

**FRED HUTCHINSON CANCER RESEARCH CENTER
ACADEMIC POLICIES FOR FACULTY AND SCIENTIFIC STAFF**

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1. BACKGROUND, APPLICABILITY AND DEFINITIONS

1.1. Background

These policies were reviewed and approved by each of the scientific divisions of the Fred Hutchinson Cancer Research Center (“Center”) and by the Board of Trustees on January 23, 2003. They supercede all prior versions of similar policies for faculty and scientific staff.

1.2. Applicability

These policies apply to faculty who are responsible for research conducted at the Center, including Members, Associate Members, Assistant Members, and external faculty with Joint or Affiliate appointments at the Center. Where specified, these policies are also applicable to Staff Scientists, Staff Physicians, Associates, Research Associates and Fellows.

It is the responsibility of the Center President and Director or designee to disseminate these policies and secure necessary agreements and forms from all applicable personnel. Failure of the Center President and Director or designee to do so in no way affects the responsibilities or obligations of the faculty and scientific staff. Once approved, these policies will be posted on the Center's web site and will be available in the administrative office of each division at the Center.

In addition to these academic policies which relate specifically to faculty and scientific staff, there are a variety of other Center policies on various administrative issues (e.g. Human Resources, Grants and Contracts) which are also applicable to faculty and scientific staff. These policies are available on the Center’s web site.

While these academic policies are broadly applicable, the scientific divisions within the Center have certain procedures that vary from one another, depending upon scientific discipline. These procedures are included in the Appendix and apply to persons with appointments in that division. If there is a conflict between the terms of Center policies and the policy of a division, the terms of the Center policies supercede the division policy.

1.3. Compliance with University of Washington (UW) faculty policies

In accordance with the Affiliation Agreement between the Center and the UW, these policies are intended to be consistent with the requirements of the UW Faculty Code. Center faculty who are also members of the UW faculty must comply with the policies of the UW as well as the Center's policies. Questions or issues concerning inconsistencies between UW and Center policies should be directed to the Center President and Director.

1.4. Definitions

1.4.1 “Center President and Director”

The Center's highest level officer, appointed by the Center Board of Trustees.

1.4.2 “Center A & P Committee”

The Center Appointments and Promotions Committee whose duties include ratification of scientific division decisions about faculty appointments and promotions and ensuring that processes comply with Center policies.

1.4.3 “Division A & P Process”

The process employed by the scientific division where the faculty or scientific staff member holds a primary appointment. The procedures that each division uses are included in the Appendix to this document.

1.4.4 “Division Director”

The head of a Center scientific division and a senior vice-president of the Center who is appointed by the Center President and Director subject to ratification by the Center's Board of Trustees.

1.4.5 “Faculty or faculty member”

The term used to denote individuals who hold the title of Member, Associate Member and Assistant Member at the Center.

1.4.6 “Scientific Staff”

The term used to denote individuals who hold the title of Staff Scientist, Staff Physician, Associate in [Division], Research Associate, or Fellow at the Center.

2. APPOINTMENTS

2.1. Categories of Appointments and Qualifications

2.1.1 Member

This rank is comparable to that of professor at a major university (except that unlike many universities, the Center does not offer tenure to Members, instead relying on periodic ongoing external reviews, which are detailed in section 4). The Center makes an extended commitment to such individuals who are, therefore, selected with the utmost care and rigor. Appointment to the rank of Member requires outstanding mature scholarship, excellence in research and national or international recognition. Members are subject to peer review at five-year intervals. [See detailed discussion at Section 4.1]

2.1.2 Associate Member

This rank is comparable to that of associate professor at a major university. Appointment to this rank requires a record of substantial and sustained success in the appropriate research discipline and the achievement of national recognition for an individual's scientific accomplishments. For clinical faculty, clinical scholarship and relevant administrative accomplishments will be considered along with independent research accomplishments. An Associate Member may be nominated for promotion to Member at any time, but must be considered for promotion after five years in rank. [See detailed discussion at Section 3.2]

2.1.3 Assistant Member

This rank is comparable to that of assistant professor in a major university. Appointment to this rank requires an appropriate doctoral or medical degree and, for laboratory or clinical scientists, a period of postdoctoral research or clinical senior fellowship. With the exception of clinical scholars in the Clinical Research Division, all assistant members must demonstrate a capability for independent research. Assistant Members must also demonstrate a high probability of success in their chosen discipline. Assistant Members may be nominated for promotion at any time, but must

be considered for promotion to Associate Member by the end of the fifth year in rank.

2.1.4 Associate in [Division]

This position is meant to provide a transition from trainee to faculty status at an academic or research institution. Appointment to this position requires an appropriate doctoral or medical degree. Nomination is made through a member of the faculty who is responsible for providing funding and resources within his or her space. Associates in [Division] may apply for research grants under the sponsorship of the faculty sponsor. The position does not necessarily imply future consideration for faculty track positions at the Center, although qualified individuals may apply for a faculty position in accordance with applicable Center policies. The Associate in [Division] position may be held for up to three years.

2.1.5 Staff Scientist

Appointment to this position requires an appropriate doctoral degree or equivalent experience (as determined by their Division A & P process). Nomination to this position is made through a member of the Faculty who is then responsible for providing funds and resources within his or her program space for the Staff Scientist. Staff Scientists may apply for their own research grants, subject to approval by their faculty sponsor, and according to the standard procedures of their division. Their continued appointment at the Center is dependent upon their annual performance review and the willingness and ability of their faculty sponsor to continue their sponsorship. There are three levels of staff scientist (assistant, associate and full); qualifications for these levels are determined within each division.

2.1.6 Staff Physician

Appointment to this position requires an appropriate medical degree and post-graduate subspecialty training. Nomination to this position is made through a member of the faculty who is responsible for providing funds and resources within his/her program space for the Staff Physician. Staff Physicians may apply for their own research grants, subject to approval of their faculty sponsor, and according to the standard procedures of their division. Their continued appointment at the Center is dependent upon their

annual performance review and the willingness and ability of their faculty sponsor to continue their sponsorship. There are three levels of staff physician (assistant, associate and full); qualifications for these levels are determined by the Division. Staff physicians may apply for faculty positions if performance warrants.

