceptable | Marginal | Satisfactory | Very Good | Outstanding | Not Applicable | Unacceptable | Marginal | Satisfactory | Very good | Outstanding |
| F/Y 2005/2006 | | | | | | | | | | | | |
| I. Teaching Activity | | | | | | | | | | | | |
| II. Research/Scholarly Activity | | | | | | | | | | | | |
| III. Patient Care | | | | | | | | | | | | |
| IV. Institutional Activity | | | | | | | | | | | | |
| V. Professional Growth | | | | | | | | | | | | |
| VI. Other | | | | | | | | | | | | |

Faculty Member's Comment:

Evaluator's Comment:

Overall Evaluation: _ Unacceptable _ Marginal _ Satisfactory _ Very Good _ Outstanding

Date Evaluator

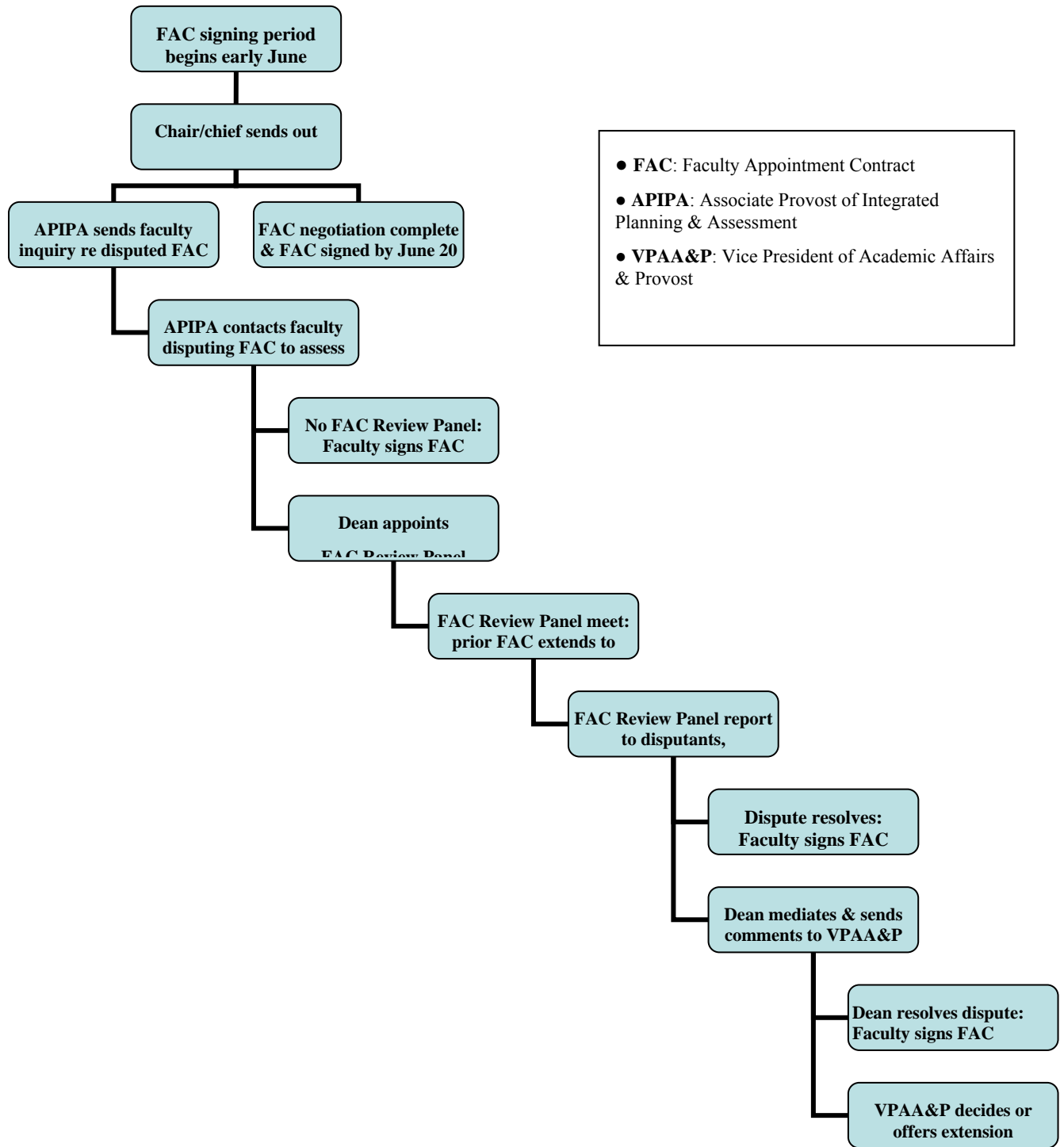
Date Dean Member
1-Unacceptable

Date FACULTY PERFORMANCE EVALUATION

Medical University of South Carolina

2-Marginal

1 **Appendix 8.11 Faculty Appointment Contract Dispute Resolution**



2

3 **Appendix 9.08 Conflict of Interest Policies & Charters**

4 Approved by the Provost 3/3/2011

5 **Appendix 9.08a Research Conflict of Interest Policy**

6 Introduction

7 An important goal of the Medical University of South Carolina is to make scientific discoveries
8 that will benefit the sick and the suffering. For many years the faculty and staff have worked
9 hard to achieve this goal. In 1980, the United States Congress explicitly sanctioned and
10 facilitated this process with the passage of legislation designed to stimulate the
11 commercialization of inventions by permitting academic institutions and scientists to benefit
12 financially if their federally sponsored research led to commercial products. Moreover, during
13 the past decade the rate of growth of biomedical research has outpaced federal funding,
14 compelling universities and hospitals to develop alternative sources of revenue to support the
15 expenses associated with their educational, research and clinical missions.

16 Effective interaction between universities conducting research and industry is essential to ensure
17 the rapid application of scientific discoveries to the needs of the nation and to maintain the
18 international competitiveness of domestic industry. Nonetheless, prudent stewardship of public
19 funds includes protecting sponsored research from being compromised by the conflicting
20 financial interests of any investigator responsible for the design, conduct, or reporting of
21 sponsored research.

22 These guidelines define general University policy and procedures regarding conflicts of interest
23 in relationship to sponsored projects involving research, education, and university service. Their
24 purpose is to protect the credibility and integrity of the University's faculty and staff so that
25 public trust and confidence in the University's sponsored activities is ensured.

26 In accordance with Federal regulations as prescribed by 42 CFR Part 50 Subpart F; the
27 University has a responsibility to manage, reduce, or eliminate any conflicts of interest that may
28 be presented by a financial interest of any investigator. Thus, the University requires that
29 investigators disclose any significant financial interest that would reasonably appear to be
30 affected by sponsored research.

31 **Definitions**

- 32 (1) A Conflict of Interest in science refers to situations in which financial or other personal
33 considerations may compromise, or have the appearance of compromising, an
34 investigator's professional judgment in conducting or reporting research. For purposes of
35 this policy, a conflict of interest exists when the University, through procedures described
36 herein, reasonably determines that a significant financial interest could directly and
37 significantly affect the design, conduct, or reporting of sponsored projects.
- 38 (2) Investigator means the principal investigator/project director, co-principal investigator,
39 and any other person who is responsible for the design, conduct, or reporting of research,
40 educational, or service activities funded, or proposed for funding, by an external sponsor.
41 In this context, the term "investigator" includes the investigator's spouse and dependent
42 children.

- 43 (3) An associated entity of an Investigator means any trust, organization, or enterprise other
44 than the University or any affiliated hospital over which the Investigator alone or together
45 with his/her family exercises a controlling interest.
- 46 (4) A business means any corporation, partnership, sole proprietorship, firm, franchise,
47 association, organization, holding company, joint stock company, receivership, business
48 or real estate trust, or any other legal entity organized for profit or charitable purposes,
49 but excluding the University, any affiliated hospital, any private medical practice, or any
50 other entity controlled by, controlling, or under common control with the University or an
51 affiliated hospital.
- 52 (5) Clinical research means any research or procedure involving human subjects in vivo or
53 the use of patient samples for the development of diagnostic tests. It includes early
54 clinical studies, evaluative research and clinical trials. It does not include an
55 Investigator's participation in the design of a clinical study for which he is subsequently
56 neither a participant nor an author.
- 57 (6) Significant Financial Interest means anything of monetary value, including, but not
58 limited to:
- 59 • salary or other payments for services (e.g., consulting fees or honoraria)
 - 60 • equity interests (e.g., stocks, stock options or other ownership interests)
 - 61 • intellectual property rights (e.g., patents, copyrights and royalties from such rights).

62 The term does not include:

- 63 • Salary, royalties, or other remuneration from the University;
- 64 • Income from seminars, lectures, or teaching engagements sponsored by public or
65 nonprofit entities;
- 66 • Income from service on advisory committees or review panels for public or nonprofit
67 entities; or
- 68 • An equity interest that, when aggregated for the Investigator and the Investigator's spouse
69 and dependent children, meets both of the following tests: does not exceed \$10,000 in
70 value as determined through reference to public prices or other reasonable measures of
71 fair market value, and does not represent more than a five percent ownership interest in
72 any single entity; or
- 73 • Salary, royalties or other payments that, when aggregated for the Investigator and the
74 Investigator's spouse and dependent children over the next twelve months, are not
75 expected to exceed \$10,000.

