

## **SECTION II**

### **CONDUCT OF THE ACADEMIC PROGRAM**



## I. GENERAL ADMINISTRATIVE RESPONSIBILITIES

The respective powers and duties of the faculty as a whole and of those faculty who are officers of the University are set forth in the Bylaws of the Board of Trustees (see Appendix B). These Bylaws delegate to the faculty as a whole the authority to provide for the establishment of curricula and courses and for the establishment of a program of extra-course education for students. In exercise of these powers the faculty has adopted a Senate and a set of committees with various functions. Their functions have been described in Section I.

Various designated administrative members of the faculty are assigned the authority and responsibility for the administration of the regular and extra-course educational programs for students.

1. The President of the University is the chief administrative officer of the University and has the responsibility for the appointment of the University Provost, Vice Presidents, Deans, Directors, and Department Chairpersons. The President represents the University before the Board of Trustees and is its executive agent empowered with general supervision of the affairs of the University including the establishment of the University calendar.
2. The University Provost is the chief executive officer next in authority to the President. The University Provost's responsibilities include the supervision of the academic programs of the entire University and the development and administration of the University budget. He or she is assisted by the Vice Provosts for Academic Affairs and for Research, by the Associate Provosts for Graduate Studies and for International Programs and Special Sessions, by the Vice President for Student Life, and by the Associate Provost and Director for Continuing Education.
3. The Deans of the Colleges have responsibilities for supervising and correlating the research, instructional, and educational activities of the colleges. The Deans have primary responsibility for the curricula of the college, for faculty recruitment within the college, for the assignment of duties for all personnel within the college and for the quality of service rendered by those individuals, and they recommend to the University Provost on all salary increases, promotions, and on all appointments, nonreappointments and terminations within the college. In addition, the Deans have primary responsibility for allocations of funds within the college, subject to review by the University Provost.
4. Department Chairpersons are also officers of administration as defined by the Trustees. The various responsibilities of the chairpersons set forth in the following edited description recommended by the Faculty Senate are in harmony with the Bylaws of the Board of Trustees.

*The chairperson serves both as the chief representative of the department within the institution and as a departmental administrator, responsible for communicating and administering policies and procedures of the University and for developing and organizing courses of study. Together with the dean and provost, the chairperson is charged with the recruiting and professional development of staff. Chairpersons make recommendations to the dean for faculty appointments, promotions, leaves of absence, tenure, salary increases and terminations of service. The chairperson will be expected to consult in a formalized way with the appropriate departmental body on matters of faculty status, excluding at the chairperson's discretion matters of individual raises and faculty course assignments. The chairperson should also establish appropriate vehicles for obtaining student opinion on curricular matters.*

*Departmental chairpersons are appointed by the President for five-year terms upon the recommendation of the college dean and the University Provost. These appointments are renewable for like periods. The advice of a majority of the faculty within the department is required for the appointment or reappointment of the chairperson. The President has the authority to replace a department chairperson at any time, after consultation with the University Provost and the appropriate dean, if he or she deems such action to be in the best interests of the department or the University. Tenure as a faculty member is a separate right.*

*(Rev. 7/1/75)*

The chairperson is reviewed shortly before the expiration of his or her term, or sooner under special circumstances. A copy of the policy on chairperson review is available from the dean of each college.

In addition, there are academic units chaired by directors who have responsibilities similar to those of deans or chairpersons as the case may be.

5. The Vice President for Student Life is charged with responsibility for the total program of student personnel services, working through the Division of Student Life. The Division works jointly with the colleges and the University Faculty Senate and its committees to help the student develop his or her total intellectual, social, and personal potential. Faculty members are encouraged to view their responsibilities in light of this overall objective and to work with students individually and in groups to achieve this goal. The Committee on Student Life and the Student Life staff members are available to assist the faculty in this endeavor.

## II. SELECTED ACADEMIC POLICY STATEMENTS

Faculty members are employed to carry out the educational objectives of the University and are subject always to the responsible and adequate performance of the duties for which they were retained.

Instruction is the most fundamental of the educational objectives of the University. The University fails in its primary mission unless it is able to foster the acquisition of knowledge and skills in its students. Research is of value in its own right, but its presence in the academic program is justified mainly insofar as this research contributes to excellence in the learning of its students. Moreover, a number of service activities within the University so complement the learning of students and faculty that they in fact constitute essential parts of the University's academic program. This is especially true of the services provided by the Library and the Office of Information Technologies. It is the stated objective of the University to foster the total intellectual, social, and emotional growth of its students, hence extra-course educational activities must be considered as integral parts of the educational program of the University.