2.1.7 Fellows and Research Associates

Appointment as a postdoctoral or clinical senior fellow requires a doctoral or MD degree and selection by a member of the faculty for research training in the faculty member's designated space. Funding normally is provided by stipends awarded through individual fellowships or training grants. Research Associates may continue their research training beyond their fellowship under the sponsorship of a faculty member who provides funding and resources. The maximum term for fellowship/Research Associate status is five years (six years for early entrants to the fellowship program). If the individual changes his/her faculty sponsor during the fellowship, the maximum combined term is eight years.

2.1.8 Visiting Investigators and Visiting Physicians

These positions are temporary appointments, usually for one year, for scientists or physicians who have been invited by a member of the faculty to work at the Center utilizing the faculty sponsor's space and resources.

2.1.9 Joint Appointments – Internal

Faculty may hold joint appointments in more than one division, subject to the agreement of the faculty of all divisions involved. Administrative roles for joint faculty members are determined by the divisions in which they are appointed. Joint faculty members have voting privileges in all divisions in which they hold an appointment. Except in special circumstances which must be approved by the Center President and Director, joint faculty members will have a primary appointment in one division which will have responsibility for provision of their space and resources.

2.1.10 Joint Appointments – External

An external joint appointment recognizes the participation of individuals primarily based at another institution who play a key or

essential role in the conduct of Center research. The appointee's primary institution is responsible for their financial support to the degree it is not covered by grants and contracts. Individuals with external joint appointments may serve as principal investigators on grants and contracts administered through the Center, subject to approval by the Director of the division in which they hold an appointment. Individuals with external joint appointments must comply with Center policies and procedures while they are performing work at the Center. They may use the Center's shared resources (if surplus time is available) and should identify the Center in scientific publications when appropriate. Administrative responsibilities and voting privileges for faculty with external joint appointments are discretionary and determined by the division in which they hold an appointment.

2.1.11 Affiliate Investigators

This position is available to individuals based at other institutions who make useful contributions to the Center's research and to Center faculty from other divisions. This appointment does not involve independent assignment of Center space or resources, and individuals with this appointment normally cannot serve as principal investigators on grants or contracts administered by the Center. Exceptions must be approved by the Center President and Director. Individuals with affiliate appointments must comply with Center policies and procedures while they are performing work at the Center. They may use the Center's shared resources (if surplus time is available) and should identify the Center in scientific publications when appropriate. Administrative responsibilities and voting privileges for faculty with affiliate appointments are discretionary and determined by the division in which they hold an appointment.

2.2. Job Selection Criteria

The Center does not discriminate against individuals because of their race, color, religion, creed, ancestry, national origin, sex, age, disability, marital status, veteran status, sexual orientation, or political ideology. Discriminatory action in violation of Center policy or applicable law may result in disciplinary action. This policy applies to all Center programs and facilities. In particular, the Center does not discriminate

in employment in the following areas: recruiting, recruitment advertising, hiring, placement, promotion, transfer, demotion, training, selection for training, rates of pay or other forms of compensation or benefits, layoffs, return from layoff practices, and termination. In accordance with the Center's Affirmative Action policy, the Center is committed to fully utilizing qualified persons who are minorities or women for all faculty or other positions.

Search committees need to be certain that the criteria used for selection accurately reflect the requirements for the position and that the criteria are free of cultural or racial bias. In situations in which a minority candidate presents a different background, committees have the responsibility to explore constructive ways in which this background can be utilized to enrich the Center.

When recruiting for positions, open positions should be posted locally so persons affiliated with the Center have the opportunity to apply. However, such individuals should not be given preference over other more highly qualified candidates.

2.3. Selection Process

The selection process outlined in the paragraphs below is applicable to Center-based recruitments. Joint and affiliate appointments for investigators from other institutions are processed according to the processes of the scientific division with whom the individual desires an affiliation, subject to final approval by the Center A & P Committee and the Center President and Director.

2.3.1 Establishment of a Faculty Position

When faculty members of a division determine that it is desirable to recruit a new member of the faculty for their division they should approach their Division Director with a request to open a position. The following information must be determined in connection with a request to open a position: division(s) and program(s) (when applicable) in which the new faculty member would hold an appointment, title and level of rank, anticipated salary and salary source, and the space and resources (equipment, specialized facilities, new development support) that would be needed for the position. The Division Director will make the initial determination of whether the position is warranted, and if so,

will name a preliminary Search Committee and Committee Chair. The Search Committee will include individuals with sufficient expertise in the relevant scientific area to recommend and evaluate candidates. An effort will be made to include on the search committee qualified minority and women faculty members and representatives from other divisions with expertise in the relevant area or discipline. The Search Committee Chair will develop a draft advertisement for the position (with help from the Human Resources Department) and recommend possible journals for ad placement. All of this information is recorded on a “Request for Opening a Scientific Staff Position” form which is sent to the Office of the Director. The information is forwarded to the Center A & P Committee for review.

The Center A & P Committee will evaluate the need for the position, if the request fits with the Center’s strategic plans, and the capacity of the Center to provide the necessary resources. If the Committee decides to open the position, the Committee will review the advertisement and Search Committee assignments and makes recommendations. The matter is then referred to the Center President and Director for review and approval. If the Center President and Director approves the position, the search process is initiated.

2.3.2 Establishment of a Scientific Staff Position

The process for recruitment of new non-member track scientific personnel must follow the standard procedures outlined in the Personnel Policy and Procedures manual.

2.3.3 Faculty Search Process: Advertisement

2.3.3.1 Advertisement: The position must be advertised using the approved advertisement in at least one appropriate professional journal and at placement services of appropriate societies (if available). The Search Committee chair should consult with the Human Resource Department concerning ad placement. (Note: an appointment cannot be made at a different level than the one advertised. If a division wants to change the level of an appointment from the one originally stated, the search process must be started anew with a new advertisement.)