76 Guidelines

- 77 (1) Each Investigator is required to disclose the following Significant Financial Interests:
- 78 (a) Any Significant Financial Interest of the Investigator that would reasonably appear to
79 be affected by the research or educational activities funded, or proposed for funding, by
80 an external sponsor; or
 - 81 (b) Any Significant Financial Interest of the Investigator in an entity whose financial
82 interest would reasonably appear to be affected by the research or educational activities
83 funded, or proposed for funding, by an external sponsor.
- 84 (2) Each Investigator who has Significant Financial Interest requiring disclosure shall complete a
85 Significant Financial Interest Disclosure Form. The completed Disclosure Form must be
86 submitted with the proposal and Proposal Data Sheet ("The Blue Sheet") to the Office of

87 Research Administration. The Disclosure Form may be submitted in a sealed envelope
88 marked confidential.

89 (3) As required by Federal regulations, all Significant Financial Interests must be disclosed
90 annually and updated as appropriate. Whenever a new conflict of interest arises or when a
91 significant change occurs concerning an existing disclosure, a new disclosure form must be
92 completed and submitted for review either in advance of the anticipated change in situation
93 or within 14 days of the event.

94 (4) The Director of the Office of Research Administration, or official designee, shall conduct an
95 initial review of all financial disclosures. If the initial determination is made that there may
96 be a potential for conflict of interest covered by this policy, then the Disclosure Form will be
97 referred to the University Conflict of Interest Review Committee (CIRC). Committee
98 members are appointed by the Vice President for Academic Affairs and Provost. The CIRC
99 shall contain, at a minimum, five faculty members representing a cross section of academic
100 disciplines and a research administrator. A conflict of interest exists when the CIRC
101 reasonably determines that a Significant Financial Interest could directly and significantly
102 affect the design, conduct, or reporting of the proposed sponsored project. The Committee
103 shall then determine what conditions or restrictions, if any, should be imposed by the
104 institution to manage conflicts of interest arising from disclosed Significant Financial
105 Interests.

106 (5) Prior to consideration by the CIRC, the Investigator, in cooperation with his/her Department
107 Chair shall develop and present to the CIRC a Conflict of Interest Resolution Plan that details
108 proposed steps that will be taken to manage, reduce, or eliminate any conflict of interest
109 presented by a Significant Financial Interest. At a minimum the Resolution Plan shall address
110 such issues as:

111 (a) Public disclosure of significant financial interests;

112 (b) Review of research protocol by independent reviewers;

113 (c) Monitoring of research by independent reviewers.

114 When the CIRC deems it appropriate, the CIRC shall review and approve the Resolution
115 plan, add conditions or restrictions, including the following:

116 (a) Modifications of the research plan;

117 (b) Disqualification from participation in all or a portion of the research funded;

118 (c) Divestiture of significant financial interests; or

119 (d) Severance of relationships that create conflicts of interests.

120 If the CIRC determines that imposing the above referenced conditions or restrictions would
121 be either ineffective or inequitable, and that the potential negative impact that may arise from
122 a significant financial interest are outweighed by interests of scientific progress, technology
123 transfer, or the public health and welfare, the CIRC may recommend that, to the extent
124 permitted by Federal regulations, the research go forward without imposing such conditions
125 or restrictions. In these cases, the Vice President for Academic Affairs and Provost shall
126 make the final decision regarding resolution. Public Health Service (PHS) policy does not
127 permit such an action.

- 128 (6) The approved Resolution Plan shall be incorporated into a Memorandum of Understanding
129 between the Medical University of South Carolina and the faculty member that details the
130 conditions or restrictions imposed upon the Investigator in the conduct of the project or in the
131 relationship with the Business Enterprise or Entity. The Memorandum of Understanding shall
132 be signed by the Investigator and the Vice President for Academic Affairs and Provost.
133 Conflicts of interests will be satisfactorily managed, reduced, or eliminated in accordance
134 with these Guidelines and all required reports regarding the conflict of interest submitted to
135 the sponsor prior to expenditure of any funds under an award. The PHS requires the
136 University to make similar reports to the PHS Awarding Component on subsequently
137 identified conflicts found by the University (but not the nature of the interest or other details)
138 and assures that the Interest has been managed, reduced, or eliminated within sixty (60) days
139 of identification. NSF only requires the University to report conflicts which cannot be
140 satisfactorily managed, reduced, or eliminated.
- 141 (7) Records of investigator financial disclosures and of actions taken to manage conflicts of
142 interest shall be retained by the Office of Research Administration. Records of all financial
143 disclosures and all actions taken by the Research Conflict of Interest Committee will be
144 maintained for at least three years from the date of submission of the final expenditures
145 report (s) for the applicable project (s) or, where applicable, from other dates specified in
146 State law, 45 CFR 50 Subpart F or by other federal funding or oversight agencies.
- 147 (8) Whenever an Investigator has violated this policy or the terms of the Memorandum of
148 Understanding, the CIRC shall recommend sanctions, which may include disciplinary action
149 ranging from a public letter of reprimand to dismissal and termination of employment. If the
150 violation results in a collateral proceeding under University policies regarding misconduct in
151 science, then the CIRC shall defer a decision on sanctions until the misconduct in science
152 process is completed. The CIRC's recommendations on sanctions shall be presented to the
153 Investigator's appropriate University official who, in consultation with the Vice President for
154 Academic Affairs and Provost, shall enforce any disciplinary action. If the research activity
155 was funded by a PHS awarding component, the University will promptly notify the PHS
156 awarding component of the corrective action taken or to be taken. After consideration of the
157 situation and as necessary, the PHS Awarding Component will take appropriate action. These
158 actions may include referring the matter back to the University for further action, which may
159 include directions to the University on how to maintain appropriate objectivity in the funded
160 project.
- 161 (9) Collaborators/sub-recipients/subcontractors from other academic or not-for-profit
162 institutions must either comply with this policy or provide a certification from their
163 institutions that they are in compliance with Federal policies regarding investigator
164 significant financial interest disclosure and that their portion of the project is in compliance
165 with institutional policies. Subcontractors from commercial firms need not make a
166 certification, except when the prime award is from the Public Health Service. The PHS
167 requires a certification from any subcontractor, including commercial firms, stating that it is
168 in compliance with Federal policies regarding investigator significant financial interest
169 disclosure and that its portion of the project is in compliance with company policies.

170 **Appendix 9.08b Charter of the MUSC Research Conflict of Interest Committee**

171 **BACKGROUND/HISTORY:**

172 In furtherance of the mission of the Medical University of South Carolina, and in compliance
173 with Federal Regulations, a University goal is to advance scientific discoveries that benefit
174 humanity. In 1980, the United States Congress explicitly sanctioned and facilitated by
175 legislation, the commercialization of inventions by permitting academic institutions and
176 scientists to benefit financially if their federally sponsored research leads to commercial
177 products. In addition, interaction between research universities and industry enhances the rapid
178 application of scientific discoveries to the needs of society and maintains international
179 competitiveness of domestic industries.

180 In 1995, the Board of Trustees of the Medical University of South Carolina approved policies
181 and procedures regarding Conflicts of Interest in relationship to “sponsored projects, research
182 education and University service”. The purpose of this Committee is to protect the credibility
183 and integrity of the University’s faculty and staff so that public trust and confidence in their
184 actions are without interest in personal gains, financial or otherwise. A standing University
185 Conflict of Interest Review Committee was created to assess actual and perceived conflicts of
186 interest. Policies and procedures regarding conflict of interest are provided in the Medical
187 University of South Carolina and Medical University Hospital Authority Policies and Procedures
188 and are referenced in the MUSC Faculty Handbook.

189 The Medical University of South Carolina, as a State agency, is governed by the Federal and
190 State Ethics acts which prohibit MUSC from acquiring an equity and or ownership in private
191 ventures and further restricts how state/public funds are expended. The governing board of the
192 University remains sensitive in their oversight of all potentially conflicting situations to insure
193 that MUSC is in compliance with all state and federal laws.

194 As the Medical University of South Carolina conducts research funded by the Public Health
195 Service, it is required by federal law to maintain an appropriate written, enforced policy on
196 conflict of interest that complies with 42 CFR Part 50 Subpart F – “Responsibility of Applicants
197 for Promoting Objectivity in Research for which Public Health Service Funding is Sought”.
198 http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm

199 Financial conflicts of interest are disclosed on an annual basis. Whenever a new conflict of
200 interest arises or when a significant change occurs concerning an existing disclosure, a new
201 disclosure form must be completed and submitted for review either in advance or the anticipated
202 change in situation or within 30 days of the event.

203 **CLASSIFICATION/TERMS OF APPOINTMENT:**

204 This is an enterprise wide standing committee. The Charter will be reviewed annually by the
205 Vice President for Academic Affairs and Provost for continued need and for revisions, as
206 appropriate.

207 **FORMAL CHARGES:**

208 The MUSC Research Conflict of Interest Committee shall establish and maintain oversight of
209 any actual or perceived conflicts arising directly or indirectly from research, albeit sponsored
210 research, non-sponsored research, start-up ventures, or other activities that require research
211 objectivity under circumstances that could be influenced by personal financial gain. Questions of
212 a financial conflict of interest, whether perceived or actual, should be referred to this Committee.
213 Specific charges for the committee are to:

- 214 • Conduct an assessment of all Financial Interest Disclosure Forms related to research activities
215 as well as other potential sources of COI disclosure, e.g., Proposal Data Sheets, Outside
216 Professional Activity Related to Faculty Start-up Venture and applications for IRB approval.
- 217 • Report to the Office of the Vice President for Academic Affairs and Provost and the Associate
218 Provost for Research the nature of the conflict of interest reported and the action taken by the
219 Committee.
- 220 • Approve or disapprove plans to manage apparent or real conflict of interest situations, where
221 appropriate, and recommend any corrective measures to assure that the approved management
222 plan is followed.
- 223 • Provide minutes of Committee meetings as well as a summative annual report of the
224 Committee's activities to the Vice President for Academic Affairs and Provost and the Associate
225 Provost for Research.