The following statement on freedom of inquiry and expression was adopted by the Faculty Senate in December of 1994:

Members of the University Community are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They are free to support causes by orderly means including any means of peaceful assembly or advocacy which do not infringe upon the rights or freedoms of others.

Members of the University Community are allowed to invite, to hear, and to see speakers, creative performers and artistic presentations of their own choosing. Guest appearances must not interfere with the University's regular instructional, research, and service programs. Except for ceremonial occasions, invited speakers and art presenters should be prepared for a reasonable public discussion of their expressed views.

Invited speakers and art presenters are accorded the full courtesy and protection appropriate to a university community. Individuals or groups who engage in actions designed to obstruct or in any way to prevent the speaker from speaking and the art presenter from presenting or displaying any form of artistic expression are subject to discipline and to financial responsibility in the event of damage to property or person.

The institutional control of campus facilities is not to be used as a device of censorship. Sponsorship of guest speakers and art presenters does not imply approval or endorsement of the views expressed, either by the sponsoring unit or the University.

The following policies and guidelines apply to faculty responsibilities in teaching and research:

### 1. Holding Classes

It is expected that all classes will meet as scheduled. In the event of illness, the chairperson (or dean) should be notified in advance of the class so that alternative arrangements can be made. Authorization to miss classes for any other reason must be obtained in advance from the department chairperson (or dean).

## 2. Examinations and Tests

Faculty exercise academic judgment in determining appropriate methods of evaluation in courses. However, the University sets the academic calendar and includes an examination week as the final week in a semester. Except in unusual circumstances, faculty are expected to use the examination week for evaluation and instructional purposes. Faculty should give the last examination in a course during that week according to the printed schedule issued by the Registrar's Office. Courses following very different instructional and evaluation formats, e.g., clinical experience, individual research, laboratory or student teaching, will not be restricted in this regard. If unusual circumstances exist, the department chair or dean will be informed of the method and timing of the final course assessment. Because the University does not operate with a formal honor system, faculty are responsible for proper monitoring of examinations and tests.

To minimize conflicts for students with other scheduled University courses and activities, a required examination, test or quiz (excluding make-up examinations for individuals and regularly scheduled final examinations) may be given only during regularly scheduled class or laboratory hours associated with that course, with the sole exception of common examinations given for multi-section courses when these various sections have different scheduled meeting times. For these permissible common examinations, the examination dates and times must be determined sufficiently far in advance that they will be printed in the Registration Booklet for that term. The Registrar's Office will treat these examination times as schedule conflicts for students seeking to register for another course meeting at the same or overlapping times.

No examination, hourly examination, test, or quiz counting for 25 percent or more of the semester's grade for any class (except laboratory exams) shall be given during the last five class days of any regular semester. There shall be a break of at least 24 hours, designated Reading Day(s), at the beginning of Finals Week. No required examinations, tests, or quizzes may be given on Reading Day(s), to allow students to review for upcoming finals and to complete projects. Additionally, no student can be required to take any examination, test, or quiz on Reading Day(s). (Rev., Fac. Senate, 11/1/93; applicable only to Spring & Fall semesters, beginning Spring '94; rev. 5/3/99)

## 3. Student Dishonesty

Students of the University are expected to be honest and forthright in their academic endeavors. To falsify the results of one's research, to steal the words or ideas of another, to cheat on an examination or to allow another to commit an act of academic dishonesty corrupts the essential process by which knowledge is advanced.

It is the official policy of the University of Delaware that all acts or attempted acts of alleged academic dishonesty be reported to the Dean of Students Office. At the faculty member's discretion and with the concurrence of the student or students involved, some cases, though reported to the Dean of Students Office, may be resolved within the confines of the course. All others will be adjudicated within the Undergraduate Student Judicial System. See the *Official Student Handbook* for complete information concerning this referral process.

It is essential that every faculty member make it clear to students that academic dishonesty will not be tolerated. A brief discussion at the beginning of each term should indicate that the instructor is aware of the problems of academic dishonesty and is sensitive to it, is willing to clarify as carefully as possible what constitutes plagiarism, and will take action not only to prevent cheating but to bring charges against students suspected of violations. Alternative seating and/or alternative-form examinations should be used for all classes when examinations or tests are given (especially recommended are alternately colored examination papers or alternately colored answer sheets to discourage or prevent surreptitious exchange of forms). Proctors should be properly trained and supervised whenever they are employed in monitoring an examination.