- 2.3.3.2 Applicant List: The Search Committee should review in detail each applicant's complete curriculum vitae, outside letters of reference (minimum of three) and other supporting documents to rank applicants and determine who will be invited for in-center interviews and a seminar presentation. Once the Committee has identified qualified applicants to be invited to the Center, a list of those applicants' names and addresses will be forwarded to the Human Resources Department so they can send candidates a letter regarding affirmative action status. The Human Resources Department is responsible for collecting all returned affirmative action information for use in complying with Center, federal and state reporting requirements.
- 2.3.3.3 Interviews and Seminars: Qualified applicants will be invited to visit the Center, will be interviewed by Search Committee members and will present a seminar. In addition to the Search Committee, voting members of the faculty in the Division recruiting the faculty member and Center A & P Committee members will be specifically notified about the seminars. The Human Resources Department pays for recruitment costs, and applicant visits should be coordinated with the Employment Manager.
- 2.3.3.4 Staff Vote: The first ranked candidate will be selected by the Search Committee and his/her qualifications, including the complete curriculum vitae and outside letters of reference, will be evaluated by the faculty of the Division in which the appointment is proposed. A vote of approval of the proposed appointment by the faculty of the division is required. Specific requirements relating to this process vary by Division (see Appendix). This process must be completed in each Division involved in a joint appointment.
- 2.3.3.5 Center Approval: Once the Division has approved the first ranked candidate, the complete curriculum vitae and outside letters of reference and the results of the faculty vote will be forwarded to the Center A & P Committee, and then the Center President and Director, for approval. (Approval of the Center A & P Committee can be by mail if there is unanimous approval of the candidate by the Center A & P committee). The Division Director will then initiate formal negotiations with the candidate, determine whether the

candidate is interested in accepting the position, and prepare a formal offer letter advising the candidate of the proposed terms of appointment. This letter must be reviewed and approved by the Center President and Director or the Chief Operating Officer of the Center before it is sent.

2.3.4 Follow Up to Candidate Acceptance

Once the candidate has accepted the offer, the Center President and Director will send a letter of appointment to the candidate, informing him/her of the appointment and the effective date. If no acceptance letter from the candidate has been received by the Division Director, it will be requested. The letter of appointment will also forward information covering Center faculty policies.

2.3.5 Selection of Faculty Administrative Positions

Occasionally, faculty administrative posts become available either because the incumbent resigns from a position or a new division or program is created. Administrative positions include the Center President and Director, Division Directors and Program Heads. The Center President and Director is a Board of Trustees-appointed position and will always be conducted via an external search. For other faculty administrative positions, the Center President and Director must approve all openings. When a position opens, a determination will be made whether to fill it through an internal search or an external search. The primary factor in making this decision will be whether good internal candidates exist who satisfy all of the criteria for the position. If an external search is conducted, the search process outlined in section 2 will be followed. If a decision is made to use an internal search only, the following steps must occur:

2.3.5.1 Notice of Opening of Position: The opening will be communicated to all faculty who are eligible to apply for the position (in the case of a Division Director, all faculty within the division, in the case of a program head, all of the faculty who are members of the program). Appropriate efforts will be made to ensure that eligible women and faculty of color have been notified (consistent with the Center's goal of increasing the representation of these groups in leadership positions).

- 2.3.5.2 Determination of Individual Authorized to Select Appointee: For division directors, the Center President and Director selects the appointee; for program heads, the individual authorized to select the program head will be determined by the Center A & P Committee.
- 2.3.5.3 Consultation with faculty: The individual selecting the faculty member for the administrative role will consult widely with all affected faculty in the division and also in other divisions if there is participation in the program or division by other division members.
- 2.3.5.4 Approval by the Center A & P Committee and the Center President and Director: The appointment of a Division Director, and Program Head must be approved by the Center A & P Committee and the Center President and Director.
- 2.3.5.5 Other Administrative Positions: Openings for other administrative positions sometimes occur, including associate division directors, heads of training programs, associate program heads, administrative roles in major research projects, medical administration roles, etc. If these positions result in the appointee receiving extra compensation or increased Center support, the Division Director involved should follow the internal search processes outlined in Section 2.3.5 for these positions. However, the Center President and Director and the Center A & P Committee do not need to approve these positions.

2.4. Change in Status

On occasion, a faculty member may desire to make a change in his or her faculty status on a temporary or permanent basis. In such cases, the following processes apply:

2.4.1 Sabbatical Leave

Faculty at the Associate or Member status who have worked at the Center for generally more than seven years are eligible for a sabbatical leave, for the purposes of study, research or professional service. Sabbatical leave may be taken for periods of between 3 and 12 months; faculty are eligible for up to 3 months of salary compensation during the sabbatical leave. Faculty interested in a sabbatical must apply to their Division Director 6 months in advance. All faculty sabbaticals must be approved by the Division Director and Center President and Director. More information

about sabbatical leaves is available in the Personnel Policy and Procedure Manual on the Human Resources web site.

2.4.2 Leave of Absence

Faculty may request a leave of absence for up to one year for personal or career purposes. Faculty members do not generally receive compensation from the Center during such leaves, and arrangements must be made to ensure that grants and contracts which the faculty member administers are managed in a satisfactory manner during the leave. Leaves can extend beyond one year, but only if it is to the Center's benefit as determined by the Center President and Director, in consultation with the Center A & P Committee. Depending upon the circumstances, the faculty member will retain a position upon his or her return but will not be guaranteed the same space and resources.

2.4.3 Emeritus Status

Faculty members at the Associate or Member rank who have worked at the Center for at least 10 years and are retired from active status may request an Emeritus appointment. This appointment will be based upon a meritorious scholarly or service record. It must be voted on by the division and approved by the Division Director and Center A & P Committee. Faculty members with emeritus status may continue to use Center Shared Resources such as the library and may retain an office at the Center if they continue to be actively involved in scholarly work.

2.4.4 Special Circumstances Change in Status

Purpose: In order to be successful at the Center and in their careers, Faculty Members generally are expected to work full-time. The Center recognizes, however, certain special circumstances under which a temporary reduction or modification in schedule is necessary and/or desirable. These special circumstances include leave of absences or reduced/modified schedules for family responsibilities, to accommodate disabilities, and for individuals nearing retirement. Through this Policy, the Center hopes to extend a means by which Faculty Members can balance their careers with their family and other life interests, and do so without penalty.