226 **REPORTING CHANNELS/PROCEDURES:**

227 The Committee shall report to the Vice President for Academic Affairs and Provost and will
228 copy reports of the Committee's final deliberations to the Associate Provost for Research and the
229 University Compliance Officer.

230 Violations of University or Authority policies, including the failure to avoid a prohibited activity
231 or disclose a conflict of interest in a timely manner, will be dealt with in accordance with
232 applicable policies and procedures that may include disciplinary actions up to and including
233 termination of employment.

234 If an investigator has failed to comply with the MUSC conflict of interest policy and this has
235 potentially biased the design, conduct or reporting of the PHS-funded research, the Director of
236 ORSP will promptly notify the Awarding Agency of the corrective action implemented.

237 **MEMBERSHIP:**

238 Because of the focus on faculty research, the MUSC Research Conflict of Interest Committee
239 shall be composed of faculty and research support staff. The voting members of the Committee
240 shall be composed of a minimum of five individuals who hold faculty appointments and who
241 represent a reasonable cross section of the academic disciplines that are involved in investigative
242 endeavors. Faculty shall be appointed by the Vice President for Academic Affairs and Provost to
243 serve a staggered three-year term.

244 In addition, the Committee shall have the following non-voting members who shall serve in an
245 *ex officio* capacity: Director, Office of Research and Sponsored Programs; MUSC General
246 Counsel; Executive Director, MUSC Foundation for Research Development; Director, Office of
247 Research Integrity; Director, University Compliance; Director, University Risk Management..
248 Guests may be invited by the chair to attend Committee meetings, as appropriate.

249 All committee members must agree and complete statements indicating that all information and
250 deliberations are confidential.

251 **OFFICERS:**

252 A chair shall be appointed by the Vice President for Academic Affairs and Provost and will serve
253 a two-year term. Upon the recommendation of the Committee chair, a vice chair may also be

254 appointed by the Vice President for Academic Affairs and Provost for an undeclared term and
255 with the authority to conduct any necessary business during the chair’s absence.

256 **SUBCOMMITTEES:**

257 An Executive Committee may be formed to facilitate processing and initial evaluation of
258 disclosures and to determine if full committee review is necessary as defined in the policies and
259 procedures document “MUSC Research Conflict of Interest Committee Disclosure Review
260 Procedures”. There may be ad-hoc, task-oriented subcommittees appointed as needed by the
261 chair.

262 **FREQUENCY OF MEETINGS:**

263 The Committee shall meet monthly. Additional meetings may be called, or regularly scheduled
264 meetings may be canceled, by the chair or two-thirds of the voting members of the Committee.
265 Cancellation of a scheduled meeting should involve the lack of urgent or sufficient items of
266 business, or if too many members will be unable to attend.

267 **NOTICE OF MEETINGS:**

268 An annual schedule of Committee meetings shall be determined at the beginning of each
269 academic year. Notification of Meetings shall be in compliance with South Carolina State Law.

270 **MEETING AGENDA AND SUPPORT MATERIAL:**

271 A formal meeting agenda and appropriate supportive materials shall be available for each
272 Committee member.

273 **COMMITTEE MINUTES:**

274 Summary minutes of each meeting shall be prepared in draft form and approved by the
275 Committee chair. Because of the need to resolve particular issues in a timely manner, it is
276 important that the draft minutes containing all actions or rulings be forwarded to the Vice
277 President for Academic Affairs and Provost with copies to the Associate Provost for Research
278 within 2 weeks of the meeting.

279 **COMMITTEE AND SUBCOMMITTEE REPORTS:**

280 The Committee chair shall make all needed written reports, recommendations, or inquiries on
281 behalf of the Committee to the Vice President for Academic Affairs and Provost. Formal rulings
282 of the Committee will be reflected in the Committee’s annual report. Records of all financial
283 disclosures and all actions taken by the Research Conflict of Interest Committee will be
284 maintained for at least three years from the date of submission of the final expenditures report (s)
285 for the applicable project (s) or, where applicable, from other dates specified in South Carolina
286 State law, 45 CFR 50 Subpart F or by other federal funding or oversight agencies.

287 **STAFF SUPPORT:**

288 Staff assistance to the Committee and its chair shall be provided by the Office of the Vice
289 President for Academic Affairs and Provost.

290 **MEETING QUORUM:**

291 A simple majority of the voting Committee membership will constitute the necessary quorum for
292 conducting official Committee business.

293 **AMENDMENT TO THIS CHARTER:**

294 Should any amendment to this charter be required, the Vice President for Academic Affairs and
295 Provost shall work with the committee chair to derive an amendment suitable to all parties. The
296 amended charter shall be completed, signed, and issued with all possible haste. When the
297 initiative for such amendment comes from the Committee, a written request from the chair to the
298 Vice President for Academic Affairs and Provost shall be provided.

299 **Appendix 9.08c MUSC Faculty Start-Up Ventures: Policies and Guidelines**

300 **I. INTRODUCTION**

301 This document establishes guidelines for faculty involvement in Faculty
302 Start-up ventures and/or companies that involve intellectual property developed by faculty or
303 staff employed by or working at the Medical University of South Carolina (MUSC), University
304 Medical Associates (UMA), and Medical University Hospital Authority (MUHA). Questions
305 regarding this policy should be directed to the Office of the Associate Provost for Research.

306 Faculty Start-up Ventures refer to new companies established from intellectual property licensed
307 from the Foundation of Research Development and the Medical University of South Carolina.
308 These guidelines may also be applicable to newly recruited faculty that developed start-up
309 ventures in their previous employment.

310 MUSC recognizes that the translation of discoveries made in research laboratories into
311 applications can have significant benefits for society and is an important component of the
312 overall mission of the academic community, as well as the strategic economic plan of the State
313 of South Carolina. Research from our nation's universities is a major source of discoveries,
314 patents and intellectual property essential for the country's continuing economic development.
315 Federal and state entities encourage and promote academic and industry relationships through
316 laws such as the federal Bayh-Dole Act and the Life Sciences Act of South Carolina.

317 The relationships between universities and industry have substantially increased over the last
318 several years and this will likely facilitate the translation of biomedical discoveries into broader
319 benefit for society. Such relationships may introduce risk and potential for conflicts of interest
320 and conflict of commitment. MUSC will manage these issues in an equitable manner with the
321 goal of empowering the development process in accordance with all federal and state guidelines
322 and the MUSC/MUHA Conflict of Interest Policy.

323 Faculty members considering involvement with Faculty Start-up Venture must review this
324 document and discuss any involvement with the Director of the Foundation for Research
325 Development and the Associate Provost for Research to facilitate the process. In addition,
326 discussions with the Chair of the MUSC's Research Conflict of Interest Committee
327 (http://academicdepartments.musc.edu/provost/committees/conflict_int.htm) may be worthwhile.

328 **II. PROCESS**

329 Faculty involvement with Faculty Start-up Ventures must be reviewed and approved by the
330 Department Chair, Division Director and College Dean for the faculty member and the Associate
331 Provost for Research. In addition, the MUSC Research Conflict of Interest Committee will
332 review any such involvement to assure compliance with MUSC/MUHA Conflict of Interest
333 Policy. The process involves completion of the following documents.

334 **REQUEST FOR APPROVAL OF OUTSIDE PROFESSIONAL ACTIVITY RELATED**
335 **TO FACULTY START-UP VENTURE**

336 (<http://frd.musc.edu/assets/files/pdf/Outside%20Professional%20Activity-.pdf>)

337 **MUSC FINANCIAL INTEREST DISCLOSURE FORM**

338 (<http://research.musc.edu/orsp/findisc.pdf>)

339 Completed documents are submitted to the Office of the Associate Provost for Research along
340 with a cover letter from the faculty member providing background on the Faculty Start-up
341 Venture including management structure, the faculty member's anticipated involvement in the
342 Faculty Start-up Venture and the relationship of this involvement to their function as a MUSC
343 faculty member.

344 The submitted material is reviewed by the Associate Provost for Research. Following this initial
345 review the submitted material will be distributed to the Department Chair and College Dean for
346 review and signature and then forwarded to the MUSC Research Conflict of Interest Review
347 Committee.

348 **III. DEFINITIONS**

- 349 • *Conflicts of interest* occur when an employee or immediate family member receives
350 personal financial benefit or an economic interest from the employee's position in a
351 manner that may inappropriately influence the employee's judgment, compromise the
352 employee's ability to carry out MUSC/MUHA responsibilities or, be a detriment to
353 MUSC/MUHA integrity.
- 354 • An *individual* conflict of interest in science refers to situations in which financial or other
355 considerations may compromise, or have the appearance of compromising, judgment of a
356 faculty member or investigator in the design, conduct, analysis or reporting of research.
- 357 • An *institutional* conflict of interest may arise when the institution, a department, college
358 or other subunit or affiliated entity, or any of its senior management or trustees, has an
359 external relationship or interest in a company that itself has a financial interest in a
360 research project, and/or is involved with significant commercial transactions with the
361 institution. The potential institutional conflict of interest (real or perceived) may relate to
362 various aspects of the review or conduct of university research as well as financial and/or
363 resource allocation considerations.
- 364 • A conflict of *commitment* arises when a faculty member or investigator undertakes
365 external commitments, i.e., consulting or outside business start-up activities, or outside
366 research activities, which may unduly influence the scope of the member's primary
367 obligations to the University, and/or give the appearance that University resources are
368 being expended for outside non-sanctioned purposes. Such external commitments
369 require approval of the Division Director, if appropriate, Departmental Chair and Dean of
370 the College holding the primary appointment of the faculty member. A general guideline
371 is that such external commitment should not exceed one day per week. Such external
372 commitment and activities should not involve the facilities or resources of the university
373 as defined by the MUSC/MUHA Conflict of Interest Policy and do not void the
374 university's right to any intellectual property developed under the aegis of these external
375 activities as defined in **INTELLECTUAL PROPERTY: POLICIES AND PROCEDURES**
376 (<http://frd.musc.edu/assets/files/pdf/FY09%20IP%20Policy.pdf>). All such activities must be in
377 accordance with the rules and policies of the State of South Carolina and the Federal

378 Government and the MUSC/MUHA Conflict of Interest Policy. Such external
379 commitment should be defined in the annual MUSC Faculty Appointment Contract.