(Rev. 5/11/92)

#### 4. Formal Student Grievance Procedure

##### a. Definition of a Formal Student Complaint

Formal student complaints fall into two categories, those involving grades and those involving other matters. (Rev. 12/7/98)

- 1) Grade complaints: a claim that an inappropriate grade has been assigned because of a faculty member's improper bias or because of a faculty member's failure to follow announced standards for assigning grades but not because of a faculty member's alleged erroneous academic judgment (i.e., not a claim that course standards are too high, reading is too heavy, the grade curve too low, etc.).
- 2) Other complaints: a claim of abuse, ill-treatment, or exploitation involving the irresponsible or unjust misuse of the instructor's position of authority, power, and trust (e.g., pointed sexist or racist slurs and sexual or pecuniary blackmail).

##### b. Procedure

**Step 1.** A student with a complaint against a faculty member should, where appropriate, first try to reach agreement with the faculty member concerned. Upon being notified of a complaint by the student, the faculty member must meet with the student to discuss the complaint within ten working days.

**Step 2.** If the issue is not resolved at Step 1, the student may appeal, in writing, to the faculty member's chairperson, who will attempt to mediate the complaint. Such an appeal must be made within three working days of the meeting between the student and the faculty member, unless other arrangements are made that are mutually agreeable to all involved or extreme circumstances preclude adherence to such time intervals.

Step 3. A student or faculty member who is not satisfied with the decision reached in Step 2 may appeal to the concerned college Dean. This appeal to Step 3 must be made no more than three weeks (within a regular Fall or Spring semester) after Step 2 has been completed. The College Dean will establish a hearing panel within two weeks of receipt of an appeal or if that is too close to the end of a regular Semester, by one month after the beginning of the next regular Semester (Fall or Spring). The college hearing panel will hear the appeal during a regular semester. Typically the panel will include three faculty members with one (only) of them coming from the involved department and the other two drawn from other departments within that college, or, where necessary from other colleges when the concerned college has few or no departmental divisions. There should be two undergraduate student members for an undergraduate appeal or two graduate students for a graduate appeal and neither of the student members should come from the department involved. (These students may be drawn from other colleges, also.)

Where feasible, the student and professor concerned must both be present at any/all hearing/s when evidence is being presented.

The procedures utilized by colleges relating to the student grievance procedure at Step 3 should conform to the general principles of due process. To satisfy this standard, the hearing process should, at least:

- a. Fully inform the student and faculty member in writing of the procedures to be used so that they are aware of them in advance of the hearing.
- b. Make available to the student and faculty member, at least three working days prior to the hearing, all material which has been furnished to the college hearing panel that will be presented as evidence and the names of any witnesses who are scheduled to give testimony.
- c. Allow the student and faculty member to:
  - 1) Hear all testimony and examine all evidence presented on behalf of the other;
  - 2) question witnesses and/or each other about their testimony or evidence presented;
  - 3) be assisted by an advisor of his or her choice from among the members of the University community. The advisor may help prepare the case, raise questions during the hearing, and, if appropriate, help prepare an appeal to Step 4. A department Chairperson who has mediated or attempted mediation at Step 2 would not be permitted to serve as advisor to either party beyond Step 2.
  - 4) Make a summary statement at the conclusion of the hearing.

There must be a decision made at Step 3 before an appeal can be made to Step 4.

It is recommended that all hearings be tape recorded and those tape recordings be secured for no less than one year by the concerned college Dean's office.

It is recommended that a copy of the written report of the decision be filed with the appointing Dean's office at the time it is sent to the student and professor involved.



**Step 4.** A student or faculty member who is not satisfied with the fairness or thoroughness of the procedures used in Step 3 may appeal to the Academic Appeals Committee of the University Faculty Senate. This appeal must be made to Step 4 no more than one month (within a regular Fall or Spring semester) after a Step 3 decision is issued. This Committee, on reviewing the case, may uphold the decision of the college committee without a hearing, or it may decide the appeal should be heard.