Policy:

a. At the written request of a Faculty Member, the Center will consider granting that Member a leave of absence and/or a

temporary change in status from full-to part-time to accommodate one of the special circumstances listed above.

b. Alternatively or as part of the same request, the Faculty Member also may ask the Center to consider extending the Member's review and promotion process for up to two years (at each Faculty level –Assistant, Associate, etc.)

c. A request for a change in status and/or extension must be in writing and should be submitted to the appropriate Division Director. The request must state the special circumstance justifying the action, provide details about the exact nature of the change requested (i.e., leave of absence, change to part-time status and/or extension of review and promotion), offer the expected duration of the change, and explain why the Faculty Member believes the change in status should be granted. The request also should indicate how the faculty member intends to meet his/her obligation for grants and contracts, trainees, and clinical service.

d. Upon receiving such a request, the Division Director will review the request and communicate it to the Senior Vice Presidents, along with his/her recommendation. The Senior Vice Presidents along with the Center's Director will review it and make a final determination as to its merits.

e. Even if the Faculty Member's request is approved, the Member still may be expected to attend certain Faculty functions and/or participate in other Center activities as deemed necessary by the Division Director. The Faculty Member and the Division Director should specify and come to an agreement about any such expectations prior to the change in status.

f. In cases of a leave of absence or a reduction to part-time status (but not in cases of an extension only), the relevant Division Director has the discretion to limit the Faculty Member's space and/or scale back the Member's support. Space and support will be reevaluated on a yearly basis.

g. Change of status for special circumstances will not be granted as a substitute for a sabbatical (see Sabbatical Policy) or as a method of extending a promotion period simply because of low productivity. The Center recognizes, however, that interests other than the ones described in this policy may warrant a change in status, and will consider faculty requests under those circumstances, as well.

Note Regarding Appointments at the University of Washington

The University of Washington has similar policies for faculty with appointments to the School of Medicine and the School of Public Health. Faculty members with UW appointments who are considering a request for a change in status here at the Center are encouraged to concurrently explore their options, requirements and/or restrictions with the appropriate departmental and/or division administrators at the UW, as well.

3. PROMOTIONS

3.1. General Guidelines for Promotions

Decisions to nominate faculty members for promotion are made annually within each scientific division. In cases where joint appointments at UW are involved, reasonable efforts will be made to accommodate coordinated evaluation with UW. Formal promotional review requires that letters of evaluation be sent to at least ten outside reviewers (UW faculty are considered to be inside reviewers). The list of reviewers must be approved by the Center A & P Committee. There must be an advertised seminar (with appropriate notification to faculty and Center A & P Committee members) and evaluation, in the form of a vote, by faculty members of higher rank within the nominee's division. The results of this process are then forwarded with the supporting documentation to the Center A & P Committee for its recommendation, and to the President and Director for final review and approval. Each scientific division has its own process for promotional review and for adjustments to faculty members' space and resources upon promotion (see Appendix for individual division policies). The policies outlined in this section 3 are applicable to all divisions.

3.2. Associate Members

Associate Members may be nominated for promotion at any time, but must be considered for promotion by the fifth year in rank as an Associate Member. Three of the four scientific divisions require that time in rank as an Associate Member be limited and that a decision to promote or not must be made within a certain time period. The Clinical Research Division allows faculty to remain at the Associate Member rank indefinitely, but with mandatory four year reviews (see section 4.2).

3.3. Assistant Members

Assistant Members may be nominated for promotion at any time during the first five years of appointment, but must be considered for promotion by the end of their fifth year. The maximum time in rank as an Assistant Members varies by division but may not exceed seven years (including one year of termination notice) in any division.

3.4. Staff Scientists and Physicians

Persons holding these positions are nominated for promotion in accordance with the procedures of their respective divisions and are not subject to procedures outlined in this section 3.

3.5. Associate in [Division]

These individuals, if not appointed to a regular faculty position, must relinquish this category of position at the Center within three years.

3.6. Fellows

Individuals appointed as postdoctoral and clinical senior fellows are limited to a total of five years in which to seek Associate In [Division] status or a regular faculty appointment at the Center or elsewhere. Exceptions will be made for clinical senior fellows who receive early entrance into the fellowship program and require an additional year to complete their medical training. Also, if the individual changes faculty sponsor during the fellowship, the maximum combined term is eight years.

3.7. Joint Appointments: Internal

Where faculty members hold joint appointments in another division, reasonable efforts will be made to conduct the promotional review at the same time in each division and to include each division in the evaluation process. The decision whether to promote the individual will be made separately in each division. If different decisions are made, the matter will be reviewed by the Center A & P Committee and forwarded with a recommendation to the Center President and Director for final approval.

3.8. Joint Appointments: External

Faculty members based at other institutions with a joint appointment at the Center must comply with the promotional procedures applicable to internal candidates, including peer review and evaluation of outside letters of reference, a vote by divisional faculty, favorable recommendations by the Center A & P Committee, and final approval by the Center President and Director.

3.9. Affiliate Investigators

These individuals are not ranked and therefore do not receive promotions. Their status is evaluated biannually by the division in which they hold an appointment.

4. REVIEWS

4.1. Five-year reviews of Members

Full Members are reviewed every five years. The purpose of the review is to evaluate whether the faculty Member meets Center standards for scientific excellence, and whether the Member meets other criteria (such as participation in clinical care and teaching activities) as established by the primary division in which the Member resides. The five-year review provides an opportunity for the Member and his or her Division Director to discuss career development and future resource needs of the investigator. The review is initiated by the Director of the division in which the Member holds his or her primary appointment. In cases where the Member holds a joint appointment in another division, the Director of that division will also be consulted. The final decision regarding reappointment is made by the Center President and Director.

The five-year review process is designed to evaluate a Member's scientific and professional qualifications. It in no way limits the Center's ability to enforce other Center policies (such as policies on Conflict of Interest, Scientific Misconduct and Harassment) or to take appropriate disciplinary actions for violations of those policies including termination of employment.