380 **IV. DISCLOSURE**

- 381 • Central to any policy regarding Faculty Start-up Ventures is the proper disclosure by
382 individuals involved in such endeavors, which allows the University to effectively
383 manage any perceived or real conflicts of interest.
- 384 • All faculty and administrative staff shall disclose any conflict of interests using the
385 MUSC web-based disclosure mechanism. Such disclosure is made on an annual basis as
386 defined by the MUSC/MUHA Conflict of Interest Policy.
- 387 • Whenever a new conflict of interest arises or when a significant change occurs
388 concerning an existing disclosure, a new disclosure form must be completed and
389 submitted for review either in advance of the anticipated change in situation or within 30
390 days of the event.
- 391 • Individuals must disclose intellectual property developed at MUSC to the MUSC
392 Foundation for Research Development using the appropriate “**Record of Invention**”
393 form (<http://frd.musc.edu/idf.html>) as stated in the MUSC policy on intellectual property,
- 394 • Faculty involved in activities associated with a Faculty Start-up Venture must complete
395 the form **REQUEST FOR APPROVAL OF OUTSIDE PROFESSIONAL ACTIVITY**
396 **RELATED TO FACULTY START-UP VENTURE**

397 (<http://frd.musc.edu/assets/files/pdf/Outside%20Professional%20Activity-.pdf>) and a
398 **FINANCIAL INTEREST DISCLOSURE FORM** (<http://research.musc.edu/orsp/findisc.pdf>)
399 that includes disclosure of any significant financial interest that might constitute a real or
400 perceived conflict of interest relative to the Faculty Start-up Venture and its operations.

- 401
- 402 • The Public Health Service and the Office of Health and Human Services define a
403 significant financial interest as involving financial ties valued at 5% or greater equity, or
404 \$10,000 or greater (<http://grants2.nih.gov/grants/guide/notice-files/not95-179.html>).
405 However, faculty involved with Faculty Start-up Ventures must disclose all financial ties,
406 including rights to receive future financial benefits, federal grants and other financial
407 support to avoid any misinterpretations whenever Faculty Start-up Ventures are being
408 considered.
- 409 • Faculty will also disclose any conflict of interest by checking the “Conflict of Interest –
410 Faculty Start-up” block on the electronic Proposal Data Sheet for sponsored research. A
411 research proposal may be submitted prior to having any conflict of interest approved by
412 the MUSC Research Conflict of Interest Review Committee, but this must be approved
413 prior to beginning the research activity
- 414 • Involvement of a faculty member and his/her role in start-up ventures must be disclosed
415 in publications and oral presentations, to sponsors, and to colleagues in joint proposals.
- 416 • Failure to fully disclose any issue encompassed by this policy statement may compromise
417 the objectives of the venture based on intellectual property development and will result in
418 review and appropriate disciplinary action as defined in the MUSC/MUHA Conflict of
419 Interest Policy.

420 **V. FACULTY AND TRAINEE INVOLVEMENT**

- 421 • Faculty may serve on the Board of Directors or Scientific Advisory Board of the Faculty
422 Start-up Venture provided it is understood that the faculty member does not represent
423 MUSC while serving in such a capacity and that the activities should not have any
424 conflict of financial interest with regard to either party.
- 425 • Faculty members should not hold a management position in the Faculty Start-Up
426 Venture. It is realized that there may be a period of early development for the start-up
427 venture or a unique corporate operational structure that necessitates such a management
428 structure. However, any operational structure in which faculty hold a management
429 position in the Faculty Start-up Venture must be approved on an individual basis by the
430 Office of the Associate Provost for Research and the MUSC Research Conflict of Interest
431 Committee.
- 432 • Faculty may receive compensation to consult for the faculty start-up venture provided
433 that their role has been fully disclosed and approved through completion of the form:
434 **REQUEST FOR APPROVAL OF OUTSIDE PROFESSIONAL ACTIVITY RELATED**
435 **TO FACULTY START-UP VENTURE”**
- 436 (<http://frd.musc.edu/assets/files/pdf/Outside%20Professional%20Activity-.pdf>)
- 437 • As a public, educational institution, MUSC engages its students and post-doctoral
438 trainees in research-related activities as part of their educational and training experience.
439 Guidelines for any involvement of student and post-doctoral trainees in research related
440 to Faculty Start-up Ventures are provided at
- 441 www.musc.edu/grad/students/forms/conflict/index.html?from=student).
- 442 • The Faculty member or members of their laboratory may not receive funds for research
443 activities from the Faculty Start-up Venture if the faculty member or their immediate
444 family hold or have a right to receive equity in the company. This requirement may be
445 waived by the Associate Provost for Research for PHASE 1 Small Business
446 Technology Transfer (STTR) or other federal or state awarded funds on a case by case
447 basis.
- 448 • Many federal and state agencies have initiatives that support the research development of
449 small businesses (www.sba.gov/SBIR/) through Small Business Innovation Research
450 (SBIR) or STTR grants. Such funding opportunities often present complex conflict of
451 interest issues for faculty. General Guidelines for faculty involved with such federal
452 granting mechanism are as follows:
- 453 - The Principal Investigator and any subcontracted investigators should be
454 different individuals.
 - 455 - In general, the Principal Investigator should not hold a management position
456 in the Faculty Start-up Venture.
 - 457 - A clear distinction must be defined between the work done in a Faculty Start-
458 up Venture and that work done as a member of the MUSC faculty. All work
459 done using campus resources (personnel, material, facilities) must comply
460 with MUSC policy.
 - 461 - The Principal Investigator for the campus portion of any research award or
462 subcontract associated with a Faculty Start-up Venture must submit the entire
463 proposal to the Office of Research and Sponsored Programs for appropriate
464 review before submission of the proposal.

465 **VI. GENERAL GUIDELINES FOR INTERACTION OF UNIVERSITY WITH**
466 **FACULTY START-UP VENTURES**

- 467 • Any research activities related to Faculty Start-Up Ventures on University premises
468 requires the approval of the Associate Provost for Research.
- 469 • All appropriate constituencies will be made aware of involvement with the Faculty Start-
470 up Venture and all research findings are open to publication in scientific journals.
- 471 • If a Faculty Start-up Venture initiates a contract with the University for support of further
472 research related to development of the intellectual property, the Venture will assume the
473 full cost of research personnel and resources associated with this agreement including
474 Facilities & Administrative costs at the current rate with federal agencies. In compliance
475 with the State Ethics Laws, University resources may not be expended for the Venture's
476 gain, nor may the use of one's University position be used for personal financial gain.
- 477 • A confidential disclosure agreement may be required or strongly advised when working
478 with an outside organization and these agreements must be reviewed and approved by the
479 university's Legal Counsel.
- 480 • It is recognized that there may be a need for committed space during early stages of
481 development of intellectual property and Faculty Start-up Ventures involving NIH, NSF
482 or other federal funding agencies. Recognizing this need in order to successfully
483 compete for external federal funding, requests for limited licensing of MUSC space for
484 this purpose may be considered by the office of the Associate Provost for Research for
485 federal PHASE 1 STTR awards. Such licensing of space for this purpose will be on a
486 time-limited basis with the objective of sustaining such initiatives at early stages of
487 development until dedicated incubator space is identified.

488 This process involves submission of the form **REQUEST TO LICENSE MUSC**
489 **SPACE AND/OR PHYSICAL ASSETS"** to the Associate Provost for Research.

490 <http://frd.musc.edu/assets/files/pdf/Request%20to%20License%20MUSC%20Space.pdf>

491 The submitted material will initially be reviewed by the Associate Provost for Research.
492 Following this initial review the submitted material will be distributed to the Department
493 Chair and College Dean for review and signature and then forwarded to the MUSC
494 Research Conflict of Interest Review Committee. Approved requests will then be
495 implemented through submission of the completed STTR Space License Agreement to
496 the Office of the Associate Provost.

497 <http://frd.musc.edu/assets/files/pdf/STTR%20SPACE%20License%20Agreement.pdf>

- 498 • Rights to intellectual property resulting from a company's use of space and interaction
499 with MUSC personnel will be governed by a separate agreement between the company
500 and the MUSC Foundation for Research Development.
- 501 • Any involvement by the Faculty Start-up Venture and any related intellectual property
502 developed by individual faculty involving clinical trials must be communicated in related
503 IRB protocols and in the informed consent documents, as appropriate. Similar
504 information must be communicated to any collaborators, co-investigators at MUSC and
505 multi-site participants for such studies. When clinical trials involving university
506 technology that has been licensed to a Faculty Start-up Venture involving MUSC faculty,
507 or their immediate family, who hold equity or a right to receive equity, MUSC will
508 contract for an outside IRB and/or independent clinical monitors to have the research

509 conducted at MUSC with any associated expenses paid for by the company. In such cases
510 where there is a significant level of potential or real conflict that cannot be resolved or
511 managed, MUSC will turn over management of the conflict of interest to an outside
512 professional management firm with associated expenses paid for by the Faculty Start-up
513 Venture.

- 514 • MUSC, as a public agency, must be reimbursed for administrative expenses related to
515 Faculty Start-Up ventures or outside consulting activities. Assuming outside activities do
516 not interfere with University obligations and reasonably constitute “incidental use of state
517 property”, they may be completed in the faculty member’s office. A clear distinction
518 must be defined between the work done in a Start-up Venture and that work done as a
519 member of the MUSC faculty. All work done using campus resources (personnel,
520 material, facilities) must comply with the MUSC/MUHA Conflict of Interest Policy.