For purposes of a hearing, the Chairperson of the Academic Appeals Committee may appoint an ad hoc hearing panel from among the current members of the Committee consisting of three faculty members and two students, or the Committee, at its discretion, may serve as the entire hearing panel. If the grievant is a graduate student, the two student panel members should be graduate students and if the grievant is an undergraduate student, the student panel members should be undergraduates. During the hearing, the student and/or faculty member may be assisted by an advisor of his or her choice from among the members of the University community. The student, faculty member, and the committee hearing the complaint may call witnesses and have access to all relevant materials. All involved parties must be provided with a list of witnesses at least three working days before the hearing. The decision of the panel hearing the case shall be final.

(Rev. 5/4/92)

c. Remedial Action

1. In the case of a grade complaint, the Registrar's Office may be authorized to change the student's grade if mutual agreement to do so is reached in Step 1 or 2. In Step 3, if the department/college committee determines that procedural error has been made by the faculty member, it may request the faculty member to re-evaluate the student's performance using appropriate procedures. In Step 4, if the panel hearing the complaint determines that a faculty member's bias or procedural violations may have affected the student's grade, it should, where appropriate, request other person(s) competent to judge the student's work to re-evaluate his or her achievements to determine whether and to what extent a grade change is appropriate. The person(s) asked to perform this re-evaluation may be from within or outside the University. If a change of grade is determined to be appropriate, the ad hoc panel hearing the case will authorize the Registrar's Office to make the grade change.

On completion of any hearing held in accordance with the procedures in Step 4, the hearing panel will forward a copy of its findings to the parties involved and to an appropriate administrative officer or faculty body.

2. In the case of other complaints, the decision at any step of the procedure may be, if feasible, a remedy for the aggrieved party or parties. In addition to reporting its findings to the parties involved, the panel hearing appeals to Step 4 will forward a copy of its findings to an appropriate administrative officer or faculty body.

Procedure approved by the Faculty Senate and adopted by the University, May 1976.  
(Rev. 3/14/83)

## 5. Grades

A system of letter grades of A, A-, B+, B, B-, C+, C, C-, D+, D, D-, and F is employed except for those courses approved for Pass/Fail grading. With some restrictions, students may elect the Pass/Fail option for one elective course each semester. Students electing the option are graded with the usual letter grade, but the grade of P is entered into the academic record for any letter grade of D or higher. A cumulative index of 2.0 is required for graduation for undergraduates, and a 3.0 for graduate students.

In the seventh week of the semester, each faculty member will be provided with grade rosters indicating the freshmen enrolled in his or her classes. Faculty are responsible for reporting a meaningful mid-semester letter grade (A, A-, B+, B, B-, C+, C, C-, D+, D, D-, or F) for each of these students in accordance with the Records Office guidelines.

(Rev. 5/6/85)

(Implemented Fall 1991)

Near the end of the semester, class lists will be provided for each faculty member. These lists should be checked for completeness and discrepancies reported to the Registrar's Office. Faculty are responsible for reporting a final grade for each student at the end of the semester, in accordance with Registrar's Office guidelines. In the event that a student fails to complete a course for illness or other reason deemed adequate by the instructor, the grade of I (Incomplete) is given. The appropriate catalogs should be consulted concerning the various other grades used at the University.

Changes in grade may be initiated only by the instructor. A change in a permanent grade must also have the approval of the dean of the college where the course is offered; such changes generally will be approved only where computational errors have been made. The instructor must be notified of the dean's action.

If a student has an academic grievance, the student must follow the specified procedure (see #4 of this section, "Student Grievance Procedure"). In cases where a student has filed a grade complaint under the Student Grievance Procedure the decision of the ad hoc committee appointed by the Senate Committee on Faculty Welfare and Privileges shall be final.

The Student Judicial System is mandated to impose an automatic grade of "F" if a student is found guilty of academic dishonesty.

(Rev. 4/81)

Credit toward a baccalaureate degree is given for all courses in which a grade of D- or higher is earned by the student. In graduate programs, courses with grades lower than a C- cannot be counted toward a graduate degree. In both undergraduate and graduate degree programs, all grades are averaged to determine the satisfactory completion of graduation requirements.

(Editorial revision 5/98)

## 6. Advisement and Registration

Faculty are expected to participate in advisement and registration as assigned. While the responsibility for course selection rests with the student, faculty advisers should be familiar with University course and degree requirements and be able to provide accurate information and thoughtful advice. All student course schedules must be approved by an adviser.