Members who are based at other institutions but hold a joint appointment at the Center may be required to undergo a five year review, depending on the space and resource commitment made by the Center. If a such a joint member has a significant wet lab presence at the Center, or will utilize more than 1000 net square feet of office space for periods of time anticipated to be in excess of 5 years, a five year review will be required unless waived by the Center President and Director.

Each division has its own process for conducting the five-year reviews. Changes to these processes must be consistent with Center-wide policies and approved by the Center President and Director. Changes to the Center-wide policies will be made only after consultation with the faculty. The following general guidelines apply to all divisions:

4.1.1 Selection of Reviewers

The Member will be asked to suggest several scientists to act as reviewers. A majority of reviewers a) should be active leaders in their fields; b) should not be close collaborators of the Member; and c) generally should be external (that is, not Fred Hutchinson faculty or UW faculty, if the Member has a regular appointment at UW). The Division Director will consider the list provided by the Member in formulating a list of at least ten potential reviewers, and may designate additional scientists at his or her discretion to act as reviewers. If the Member holds a joint appointment in another division, that Division Director may also designate additional reviewers.

4.1.2 Approval of Reviewers

The names of the proposed reviewers will be sent to the Center A & P Committee for review in advance of the division review process. If a Committee member has concerns that a scientist selected to perform the review does not meet the applicable standards he or she will notify the appropriate Division Director(s), who will consider the objections and make the final determination as to the appropriateness of the reviewers selected.

4.1.3 Division Review Process

Each division has its own process for five-year review that will apply to Members in that division. In cases where a Member holds a joint appointment in two or more divisions, the process of the division in which the Member has a primary appointment will be followed. However, representatives from each division in which the Member has an appointment will be represented on any relevant review committees. Each division in which the Member holds an appointment will receive the same information from the review process, although each division will make a separate recommendation about satisfactory performance. If the Member holds two primary appointments, the Division Directors in each of those divisions will agree upon a process that will meet the standards of both divisions.

4.1.4 Center Process

After the division review process is complete, the results of the division review and all supporting materials will be sent to the

Center A & P Committee, which will undertake a further review to determine whether Center and division processes were followed and whether the review criteria were properly applied.

4.1.5 Satisfactory Review

If the division review finds that the Member's performance meets Center and Division standards and the Center A & P Committee concurs, a recommendation will be made to the Center President and Director that the Member shall continue in good standing. The Center President and Director will make the final determination regarding the Member's status.

4.1.6 Disagreement About Performance

If the division review finds that the Member's performance meets Center and Division standards, but the Center A & P Committee determines that the applicable review processes were not followed or the Center A & P Committee does not concur with the division recommendation, its concerns will be referred to the Division Director(s) for consideration. In cases where there is disagreement between the Center A & P Committee and the Division Director(s) concerning the review process or the appropriate determination for a particular Member, the Center President and Director will make the final determination regarding the Member's status.

4.1.7 Unsatisfactory Review

If the division review finds that the Member's performance does not meet Center and Division standards and the Center A & P Committee concurs, the Member will be so informed by the Division Director(s). The Member may appeal to the Center President and Director who will appoint an advisory committee of respected scientists to review the situation and report their findings and conclusions to the Center President and Director. The Center President and Director will make the final determination regarding the Member's status.

4.1.8 Failure to Follow Policies

If the division review finds that the Member's performance does not meet Center and Division standards, but the Center A & P Committee determines that the applicable review processes were not followed or that review criteria were not properly applied, its

concerns will be referred to the Division Director(s) for reconsideration. In cases where there is disagreement between the Center A & P Committee and the Division Director(s) concerning the review process or the appropriate recommendation, the Center President and Director will make the final determination regarding the Member's status.

4.1.9 Disagreement Between Divisions

If one division finds that a Member's performance meets Center and division standards and another division finds it does not, both findings will be referred to the Center A & P Committee for review in accordance with this Policy. In general, the division where the primary appointment is held, and where space and resource decisions are made, will take the lead in discussions with the Member about performance and necessary improvement. The Center President and Director will make the final determination regarding the Member's status.

4.1.10 Action Plan for Unsatisfactory Review

In cases where the Member receives an unsatisfactory review, a mutually acceptable action plan will be developed by the Member and his/her Division Director(s) that includes a) a summary of required improvements in performance, b) a time frame for repeat external review (within 5 years), c) and a review of space and Center resources to be allocated to the Member given current productivity and required improvements.

If the Division Director(s) and the Member cannot agree on a plan for improving the Member's performance after an unsatisfactory review, the Member can appeal to the Center President and Director for a decision. The Center President and Director's decision shall be final.

A Member who has received an unsatisfactory review must submit an annual progress report to the Division Director(s) of each division in which the Member holds an appointment. The Member will receive an internal performance update at least annually from the Division Director of the division in which the Member holds his/her primary appointment that will outline progress and review the Member's resource requirements. Any changes to the action

plan must be mutually agreed upon. Failure to comply with an established action plan may result in disciplinary action up to and including termination of appointment.

4.1.11 Repeat review

At the date established in the action plan, another external review will be conducted. If it is determined by the reviewers, the Center A & P Committee, and the Center President and Director that the Member's performance meets Center and Division standards, the Member shall continue in good standing for a new five year period. If it is determined that the Member's performance does not meet Center and Division standards, the Division Director(s) of the division or divisions where the Member's appointment is held will determine whether the plan should be modified or extended or whether transition planning for the Member's eventual separation from the Center should be initiated. A minimum of one year's notice will be given to Members who are asked to leave the Center due to unsatisfactory performance. If the Member does not agree with a Division Director(s) determination that transition planning for eventual separation from the Center should be initiated, the Member can appeal to the Center President and Director. The Center President and Director's decision shall be final.

4.2. Ongoing reviews for Permanent Associate Members

(Clinical Research Only) The Clinical Research Division allows for the possibility of career Associate Members, subject to favorable reviews every four years. The policies pertaining to this review are outlined in the Clinical Research Division's policies in the Appendix.

5. TERMINATION OF APPOINTMENT AND APPEAL PROCESS

In cases where a faculty member receives an unsatisfactory review or is not promoted, the following processes are available to the faculty member for review and consideration of the decision.