- 521 •
522 **Appendix 9.08d Charter of the MUSC Administrative and Clinical Conflict of Interest**
523 **Committee**

524 Policy Approved by Provost 3/31/2010

525 **BACKGROUND/HISTORY:**

526 In furtherance of the mission of the Medical University of South Carolina, and in compliance
527 with Federal Regulations, a University goal is to advance and apply academic and scientific
528 discoveries that benefit humanity.

529 In 1980 through legislation the United States Congress explicitly sanctioned and facilitated
530 the commercialization of inventions by permitting academic institutions and scientists to benefit
531 financially if their federally sponsored research leads to commercial products. In addition,
532 interaction between research universities and industry enhances the rapid application of scientific
533 discoveries to the needs of society and maintains international competitiveness of domestic
534 industries.

535 In 1995 the Board of Trustees of the Medical University of South Carolina approved policies
536 and procedures regarding Conflicts of Interest in relationship to “sponsored projects, research
537 education and University service”.

538 In 2009 the Board of Trustees of the Medical University of South Carolina approved further
539 policies and procedures regarding Conflicts of Interest in relationship to all aspects of the
540 academic, clinical, administrative, and research responsibilities of all University employees,
541 officers and Board members.

542 The purpose of this Administrative and Clinical Conflict of Interest Committee is to protect
543 the credibility and integrity of the University enterprise’s faculty and staff so that public trust and
544 confidence in their actions are without interest in personal gains, financial or otherwise. In
545 addition to the existing University Research Conflict of Interest Committee, this second
546 Committee is hereby charged to review actual and perceived conflicts of interest disclosed
547 among the academic, clinical, administrative and research responsibilities of all enterprise
548 employees. Policies and procedures regarding conflict of interest are provided in the Medical
549 University of South Carolina and Medical University Hospital Authority Policies and Procedures
550 and are referenced in the MUSC Faculty Handbook. Additional written policies exist in the

551 College of Medicine and the MUSC clinical faculty practice plan, and University Medical
552 Associates; these are designed to provide interpretive guidance to University employees.

553 The Medical University of South Carolina, as a State agency, is governed by Federal and
554 State Ethics acts, which prohibit MUSC from acquiring an equity and or ownership in private
555 ventures and further restricts how state/public funds are expended. The governing board of the
556 University remains sensitive in their oversight of all potentially conflicting situations to insure
557 that MUSC is in compliance with all state and federal laws.

558 Because the Medical University of South Carolina conducts research funded by the Public
559 Health Service, it is required by federal law to maintain an appropriate written, enforced policy
560 on conflict of interest that complies with 42 CFR Part 50 Subpart F – “Responsibility of
561 Applicants for Promoting Objectivity in Research for which Public Health Service Funding is
562 Sought”.

563 http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm

564 Since 2009, financial conflicts of interest are to be disclosed annually in an on-line
565 questionnaire and updated as appropriate. Whenever a new conflict of interest arises or when a
566 significant change occurs concerning an existing disclosure, a new on-line disclosure must be
567 entered and submitted for review, either in advance of the anticipated change in situation, or
568 within 30 days of the event.

569 **CLASSIFICATION/:**

570 This is an MUSC enterprise-wide standing committee.

571 **FORMAL CHARGES:**

572 The MUSC Administrative & Clinical Conflict of Interest Committee shall establish and
573 maintain oversight of any actual or perceived conflicts arising directly or indirectly from
574 administrative, clinical and professional academic activities as well as other potential sources of
575 COI. These activities, with or without the conduct of research in any form, may provide
576 perceived or actual obstacles to an employee’s objectivity under circumstances that could be
577 influenced by personal financial gain. Questions of financial conflicts of interest, whether
578 perceived or actual, should be referred to this Committee. Specific charges for the committee are
579 to:

- 580 • Conduct a review of the annual on-line Faculty Conflict of Interest disclosures related to
581 administrative, clinical and professional academic activities as well as other potential
582 sources of COI. These disclosures will include full listings of professional activities
583 conducted outside the scope of university assigned duties.
- 584 • Report to the Office of the Vice President for Academic Affairs and Provost, with copies
585 to the Associate Provost for Research, on the nature of the conflicts of interest reported
586 and the actions taken by the Committee.
- 587 • Approve or disapprove plans to manage apparent or real conflict of interest situations,
588 where appropriate, and recommend any corrective measures to assure that the approved
589 management plan is followed.
- 590 • Provide minutes of Committee meetings as well as a summative annual report of the
591 Committee’s activities to the Vice President for Academic Affairs and Provost, with
592 copies to the Associate Provost for Research.

593 **REPORTING CHANNELS/PROCEDURES:**

594 The Committee shall report to the Vice President for Academic Affairs and Provost; and it
595 will copy reports of the Committee’s final deliberations both to the Associate Provost for
596 Research and to the University Compliance Officer.

597 Violations of Board of Trustee policies, including the failure to avoid a prohibited activity or
598 the failure to disclose a conflict of interest in a timely manner, will be dealt with in accordance
599 with applicable policies and procedures that may include disciplinary actions up to and including
600 termination of employment.

601 If an employee or faculty member has failed to comply with the MUSC Conflict of interest
602 policy, and if this has potentially biased the design, conduct or reporting of PHS-funded
603 research, the Director of the Office of Research and Sponsored Programs will promptly notify
604 the Awarding Agency in accordance with 42 CFR Part 50 Subpart F – “Responsibility of
605 Applicants for Promoting Objectivity in Research for which Public Health Service Funding is
606 Sought”.

607 **MEMBERSHIP:**

608 Because of the focus on employee activities, the MUSC Administrative and Clinical Conflict
609 of Interest Committee shall be composed of faculty and University support staff. The voting
610 members of the Committee shall be composed of a minimum of five individuals who hold
611 faculty appointments and who represent a reasonable cross section of the academic disciplines.
612 Faculty shall be appointed by the Vice President for Academic Affairs and Provost to serve
613 staggered three-year terms.

614 In addition, the Committee shall have the following non-voting members or their designee
615 who shall serve in an *ex officio* capacity: MUSC General Counsel, MUH General Counsel,
616 Director of University Compliance, Director of University Risk Management and other
617 administrative representatives from the university and its colleges. Guests may be invited by the
618 chair to attend Committee meetings, as appropriate.

619 Some members of this committee also participate in the existing Research Conflict of Interest
620 Committee. Because conflicts of interest, whether perceived or actual, may exist across multiple
621 areas of activity and responsibility, regular communications between the two committees is
622 strongly encouraged.

623 All committee members and invited guests must agree that all information and deliberations
624 are confidential.

625 **OFFICERS:**

626 A chair shall be appointed by the Vice President for Academic Affairs and Provost and will
627 serve a two-year term. Upon the recommendation of the Committee chair, a vice chair may also
628 be appointed by the Vice President for Academic Affairs and Provost for an undeclared term and
629 with the authority to conduct any necessary business during the chair’s absence.

630 **SUBCOMMITTEES:**

631 An Executive Committee may be formed to facilitate processing and initial evaluation of
632 disclosures and to determine if full committee review is necessary as defined in the University’s

633 policies and procedures. There may be task-oriented subcommittees appointed as needed by the
634 chair.

635 **FREQUENCY OF MEETINGS:**

636 The Committee shall meet at least quarterly. Additional meetings may be called, or regularly
637 scheduled meetings may be canceled by the chair or two-thirds of the voting members of the
638 Committee. Cancellation of a scheduled meeting should involve the lack of urgent or sufficient
639 items of business, or if too many members will be unable to attend.

640 **NOTICE OF MEETINGS:**

641 An annual schedule of Committee meetings shall be determined at the beginning of each
642 academic year. Notification of Meetings shall be in compliance with South Carolina State Law.

643 **MEETING AGENDA AND SUPPORT MATERIAL:**

644 A formal meeting agenda and appropriate supportive materials shall be available for each
645 Committee member.

646 **COMMITTEE MINUTES:**

647 Summary minutes of each meeting shall be prepared in draft form and approved by the
648 Committee chair. Because of the need to resolve particular issues in a timely manner, it is
649 important that the draft minutes containing all actions or rulings be forwarded to the Vice
650 President for Academic Affairs and Provost, with copies to the Associate Provost for Research,
651 within 2 weeks of the meeting.

652 **COMMITTEE AND SUBCOMMITTEE REPORTS:**

653 The Committee chair shall make all needed written reports, recommendations, or inquiries on
654 behalf of the Committee to the Vice President for Academic Affairs and Provost. Formal rulings
655 of the Committee will be reflected in the Committee's annual report. Records of all financial
656 disclosures and all actions taken by the Administrative & Clinical Conflict of Interest Committee
657 will be maintained for at least three years from the date of submission of the final expenditures
658 report (s) for the applicable project (s) or, where applicable, from other dates specified in South
659 Carolina State law, 45 CFR 50 Subpart F or by other federal funding or oversight agencies.

660 **STAFF SUPPORT:**

661 Staff assistance to the Committee and the Committee Chair shall be provided by the Office of
662 the Vice President for Academic Affairs and Provost.

663 **MEETING QUORUM:**

664 A simple majority of the voting Committee membership will constitute the necessary quorum
665 for conducting official Committee business.

666 **AMENDMENT TO THIS CHARTER:**

667 Should any amendment to this charter be required, the Vice President for Academic Affairs
668 and Provost shall work with the committee chair to derive an amendment suitable to all parties.
669 The amended charter shall be completed, signed, and issued with all possible haste. When the
670 initiative for such amendment comes from the Committee, a written request from the chair to the
671 Vice President for Academic Affairs and Provost shall be provided.