7. Student Class Attendance (Rev. 4/6/87; 3/6/95; 5/96; 5/3/99)

By action of the University faculty, the responsibility for defining attendance expectations is left to the individual faculty member, subject to the guidelines given below. Thus it is of great importance that early in each course the instructor make clear to each student what attendance expectations are, and how absences due to "relatively minor" illnesses, as described below, are to be communicated. The use of the syllabus to list attendance expectations and means of communicating about illnesses is recommended.

It is the policy of the University of Delaware not to cancel classes on religious holidays. However, students and faculty are encouraged to exercise their own judgment pertaining to their attendance on these days. In addition, faculty are encouraged not to schedule examinations or require the submission of special assignments on the following days: the evening before as well as the first two days of Rosh Hashanah and Yom Kippur in the fall term, Good Friday and the evenings before and the first two days of Passover in the spring semester. To facilitate planning for the potentially large number of absences on these days the University shall include the dates of these holidays in the academic calendar. Adjacent to each of these dates the academic calendar will include a reminder to consult the University policy on excused absences.

- a. Absences on religious holidays listed in University calendars is recognized as an excused absence. Nevertheless, students are urged to remind the instructor of their intention to be absent on a particular upcoming holiday.
- b. Absences on religious holidays not listed in University calendars, as well as absences due to athletic participation or other extracurricular activities in which students are official representatives of the University, shall be recognized as excused absences when the student informs the instructor in writing during the first two weeks of the semester of these planned absences for the semester. Absences due to similar events which could not have been anticipated earlier in the semester will be recognized as excused absences upon advance notification of the instructor by an appropriate faculty adviser or athletic coach.
- c. Absences due to serious illness or death within a student's family are recognized as excused absences. To validate such absences, the student should present evidence to the Dean's Office of his or her college. The Dean's Office will then provide a letter of verification to all of the student's instructors for the term.
- d. Absences due to serious illness (e.g., hospitalization, surgery, or protracted medical illness or convalescence) shall also be recognized as excused absences. To validate such absences, the student should present evidence of the illness to the Dean's Office of his or her college. Supportive evidence will be provided on the student's request by the Student Health Service directly to the respective Deans.

For relatively minor, short-term illnesses of students (e.g., colds and flu, where attendance in class is undesirable) or their immediate family, the University system depends upon reasonable communication between students and faculty. If possible, students should report such illnesses before the affected class, following the directions of the instructor provided at the start of the term.

(Rev. 5/96)

- e. Absence due to short-term military duty in the National Guard or active reserve is recognized as an excused absence. To validate such an absence, the student should present evidence to the Dean's Office of his or her college. The Dean's Office will then provide a letter of verification to all of the student's instructors for the term. (Added 5/3/99)

- f. Students are not to be penalized if absent from an examination, lecture, laboratory, or other activity because of an excused absence. However, students are fully responsible for all material presented during their absence, and faculty are encouraged to provide opportunities, when feasible, for students to make up examinations and other work missed because of an excused absence.

#### 8. Policy for the Use of Videotaped Courses

The University of Delaware is committed to the use of audiovisual works to enhance and extend undergraduate and graduate instruction. To insure that these products, and videotaped courses in particular, are used to support rather than replace live instruction in Newark, the following policies will direct their use:

- a. Live courses instruction must remain the standard, with videotaped courses serving to facilitate the development of innovative educational programs (such as distance learning, supplemental or make-up instruction, and optional instructional formats.). The development of videotaped courses shall be based on sound pedagogical value, not solely on financial expediency.
- b. Videotaped courses may not be used to replace faculty, or to change faculty teaching loads, and faculty may not be required to participate in videotaped courses.

#### 9. Center for Teaching Effectiveness

##### a. Purpose

The Center for Teaching Effectiveness has been established to promote excellence in instruction and to stimulate the exchange of ideas and information resulting from faculty and student experiences.

##### b. Policy

The Improvement of Instruction Grant Program of the Center offers to faculty members, departments, and colleges the following opportunities to foster better teaching and learning:

##### 1) Fellowships and Grants

Each fall, the Center for Teaching Effectiveness distributes to all full-time faculty a call for Improvement of Instruction grant proposals. The grants, which include a faculty stipend, are for improvement of instruction projects usually involving a substantial amount of work during the summer months.

Summer grants-in-aid are available to faculty who wish to experiment in their courses with new approaches using various media or technologies, field trips, visiting speakers, films or videotapes, student assistance, etc. Aid is also available for travel to teaching conferences and school liaison activities in K - 12 settings.