5.1. Appeal

If the faculty member believes that the decision was made in error or that the Center did not follow appropriate policies or procedures, he/she may appeal to the Center President and Director. The Center President and Director will appoint an advisory committee of respected scientists to review the situation and report their findings back to him/her. The Center President and Director will make the final determination regarding the faculty member's status.

5.2. Improvement Plan

In some cases (e.g. four- or five-year reviews) certain procedures permit the faculty member to retain the appointment through development of a mutually accepted action plan. If the Division Director and the faculty member cannot agree on an action plan, the faculty member can appeal to the Center President and Director for a decision concerning the terms of an acceptable plan. The Center President and Director's decision shall be final.

5.3. Notice to Faculty member

In cases in which the faculty member is not promoted or receives an unsatisfactory review, a minimum of one year's notice of termination will be given. The faculty member must continue to comply with the Center's standards of employee conduct and other relevant personnel policies after notice is given and failure to do so may result in disciplinary action including termination. Faculty members may request job counseling or other employee assistance if needed.

5.4. Notice to Scientific staff

In cases in which the appointments of staff physicians or staff scientists are terminated for reasons other than misconduct or other personnel policy violations, if financial resources are available in the program in which the individual is employed, reasonable efforts will be made to give six months notice of termination. Staff scientists and physicians

may request job counseling or other employee assistance if needed. The person receiving notice of termination must continue to comply with the Center's standards of employee conduct and other relevant policies after the notice is given, and failure to do so may result in disciplinary action including termination.

6. INVOLVEMENT WITH OUTSIDE INTERESTS

6.1. Policies for Involvement with Outside Interests

All Faculty, Scientific Staff and employees responsible for the design, conduct or reporting of research must be aware of and in compliance with the Center's policies concerning outside interests at all times.

6.1.1 Confidentiality

The primary professional obligations of Faculty and Scientific Staff of the Center are to the Center and its goals and missions. Faculty and Scientific Staff may not disclose to third parties or use for their personal benefit confidential information disclosed by other investigators (including confidential information of third parties) acquired by reason of their position at the Center. Unpublished scientific data and results are confidential and permission to disclose them is required.

6.1.2 Professional Service

Faculty and Scientific Staff may hold office or serve on various committees or in other ways participate in professional associations and societies, and serve on editorial boards or other scholarly or advisory bodies related directly to their scientific work. In some instances, scientific staff will be asked to volunteer their time in public activities or within philanthropic organizations. Consistent with maintaining their primary obligations to the Center, Faculty and Scientific Staff are encouraged to participate in these and other scholarly activities which include presentations of their scientific work, lectures, seminars or short-course participation, and serving on scientific grant review panels and site visit teams.

6.1.3 Percentage of Time Engaged in Outside Interests

Faculty and Scientific Staff employed full-time are expected to maintain a minimum 40-hour work week, exclusive of vacation periods. Activities with outside interests require prior approval, and cannot exceed 10% time over the course of a year (i.e. one half (1/2) day each seven day week) unless specifically authorized by the Center A & P committee.

6.1.4 Use of Center Resources

Activities with outside interests generally may not involve the use of Center space or resources. Center stationery may not be used in conjunction with activities for outside interests; however, stationery used by a member may mention the nature and location of the individual's appointment at the Center.

6.1.5 Management Responsibility

Holding of management positions or responsibility for management and other decisions for an outside interest are to be avoided. Under exceptional circumstances and with prior approval of Division Directors and the Center A & P Committee, in accordance with section 2.4.2 above, Faculty and Scientific Staff may be granted a leave of absence for a reasonably short period of time (generally no more than one year) to assume such functions. The space and resources assigned to a member or members requesting such unique arrangements with an outside interest would need to be evaluated as to an appropriate disposition during such a leave of absence and as to any commitments for space and resources available after return from a leave of absence.

6.1.6 Conflict of Interest

Faculty and Scientific Staff's involvement with outside interests may not violate the Center's Conflict of Interest Policy (see Appendix). The Center's Conflict of Interest Policy and applicable regulations of Public Health Services ("PHS") the National Science Foundation ("NSF") and the Food and Drug Administration ("FDA") require that certain transactions be reviewed and approved after full disclosure of all relevant facts to ensure that any conflict of interest is managed, reduced or eliminated to prevent bias, improper influence or misuse of Center or government resources. The Center's Conflict of Interest Policy requires that special attention be given to situations in which financial interests of Faculty or Scientific Staff (or the spouse, domestic partner or dependent children of such Faculty or Scientific Staff) may affect or be affected by human subjects research.

In circumstances where such financial interests are found to directly and significantly affect or be affected by a specific human subjects research protocol, the Faculty or Scientific Staff will be prohibited from acting as a principal investigator; consenting subjects; recruiting subjects or evaluating the response of subjects on such research protocol.

6.1.7 Use of Human Specimens

Use of human specimens or materials which are collected at the Center or otherwise under the Center's control in commercially sponsored research or collaborations or any transfer of such specimens to a commercial entity normally requires review and approval under the Center's Policy on Management of Tissue and Serum Collections (see Appendix).

6.1.8 Disclosure of outside interests

Upon the commencement of employment and every year thereafter, each member of the Faculty and Scientific Staff involved in the design, conduct or reporting of research, and any other employees designated by the Center President and Director will be required to disclose the following with respect to certain outside interests in which they and their spouses, domestic partners and dependent children are involved:

- a. All consulting arrangements with any outside for-profit entities; which could reasonably affect or be affected by research activities at the Center;
- b. All financial interests in or received from outside for-profit activities which could reasonably affect or be affected by research activities at the Center. These interests include ownership interests (e.g. stocks and stock options as well as royalty payments or the right to receive royalty payments);
- c. Any position held as a director, trustee or officer of a for-profit entity; and
- d. Any other interest that could reasonably appear to create a conflict of interest as described in the Center's Conflict of Interest Policy.

These activities should be summarized on the “Annual Summary of Outside Professional Activities” form (see Appendix). Disclosures must be submitted to the Division Director for the division in which that individual holds his or her primary appointment or is employed and will be filed in the Office of the Center President and Director. The Annual Summary must disclose ongoing relationships even if previously reported and must be updated during the course of the year should the outside interests disclosed change.