672 **Professional relationships**

673 Covered persons include employees, members of the medical staff, members of the house staff,
674 other members of the workforce, students, and trainees. This policy covers financial
675 relationships affecting our mission in education.

676 <https://www.musc.edu/medcenter/policy/Med/A114.pdf>

677 **Appendix 9.09 University Compliance Plan**

678 <http://research.musc.edu/compliance/plan.htm>

679 **Appendix 9.11 Department Chair, Dean and Provost Evaluation Form**

680 [Evaluation forms for Provost, Deans, Department Chairs are included.]

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Department Chair Evaluation
Academic Year 2008-2009

Chair:[Name]

Rate your Chair's performance on each of the following activities using the scale below:

1=Unacceptable 2=Poor 3=Adequate 4=Good 5=Excellent 6= Don't Know

A. Leadership / Communication Skills:

- | | | | | | | |
|--|---|---|---|---|---|---|
| 1. Acts promptly and decisively. | 1 | 2 | 3 | 4 | 5 | 6 |
| 2. Is accessible. | 1 | 2 | 3 | 4 | 5 | 6 |
| 3. Communicates clearly. | 1 | 2 | 3 | 4 | 5 | 6 |
| 4. Is respectful of the ownership of individual faculty member's ideas and work. | 1 | 2 | 3 | 4 | 5 | 6 |
| 5. My chair addressed my concerns regarding the budget situation. | 1 | 2 | 3 | 4 | 5 | 6 |
| 6. My chair has explained actions taken to address the budget situation. | 1 | 2 | 3 | 4 | 5 | 6 |

B. Planning and Goal-Setting:

- | | | | | | | |
|---|---|---|---|---|---|---|
| 7. Shows sound judgment in making decisions. | 1 | 2 | 3 | 4 | 5 | 6 |
| 8. Builds linkages between the department and outside individuals, groups, and organizations. | 1 | 2 | 3 | 4 | 5 | 6 |
| 9. Involves faculty in planning and decision making, including budget and appointments. | 1 | 2 | 3 | 4 | 5 | 6 |
| 10. Leads with vision in developing plans for achieving department goals. | 1 | 2 | 3 | 4 | 5 | 6 |

C. Division of work and evaluation of performance:

- | | | | | | | |
|--|---|---|---|---|---|---|
| 11. Distributes department tasks fairly and realistically among faculty. | 1 | 2 | 3 | 4 | 5 | 6 |
| 12. Assumes an appropriate share of the department workload. | 1 | 2 | 3 | 4 | 5 | 6 |
| 13. Gives clear and consistent messages to faculty about expectations for performance. | 1 | 2 | 3 | 4 | 5 | 6 |

D. Strengthening and supporting departmental missions:

- | | | | | | | |
|---|---|---|---|---|---|---|
| Teaching: | 1 | 2 | 3 | 4 | 5 | 6 |
| 14. Stimulates quality and innovative teaching. | 1 | 2 | 3 | 4 | 5 | 6 |
| 15. Appreciates and rewards faculty for teaching. | 1 | 2 | 3 | 4 | 5 | 6 |
| 16. Allocates appropriate resources, including time, to teaching. | 1 | 2 | 3 | 4 | 5 | 6 |

Research:

- 17. Stimulates research and scholarly activity within the department. 1 2 3 4 5 6
- 18. Appreciates and rewards faculty research activity. 1 2 3 4 5 6
- 19. Allocates appropriate resources, including time, to research. 1 2 3 4 5 6

Clinical Service (if applicable):

- 20. Appreciates and rewards faculty for clinical service. 1 2 3 4 5 6
- 21. Allocates appropriate resources for clinical service. 1 2 3 4 5 6
- 22. Protects faculty from excess demands of clinical service. 1 2 3 4 5 6

E. Support of Faculty Interaction and Inclusiveness:

- 23. Applies policy consistently and without personal bias, including salary matters. 1 2 3 4 5 6
- 24. Effectively promotes cooperation among faculty. 1 2 3 4 5 6
- 25. Treats, faculty, staff, and students with dignity and respect. 1 2 3 4 5 6
- 26. Promotes and supports diversity. 1 2 3 4 5 6
- 27. Maintains faculty morale by preventing or resolving conflicts. 1 2 3 4 5 6

F. Faculty Development

- 28. Serves as a role model and mentor to faculty. 1 2 3 4 5 6
- 29. Facilitates the professional development of each faculty member. 1 2 3 4 5 6
- 30. Allocates resources to support faculty enrichment. 1 2 3 4 5 6
- 31. Assigns work taking into account individual professional goals of faculty. 1 2 3 4 5 6
- 32. Fosters interprofessional collaboration among faculty, staff, and students. 1 2 3 4 5 6

G. Management of Budget and Resources

- 33. Manages the department budget effectively and fairly. 1 2 3 4 5 6
- 34. Involves faculty in discussions of budget and resources. 1 2 3 4 5 6
- 35. Provides adequate departmental clerical and staff support. 1 2 3 4 5 6

H. Global Assessment:

- 36. Overall performance of this chair. 1 2 3 4 5 6
- 1. What are the strengths of this administrator?
- 2. What are the areas needing improvement for this administrator?
- 3. What specific recommendations do you have to improve the performance of this administrator?
- 4. What suggestions do you have for your chair to address your concerns about the budget crisis?

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Library Director Evaluation
Academic Year 2008-2009

[Name]

Rate this library director's performance on each of the following activities using the scale below:

1=Unacceptable 2=Poor 3=Adequate 4=Good 5=Excellent 6= Don't Know

A. Leadership / Communication Skills:

- | | | | | | | |
|--|---|---|---|---|---|---|
| 1. Acts promptly and decisively. | 1 | 2 | 3 | 4 | 5 | 6 |
| 2. Is accessible. | 1 | 2 | 3 | 4 | 5 | 6 |
| 3. Communicates clearly. | 1 | 2 | 3 | 4 | 5 | 6 |
| 4. Is respectful of the ownership of individual faculty member's ideas and work. | 1 | 2 | 3 | 4 | 5 | 6 |
| 5. Addressed my concerns regarding the budget situation. | 1 | 2 | 3 | 4 | 5 | 6 |
| 6. Explained actions taken to address the budget situation. | 1 | 2 | 3 | 4 | 5 | 6 |

B. Planning and Goal-Setting:

- | | | | | | | |
|--|---|---|---|---|---|---|
| 7. Shows sound judgment in making decisions. | 1 | 2 | 3 | 4 | 5 | 6 |
| 8. Builds linkages between the library and outside individuals, groups, and organizations. | 1 | 2 | 3 | 4 | 5 | 6 |
| 9. Involves faculty in planning and decision making, including budget and appointments. | 1 | 2 | 3 | 4 | 5 | 6 |
| 10. Leads with vision in developing plans for achieving department goals. | 1 | 2 | 3 | 4 | 5 | 6 |

C. Division of work and evaluation of performance:

- | | | | | | | |
|--|---|---|---|---|---|---|
| 11. Distributes department tasks fairly and realistically among faculty. | 1 | 2 | 3 | 4 | 5 | 6 |
| 12. Assumes an appropriate share of the department workload. | 1 | 2 | 3 | 4 | 5 | 6 |
| 13. Gives clear and consistent messages to faculty about expectations for performance. | 1 | 2 | 3 | 4 | 5 | 6 |

D. Library Program:

- | | | | | | | |
|---|---|---|---|---|---|---|
| 14. Reflects the mission of the institution. | 1 | 2 | 3 | 4 | 5 | 6 |
| 15. Proactively responds to the changing educational, research, and clinical environment. | 1 | 2 | 3 | 4 | 5 | 6 |
| 16. Effectively participates in decision-making at the university level. | 1 | 2 | 3 | 4 | 5 | 6 |
| 17. Positions library for the future. | | | | | | |

E. Service and Innovation:

- | | | | | | | |
|---|---|---|---|---|---|---|
| 17. Stimulates and fosters an atmosphere of service and innovation. | 1 | 2 | 3 | 4 | 5 | 6 |
| 18. Appreciates and rewards faculty for service and innovation. | 1 | 2 | 3 | 4 | 5 | 6 |

| | | | | | | |
|--|---|---|---|---|---|---|
| 19. Allocates appropriate resources, including time and people to service and innovation. | 1 | 2 | 3 | 4 | 5 | 6 |
| F. Professionalism: | | | | | | |
| 23. Encourages participation and contribution to the profession. | 1 | 2 | 3 | 4 | 5 | 6 |
| 24. Participates and contributes on regional and national level in profession. | 1 | 2 | 3 | 4 | 5 | 6 |
| G. Support of Faculty Interaction and Inclusiveness: | | | | | | |
| 28. Applies policy consistently and without personal bias, including salary matters. | 1 | 2 | 3 | 4 | 5 | 6 |
| 29. Effectively promotes cooperation among faculty | 1 | 2 | 3 | 4 | 5 | 6 |
| 30. Treats, faculty, staff, and students with dignity and respect. | 1 | 2 | 3 | 4 | 5 | 6 |
| 31. Promotes and supports diversity. | 1 | 2 | 3 | 4 | 5 | 6 |
| 32. Maintains faculty morale by preventing or resolving conflicts. | 1 | 2 | 3 | 4 | 5 | 6 |
| H. Faculty Development | | | | | | |
| 26. Serves as a role model and mentor to faculty. | 1 | 2 | 3 | 4 | 5 | 6 |
| 27. Facilitates the professional development of each faculty member. | 1 | 2 | 3 | 4 | 5 | 6 |
| 28. Allocates resources to support faculty enrichment. | 1 | 2 | 3 | 4 | 5 | 6 |
| 29. Assigns work taking into account individual professional goals of faculty. | 1 | 2 | 3 | 4 | 5 | 6 |
| 30. Fosters interprofessional collaboration among faculty, staff, and students. | 1 | 2 | 3 | 4 | 5 | 6 |
| I. Management of Budget and Resources | | | | | | |
| 33. Manages the department budget effectively and fairly. | 1 | 2 | 3 | 4 | 5 | 6 |
| 34. Involves faculty in discussions of budget and resources. | 1 | 2 | 3 | 4 | 5 | 6 |
| 35. Provides adequate departmental clerical and staff support. | 1 | 2 | 3 | 4 | 5 | 6 |
| J. Global Assessment: | | | | | | |
| 36. Overall performance of library director. | 1 | 2 | 3 | 4 | 5 | 6 |
| 5. What are the strengths of this administrator? | | | | | | |
| 6. What are the areas needing improvement for this administrator? | | | | | | |
| 7. What specific recommendations do you have to improve the performance of this administrator? | | | | | | |
| 8. What suggestions do you have for this administrator to address your concerns about the budget crisis? | | | | | | |