Before initiating any new outside activity with a for-profit entity and before acquiring any new financial interests in for-profit entities, members of the Faculty and Scientific Staff should complete an additional form entitled “Request for Prior Approval for Consultation or Other Outside Professional Activity” (see Appendix).

After completing the form, the individual should attach a copy of the agreement governing the activity and any additional pertinent information, and forward the request to the Director of the Division in which that individual holds his or her primary appointment. The request will be evaluated, and a recommendation from the Division Director will be forwarded to the General Counsel’s office. The General Counsel’s office will evaluate the legal aspects of the request and agreement and provide comments. After approval by the General Counsel’s office, the request will be forwarded to the President and Director for approval. Faculty and scientific staff are not to undertake any outside professional activity or acquire any new financial interests as described in the Center’s Conflict of Interest Policy until a copy of this form has been returned indicating approval by the President and Director. Requests for prior approval that are submitted by the Center President and Director will be reviewed by the General Counsel’s office and the compensation committee of the Board of Trustees.

The procedures for review and approval of outside interest disclosures and new requests are outlined in the Policy and Guidelines for Involvement with Outside Interests (see Appendix).

- 6.1.8.1 If at any time a faculty member or other member of the scientific staff becomes aware of any arrangement with outside interests or of any conflict of interest which that individual was required to disclose pursuant to Center policy and which was not disclosed, that individual must immediately, (and in no event, later than 15 days after becoming aware of the nondisclosure), disclose the matter to the Center President and Director.
- 6.1.8.2 Violations of this policy by faculty and members of the scientific staff will be reported to the Center President and Director for appropriate action. If a violation of this policy has biased the design, conduct or reporting of any government funded research, the Center President and Director will determine what corrective action should be taken and will notify the awarding agency. The Center President and Director may, at his or her discretion, appoint an ad hoc committee to review the situation and determine what corrective action, if any, should be taken. Intentional violations of this policy or the Center's Conflict of Interest Policy may result in immediate suspension or dismissal in accordance with the Center's established personnel policies.
- 6.1.8.3 In any case in which it is determined that a clinical research project to evaluate the safety or effectiveness of a drug, medical device or treatment which is funded by the PHS or NSF has been designed, conducted or reported by a faculty member or member of the scientific staff with a significant financial interest which was not disclosed or managed as required by applicable government regulations, the Center will require disclosure of the financial interest in each public presentation of the results of the research.

6.2. Principle of Openness in Research

The right and obligation of faculty and scientific staff at the Center to publish and in other ways communicate results of their scientific findings is considered of paramount importance to the effective functioning of the Center, and to carrying out its missions and objectives. This includes the right to discuss internally the methods and

results of their research with other Center scientists prior to their publication or public disclosure. Faculty and scientific staff should not undertake research that is subject to unreasonable restrictions on its publication or public disclosure or that otherwise unreasonably impairs their ability to communicate and discuss the results of their scientific findings.

6.2.1 Restrictions on Publications and Disclosure that are Allowed

The following restrictions are considered reasonable and are allowable without further approval:

- a. Requirements that a publication or disclosure be delayed for a short period (normally not to exceed sixty (60) days) for patenting purposes or to permit a research sponsor to review and comment on the proposed publication or disclosure;
- b. Delays in a publication or disclosure (normally not to exceed sixty (60) days) when it is in the best interests of the research such as in the case of a multi-site study requiring review of data by a publication committee; and
- c. Requirements that a proposed publication or disclosure be modified to delete confidential information provided by a third party that the third party requests not be disclosed.
- d. Requirements that confidential information provided by a third party be disclosed or used only as permitted by the third party.
- e. Requirement that the outcomes of clinical prevention and treatment trials not be published or disclosed during the course of the trial.

Restrictions on publications or public disclosures other than those referenced above or in Section 6.2.2 must be approved by the President and Director of the Center or his or her designee.

6.2.2 Restrictions that may be considered reasonable

- Background information provided by a third party supporting contract research at the Center that is privileged and available only to the collaborators in the research.
- Any situation in which release of preliminary information would jeopardize the successful completion of the research

project (e.g. epidemiology studies where the results will generate public controversy.)

If a member of the faculty or scientific staff foresee that either situation applies to a research grant or contract that the individual wishes to enter into, that individual must discuss the situation and receive approval from the appropriate Division Director before proceeding with the research. If there is a situation that is not covered by these situations then approval from the Center President and Director must be sought.

6.2.3 Use of Confidential Information

Faculty or scientific staff may not disclose to third parties or use for their personal benefit confidential information (including confidential information of third parties) acquired by reason of their position at the Center.

7. INTELLECTUAL PROPERTY

7.1. Application

The provisions of this Intellectual Property Policy apply to all Faculty, Scientific Staff, visitors, graduate students or other students, individuals in a training capacity, and affiliated members engaged in research and/or study at the Center (“Staff”).

7.2. Ownership of Intellectual Property

All inventions, copyrightable works (excluding articles, dissertations, theses, and books which are generated by a staff member for scholarly or educational purposes and which relate to research performed at the Center in which that staff member participated), software, tangible research material and research data that is invented, created, authored or reduced to practice in the course of Staff’s employment by or affiliation with the Center or with the use of Center resources including time, facilities or resources furnished by the Center or paid for from funds administered by the Center regardless of whether such funds arise from government appropriations, donations, grants, contracts or other sources (“Center Intellectual Property”) shall be owned by the Center. “Center Intellectual Property” does not include and this Policy does not apply to any invention for which no equipment, supplies, facilities or trade secret information of the Center was used, and which was developed entirely on a Staff person’s own time, unless: (a) the invention relates (i) directly to the business of the Center or (ii) to the Center’s actual or demonstrably anticipated research or developments; or (b) the invention results from any work performed by the Staff person for the Center. When a faculty member consults for an outside entity, intellectual property arising from those activities generally will not be considered to be Center Intellectual Property. This should be addressed in the consulting agreement with the outside company.