710 **Appendix 9.12 Drug free workplace policy HR 47**

711 <http://www.musc.edu/hrm2/policies/policy47.html>

712 **Appendix 9.14 Sexual Harassment Policy**

713 <http://www.musc.edu/genderequity/policy/policystatement.shtml>

714 **Appendix 9.16 Computer Use Policy**

715 <http://www.musc.edu/infoservices/cup.html>

716 Additional Resource: Medical Center Policy on Confidentiality of Patient Information
717 and Medical Record Security (C27) (Revised 8/30/00)

718 http://www.musc.edu/infoservices/lanvision/Regulations_Policies_Guidelines/MUSC_ConfidentialityofPatientInfoPolicy.PDF

720 **Appendix 9.17a MUSC Research Data Ownership & Record Retention (RDO&RR)**

721 <http://academicdepartments.musc.edu/uco/documents/RecordRetentionPolicy.pdf>

722 **Appendix 9.17b Sequestration of Documents**

723 (1) Original Documents and Records. The documents/records to be sequestered will
724 include the original items (or copies if originals cannot be located) that may be
725 relevant to the allegations. [See RDO&RR, Section 3.1, Definition of Research
726 Record]

727 (2) Sequestration of the Records from the Respondent. The administrative official
728 (respondent's most immediate supervisor without conflict of interest) should
729 simultaneously notify the respondent that an inquiry is being initiated, and initiate
730 sequestration so that the respondent can assist with location and identification of
731 the documents/records. At this time, a letter should be given to the respondent
732 stating a) the purpose of the sequestration and b) the rights of the respondent
733 under this and other MUSC policies. If not available, all reasonable efforts
734 should be made to contact the respondent. If this does not prove possible,
735 sequestration may begin in the respondent's absence. The administrative official
736 should obtain the assistance of the respondent's supervisor and institutional legal
737 counsel in this process, as necessary.

738 The respondent should not be notified in advance of sequestration of the
739 documents/records in order to prevent questions being raised later regarding
740 missing items and to prevent accusations against the respondent of tampering with
741 or fabricating data or materials after the notification. In addition to securing
742 documents/records under the control of the respondent, the administrative officer
743 may need to sequester items from other individuals, such as collaborators or
744 complainants. [See RDO&RR, Sections 6.1 & 6.3]

745 (3) Inventory of the Records. A dated receipt should be signed by the sequestering
746 official and the person from whom documents/records are collected, and a copy of
747 the receipt should be given to the latter. If it is not possible to prepare a complete
748 inventory list at the time of sequestration, one should be prepared as soon as

749 possible with a copy given to the person from whom the documents/records were
750 collected. The inventory should contain sufficient information so that individual
751 records can be identified by that individual for the purpose of obtaining copies as
752 needed.

753 (4) Security and Chain of Custody. The administrative official will lock the
754 documents/records in a secure place. At his/her request, the person from whom
755 items are collected must be provided with a copy of any item sequestered. Where
756 feasible, that person will have access to his/her original documents/records under
757 the direct and continuous supervision of an institutional official unless it is
758 determined that such access may compromise any subsequent anticipated court
759 proceeding. This will ensure that a proper chain of custody is maintained and that
760 the originals are kept. (12/13/02)

761 **Appendix 9.18 University Disaster Preparedness Policy**

762 <https://www.musc.edu/medcenter/disasterToolbox>

763 **Appendix 9.18a Disaster Preparedness – Research Continuity**

764 <http://research.musc.edu/DPRC.html>

765 **Appendix 9.19 Copyright Protection**

766 <http://www.library.musc.edu/page.php?id=1315>

767 **Appendix 10.02 Responsible Conduct of Research**

768 <http://research.musc.edu/ori/ric/home.htm>

769 **Appendix 11.02 Upward Faculty Mobility Toward Advanced Degrees**

770 **PURPOSE:** This policy is intended for the primary purpose of enhancing the value of the
771 professional status of the faculty member in further service to MUSC. The University, therefore,
772 upon prior approval of the dean of the college in which s/he holds primary appointment, offers
773 the faculty member who does not possess a terminal degree in her/his field an opportunity to
774 pursue a planned program for upward mobility toward an advanced degree.

775 **ELIGIBILITY:** Full-time faculty members with no modifiers to their ranks are eligible to apply
776 for admission to an advanced degree program under this policy.

777 **Academic Requirements:**

- 778 1) In any course of study pursued toward a degree, the faculty member shall meet the same
779 requirements for the degree, as published in the University Bulletin, as any other student.
780 2) The student/faculty member will be required to meet the regularly scheduled class times in
781 courses in which s/he is enrolled.
782 a) Student laboratory assignments that can be accomplished outside of the faculty member's
783 normal working time may be made an exception, if approved IN ADVANCE by the
784 deans and department chairs concerned.
785 b) If his/her duties and responsibilities as a faculty member conflict with his/her student
786 class hours, his/her faculty responsibilities shall take precedence. This is to be
787 determined by the deans involved.
788 3) The faculty member seeking an MUSC degree will be required to demonstrate his/her
789 academic progress to a committee of qualified evaluators at least once each year by means of
790 either a written and/or oral examination. The results of the evaluation will be submitted by

791 this committee to the dean of the college in which the degree is being pursued and to the
792 department chair, if appropriate. This dean shall file a copy of the report with the Vice
793 President for Academic Affairs and Provost.
794 4) Failure to perform in a satisfactory manner at any time shall be reported to the Vice President
795 for Academic Affairs and Provost by the dean involved.
796 5) No deviation from the approved plan of study will be permitted without a written request
797 from the department chairs, the recommendation of the deans, and the approval of the Vice
798 President for Academic Affairs and Provost. Such approval for an amended study plan shall
799 be filed in the student/faculty member's record in the office of the University Registrar.

800 **Financial Considerations and Requirements as a Faculty Member:**

- 801 1) The faculty member who has been admitted as a student to a degree program in at the
802 Medical University or elsewhere must abide by the following if s/he is to receive financial
803 considerations by the University:
 - 804 a) promotion as a faculty member may be denied during the period of time the degree
805 program is in progress.
 - 806 b) faculty salary increases other than "across the board" raises may be denied.
 - 807 c) obtaining of the degree in no way obligates MUSC to alter his/her initial faculty
808 appointment, to promote him/her, or to significantly adjust his/her salary, although any or
809 all of these may be a result.
 - 810 d) s/he shall agree, in writing, to continue his/her employment to MUSC for a period of not
811 less than one year after receiving the degree.
- 812 2) The faculty member who agrees to the above financial terms may pursue his/her approved
813 plan of study at the yearly average rate of 15% of his/her normal work time, with no
814 reduction in salary.
- 815 3) If an accelerated plan of study is requested by the faculty member and is approved by the
816 chair, deans, and the Vice President for Academic Affairs and Provost, the faculty member
817 must voluntarily reduce both her/his teaching responsibilities and her/his salary
818 proportionately.
- 819 4) If the approved plan of study includes extensive bench research or clinical rotations during
820 normal faculty working time, a proportionate salary reduction shall be required. If this is
821 determined at the time the program is initially approved, the amount of salary reduction will
822 be determined at that time.

823 **Financial Requirements as a Student:**

- 824 1) While pursuing his/her approved plan of study, the student/faculty member will officially
825 register for each course taken and pay the appropriate tuition and fees as set by the college in
826 which s/he is enrolled. In the year in which the degree is to be conferred, the student/faculty
827 member shall pay, in addition to the required tuition, the full fees required of all students.
- 828 2) If an accelerated plan, as described in Section 3 under "Financial Considerations and
829 Requirements as a Faculty Member," is in effect, the student/faculty member must pay the
830 appropriate tuition each semester.

831 **Procedure for Faculty Member:**

- 832 1) The faculty member shall submit (a) to the chair of his/her department and the dean of the
833 college in which s/he holds primary faculty appointment, and if applicable (b) to the dean of
834 the college in which s/he proposes to pursue the advanced degree, a complete outline of the
835 proposed curriculum, semester by semester. S/he shall also indicate all courses to be taken,
836 the proposed research and/or clinical experience required, and the degree which is to be
837 sought.
- 838 2) If the faculty member's proposal is disapproved at any step in the Administrative Procedure
839 stated below, s/he will be so notified; this action shall be considered final.
- 840 3) If the faculty member's proposal is approved, the Vice President for Academic Affairs and
841 Provost will notify him/her in writing and s/he may then proceed to apply for admission

842 through the regularly prescribed admissions policy of the college in which s/he is seeking
843 admission.

- 844 4) The application for admission shall have attached to it the following:
845 a) outline of plan of study
846 b) letter of approval from the Vice President for Academic Affairs and Provost to pursue the
847 degree as outlined
848 c) required application fee.