7.3. Assignment of Rights

As a condition of employment or affiliation with the Center, Staff shall be informed of this Intellectual Property Policy and shall be required to disclose to the Center or its designee all Center Intellectual Property. Staff shall execute promptly all contracts, assignments, waivers or other required legal documents and do all other things reasonably requested, at no personal expense to the staff member, to obtain, protect, and

maintain Center Intellectual Property including, without limitation, an Assignment Agreement in substantially the form included as Appendix 8.11.

7.4. Research financed by outside sponsors

Research work financed wholly or in part by an outside sponsor is governed by the provisions of the grant or contract covering such work, and all Staff engaged in such research work are bound by those provisions of the grant or contract covering the work. Certain sponsored research grants and contracts may grant various intellectual property rights to the sponsoring agency or company. All grants or sponsored research contracts must be reviewed and approved by the Center President and Director or his or her designee and must be signed by an authorized representative of the Center. Staff are not authorized to sign grants or sponsored research contracts on behalf of the Center.

7.5. Consulting Work

Any individual engaged in consulting work should use caution in determining whether the clauses in the consulting contracts governing patents and other intellectual property rights conflict with this Intellectual Property Policy or with Center commitments under sponsored grants or contracts. Third parties hiring Staff as consultants may not acquire rights by reason of the consulting relationship in any publication, invention, discovery, improvement or other intellectual property developed as a result of a program of research financed in whole or in part by funds provided by or under the control of the Center and are not entitled to priority or advantage as a result of the consultancy in gaining access, whether by license or otherwise, to any proprietary information or intellectual property that arises from any research undertaken by the consultant in his or her capacity as an employee or an affiliate of the Center. Questions about potential conflicts involving Center Intellectual Property should be referred at once to the Center President and Director or his or her designee, and should be noted on the "Request for Prior Approval of Outside Activities and Financial Interests" form.

7.6. Release of Intellectual Property Rights to Inventors

If the Center determines that it does not intend to pursue licensing of or otherwise use any invention or other Center Intellectual Property, it shall formally waive its rights in such Center Intellectual Property and,

if requested and if possible, transfer it in a timely manner to the Staff who invented or created it. A waiver or transfer shall not be granted unless all commitments of the Center to sponsoring agencies or companies are satisfied. Upon signing and delivery of the waiver and transfer, the Center will have no further interest in and no further financial obligation with respect to the Center Intellectual Property in question except as expressly agreed to in writing by the Center.

7.7. Resolution of differences

Disputes concerning intellectual property, including the interpretation of this Policy, shall be referred to the Center President and Director for resolution.

7.8. Administration of Policy

The Center President and Director or his or her designee shall carry out the provisions of this Intellectual Property Policy. Other Staff are not authorized to manage Center Intellectual Property or sign agreements relating to Center Intellectual Property.

7.9. Intellectual Property Development

The Center recognizes that the evaluation of intellectual property and the administration, development and processing of patents, copyrights and other legal protections for intellectual property involves substantial time and expense. The Center may contract with an outside agency for these services. The decision whether or not to obtain or maintain a patent, copyright or other intellectual property protection is in the sole discretion of the Center, although the views of the inventor or author of the intellectual property will be given reasonable consideration.

7.10. Division of Royalties

Both the Center and the inventor(s) or author(s) have claims on royalty income, the Center on the basis of salary and facilities support to the inventor(s) or author(s) and any cost of patent administration, and the inventor(s) or author(s) on the basis of creative activity, recruitment of research support from outside sources, and extra efforts at documentation. To recognize this creative activity, and to encourage the prompt disclosure of all intellectual property, the Center's policy is to participate with the inventor(s) or author(s) according to the following three-tiered schedule, after deducting a 15% administration fee and, once the second tier is reached, directly assignable out-of-

pocket expenses of patenting, copyrighting, trademarking, marketing, and licensing the intellectual property less \$15,000. Payments related to intellectual property developed with the assistance of a sponsoring agency may be subject to limitations on the division of royalties imposed on the Center by that agency.

<u>Cumulative Net Royalties</u>	<u>Inventor(s)</u>	<u>Center</u>
\$0-\$10,000	100%	0%
\$10,000-\$40,000	50%	50%
\$40,000+	30%	70%

Inventors may choose to direct the “Inventor” portion of income to a laboratory research account which will not be subject to the Center’s indirect cost charge. Distribution among inventor(s) or author(s) of a particular invention shall be in equal shares, unless agreed upon otherwise and in writing among the inventor(s) or author(s). In case of dispute, distribution will be determined by the Center President and Director after consultation with the inventor(s) or author(s).

7.11. Internal Reporting

All Center Intellectual Property which should be investigated for patent or other intellectual property protections should be disclosed by the inventor(s) or author(s) to the Technology Transfer Office. It is of the utmost importance that these disclosures be made as promptly as possible following any discovery or inventions which may have patentable implications or the creation of any software or other work which may be copyrightable. Instructions for disclosing are available from the Technology Transfer Office.

7.12. Sponsoring Agencies

Where the terms of a grant or contract provide for the transfer of intellectual property rights to the sponsoring agency or company, or that title to such rights will be decided by a government agency, the Technology Transfer Office will be responsible for interfacing with the agency or company on issues relating to such intellectual property.

7.13. Effective Date of Implementation of this Policy

This policy pertains to any inventions, works or other intellectual property reported to the Center on or following the effective date of implementation (adoption by the Board of Trustees January 23, 2003) and any expenses incurred and income received from any invention following the effective date of implementation.

8. Appendix

- 8.1 Request for Position
- 8.2 Management of Tissue and Serum Collections
- 8.3 Conflict of Interest Policy
- 8.4 Annual Summary of Outside Activities
- 8.5 Request for Prior Approval of Outside Activities and Financial Interests
- 8.6 Policy and Guidelines for Involvement with Outside Interests
- 8.7 Basic Sciences Division Procedures
- 8.8 Clinical Research Division Procedures
- 8.9 Human Biology Division Procedures
- 8.10 Public Health Sciences Division Procedures
- 8.11 Agreement Relating to Inventions
- 8.12 Agreement Relating to Copyrights