849 **Administrative Procedure:**

- 850 1) Upon receipt of a request with attachment thereto of a complete outline of proposed study as
851 stated under "Procedure for Faculty Member" above, to pursue admission to a specific
852 advanced degree program within a college of the Medical University, the dean(s) of the
853 college(s) concerned in conjunction with the appropriate department chairs either approve or
854 disapprove the request. If more than one dean is concerned (i.e., if the dean of the college of
855 proposed study is different from the dean of the college in which the faculty member holds
856 primary appointment), approval to apply for admission must be by both. Either one
857 disapproving, the request shall be denied.
- 858 2) If the request is approved, the dean of the college in which the faculty member holds primary
859 appointment shall write a letter to the Vice President for Academic Affairs and Provost, with
860 a copy to the dean of the college to whom the faculty member will submit his/her application,
861 stating willingness for the faculty member to apply for admission as a student. The letter
862 should include: (a) how all of the individual's duties, teaching responsibilities, and other
863 commitments to his/her department would be met; (b) what financial considerations would
864 apply as described in section (2) under "Financial Considerations and Requirements as a
865 Faculty Member," and (c) indication of approval of the plan of study.
- 866 3) In like manner, if the request is approved, the dean of the college of proposed student
867 enrollment shall notify the Vice President for Academic Affairs and Provost in writing of: (a)
868 procedures for evaluation of the faculty member's progress as a student in accordance with
869 his/her approved plan of study; and (b) the names of the faculty members assigned to
870 evaluate the faculty/student's progress. Such progress will be evaluated in accordance with
871 Sections (3) and (4) under "Academic Requirements."
- 872 4) The faculty member shall then be notified in writing by the Vice President for Academic
873 Affairs and Provost that her/his plan of study has been approved and that s/he may apply for
874 admission through the regular admissions process of the college in which the advanced
875 degree is to be sought.

876 Any time the above procedures or processes are not adhered to, the faculty member, if admitted
877 to a course of study, may be removed from the college in which s/he is enrolled or may be
878 required to reimburse MUSC for any financial losses suffered either as a result of being a student
879 and/or a faculty member.

880 **Appendix 11.04 University Travel Guidelines, Policies and Procedures**

881 **MEDICAL UNIVERSITY OF SOUTH CAROLINA’S AND STATE BUDGET AND**
882 **CONTROL BOARD’S REGULATIONS FOR REIMBURSEMENT FOR TRAVEL AND**
883 **SUBSISTENCE EXPENSES**

884 Introduction

885 The Medical University of South Carolina (MUSC), as an agency of the State of South Carolina,
886 is subject to the [travel guidelines set by the State Budget and Control Board](#).

887 [<http://www.state.sc.us/dio/OIOinternaltravelguidelines.pdf>] (Revision date 12/8/2005)

888 This manual is based on State as well as Medical University policies and procedures for travel.
889 The guidelines provided herein shall be adhered to by all employees who travel on Medical
890 University business. In cases where an individual’s travel itinerary may conflict with guidelines
891 herein, it is requested that the Travel Office be notified in advance so to avoid any delays in
892 reimbursement upon return from the trip.

893 MUSC Policies regarding travel reimbursement can be found at this URL:

894 <http://academicdepartments.musc.edu/vpfa/policies/index.htm>

895 **To see the policies specific to Travel use the pull down menu under Chapters and select 7 –**
896 **Travel.**

897

MUSC.edu | MUSC A to Z | MUSC Health

Finance & Administration

POLICIES

Quick Clicks: Select a Department/Service Search: MUSC

F & A Home
 For Faculty, Staff & Students
 For Visitors
 For F & A Staff

Quick Clicks

- > For Vendors
- > Human Resources
- > Policies & Procedures
- > Forms Library

Finance & Administration > FAPolicies

Finance and Administration Policies

The drop-down menu below contains policies and procedures for many of the departments within Finance and Administration. These policies and procedures are designed to assist our customers with university business processes. Some departments in Finance and Administration do not have policies and procedures available on-line.

If you have a question or you can't find the policy you need, please contact us or call us at 792-5050

Chapters: 7- Travel

Keyword search:

| Policy | Title |
|--------|----------------------------------|
| 7-1.0 | General Information |
| 7-2.0 | Travel Authorization |
| 7-3.0 | Registration |
| 7-4.0 | Meal Allowances |
| 7-5.0 | Lodging |
| 7-6.0 | Air Transportation |
| 7-7.0 | Private Vehicles |
| 7-8.0 | Vehicle Rental |
| 7-9.0 | Gratuities and Portorage |
| 7-10.0 | Telephone Calls |
| 7-11.0 | Foreign Travel |
| 7-12.0 | Dependents Accompanying Employee |
| 7-13.0 | Travel for Disabled Employees |

Page last updated:08/24/2007

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899 **Appendix 11.05 Faculty Tuition Assistance Policy**
900 University HR: Link to Tuition Assistance Request Form found within policy
901 <http://www.musc.edu/hrm2/policies/policy17.html>
902 Hospital HR
903 <http://www.musc.edu/hr/documents/POLICY17-TUITIONASSISTANCE.pdf>
904 **Appendix 12.02 Paid Time Off (PTO) Policy HR18**
905 University HR
906 <http://www.musc.edu/hrm2/policies/Policy18.pdf>
907 Hospital HR
908 <http://www.musc.edu/hr/documents/POLICY18-PTO.pdf>
909 **Appendix 12.02a University Family and Medical Leave Policy/ form HR 30**
910 <http://www.musc.edu/hr/documents/POLICY30-FMLA.pdf>
911 **Appendix 12.02b PTO Donation Policy HR 19**
912 <http://www.musc.edu/hr/documents/POLICY19-PTODONATION.pdf>
913 **Appendix 13.03 Additional Faculty Employment Benefits**
914 For additional information related to these benefits, contact [MUSC Human Resources](http://academicdepartments.musc.edu/vpfa/hrm/index.htm)
915 [Management Service Center](http://academicdepartments.musc.edu/vpfa/hrm/index.htm) [http://academicdepartments.musc.edu/vpfa/hrm/index.htm]
916 To find a list of benefits go to: Employee Benefits
917 <http://academicdepartments.musc.edu/vpfa/hrm/benefits/>
918 For an overview of Benefits:<http://academicdepartments.musc.edu/vpfa/hrm/benefits/index.htm>
919 For Insurance Guidelines:
920 <http://academicdepartments.musc.edu/vpfa/hrm/benefits/guidelines.htm>
921 The comparison between UMA and MUSC Benefits is location at the following link:
922 <http://academicdepartments.musc.edu/vpfa/hrm/benefits/faculty%20benefits>
923 Additional Employee Benefits:
924 <http://academicdepartments.musc.edu/vpfa/hrm/benefits/otherbenefit.htm>

Faculty Handbook Edits 2007 – 2011

The draft version of the 2011 Handbook contains revisions as follows:

The following policies previously approved by the Board of Trustees were transitioned from Appendix A into the body of the faculty handbook:

8. Faculty Grievance and Appeal

8.11 Faculty Appointment Contract Dispute Resolution

Appendix 8.11 Faculty Appointment Contract Dispute Resolution

9.08 Conflict of Interest Policy

Appendix 9.08d Charter of the MUSC Administrative and Clinical Conflict of Interest Committee was added to the appendices.

“Approved by the Provost, 3/3/2011” added under heading for Appendices 9.08 (page 84)

10.04-10.18 Intellectual Property

Noted added under heading to Section 10.04 (on page 53) to cover period prior to May 15th 2008, as follows:

[Intellectual Property Policy 10.04-10.18 in the 2007 edition of the Faculty Handbook applies to faculty/staff who have intellectual property, conceived or first reduced to practice any invention or trade secret, prior to May 15, 2008]

6.04. The Senate revised and approved new wording in Section 6.04 relating to faculty tenure, as follows:

Existing language – lines 747-752:

The assurance of continuation of salary commensurate with academic rank shall apply to that **base salary which is agreed upon by the individual department head and faculty member. The amount of the base salary shall be commensurate with rank in the appointee’s department.** and defined in the annual contract. It shall not apply to supplemental or additional sources of funding including, but not limited to, clinical practice income, consultation fees, administrative payments, and special payments.

New language:

The assurance of continuation of salary shall apply to compensation based on academic rank, as defined in the annual contract (Appendix P). It shall not apply to additional compensation including, but not limited to, clinical practice income, consultation fees, administrative supplements and special payments.

The new wording is included in this version on page 19.

6.05. The new post-tenure review policy approved by the Board of Trustees at its December 2010 meeting is included in this version. The old version and its appendix have been stricken. Date of approval by BoT added at beginning of PTR policy on page 25.

1.03. A formal motion was introduced in the Faculty Senate to move the MUSC Code of Conduct from an appendix into the body of the faculty handbook as section 1.03. This motion was passed unanimously.

9.18. The faculty senate governance committee recommended some minor changes in the wording of 9.18 Disaster Preparedness in order to refer faculty to the disaster toolbox and the Disaster Preparedness – Research Continuity policies which are included in the appendices. Policy **9.19** (Copyright) was also modified for the same reason.

Appendices:

Appendices within the handbook reference MUSC policies that are not under the purview of the Faculty Senate and these policies are found published on the MUSC web site, wherein they are updated by administration as deemed necessary. To avoid providing out-of-date information within the appendices, these are now hyperlinks to official MUSC policies whenever possible.

Appendix 9.08d Charter of the MUSC Administrative and Clinical Conflict of Interest Committee was added to the appendices.

Current faculty evaluation forms from the Colleges were updated within the appendices.

Forms used for evaluation of the Provost, Deans, and Department Chairs were updated.

URLs were checked and updated.