Departmental and development grants are awarded to academic units that want to hold workshops, off-campus retreats, and other similar activities which involve a sizable number of their faculty in an improvement of instruction program. These grants may be used to cover room and board expenses, consultant fees, and similar types of expenses. CTE consultants are available to conduct workshops and perform less formal advisory work at these functions.

(Rev. 6/5/89)

2) Programs

The Center for Teaching Effectiveness offers a series of colloquia, seminars, workshops, and lectures on various aspects of instruction throughout the academic year, often in conjunction with another academic unit. Faculty members are invited to participate as panelists or speakers, and the programs are open to the entire University community. Consultants are available for projects tailored to teaching development in specific academic groups. Consultants are also available to work in partnership with academic departments to develop discipline specific TA training programs. (Rev. 6/5/89)

3) Consulting

Individual and confidential consultation is available for individuals wishing to develop the teaching aspects of their career.

4) Graduate Teaching Assistants (GTAs)

Services of the Center are available to all GTAs. An annual conference is held in the fall to orient GTAs before classes begin.

5) Publications

The Center publishes a newsletter, *About Teaching!*, several times a year. *The Handbook for Teaching Assistants* is published once each year and given to GTAs at the fall conference. The Handbook is available to faculty upon request.

6) Resources

The Center maintains a resource library of materials on teaching and learning in higher education.

10. Priorities in Research

Preference is given to projects that are directly related to the educational work of the faculty. Participation of students in research is considered important. University research is traditionally basic in nature, but in those cases where the University can be of service to the community, applied research is considered a legitimate university activity. The University does not undertake research that cannot be published or is militarily classified, nor does it house research that bears no relationship to its educational activities.

This policy was reaffirmed and endorsed by Faculty Senate on 4/16/84 along with a resolution that consideration of an off-campus classified research facility managed by the University would represent an obvious evasion of current policy contributing little to the character and academic vitality of the University Community.

11. General University Research and Professional Development

The instructional budget of the University of Delaware provides funds to assist full-time faculty in individual research and professional development. The program for use of these funds is designated the General University Research Program. Policies and procedures for the use of these funds are contained in a memorandum available from the University Vice Provost for Research. Deadlines for the annual awards are announced in UPDATE.

## 12. The University of Delaware Research Foundation

The University of Delaware Research Foundation, Inc., (UDRF) is a nonprofit, tax-exempt organization for the support of research in all fields of science. UDRF awards grants to early-career, untenured, tenure-track faculty for scientific (quantitative) research in any department of the University. The program is announced annually by the Vice Provost for Research; application forms are available from the Research Office.

## 13. Delaware Research Partnership

The Delaware Research Partnership is a cooperative program established by the State Budget Act of 1985. The state-appropriated funds are designated to match, on a dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the University. The objective of the program is to attract new high-technology firms to Delaware.

Proposals are solicited annually by memorandum from the Vice Provost for Research. Additional information on the program can be obtained from the Research Office or the *Research Policies and Procedures Guide*.

## 14. Research Contracts and Grants Administration

The Office of the Vice Provost for Research (Research Office) is responsible for the pre-award and post-award administration of external grants to the University. Office staff assist faculty to identify funding sources, prepare grant proposals, develop budgets, and manage the legal and financial obligations of awarded grants, contracts, and fellowships.

## 15. Conflict of Interest in Research

In May 1986 an information piece combining several existing University statements and policies on conflict of interest was approved by the Faculty Senate. The material appears in the *Research Policies and Procedures Guide* published in September 1987 by the Research Office. Copies are available from the Vice Provost for Research.

The University had previously adopted a policy statement developed in 1966 by the American Council on Education in cooperation with the AAUP ("On Preventing Conflicts of Interest in Government-Sponsored Research at Universities"). As a subscriber to that policy, the University is obligated to call to the attention of all faculty potential conflict-of-interest situations on government-sponsored research. The most common ones include the following:

### a. Favoring outside interests by:

- releasing proprietary information for personal gain,
- orienting research to benefit outside interests,
- obtaining benefits for arranging purchase of equipment, instruments, etc.,
- using privileged information for personal gain,
- influencing the negotiation of contracts, or
- accepting gratuities or special favors from private organizations in return for influencing the conduct of research.

### b. Overcommitting time so that a contract or grant does not receive the time or effort called for by the agreement.

- c. Consulting for one or more government agencies or their contractors in the same technical field as the government research project, which may result in giving advice that is of questionable objectivity.

Although this policy applies specifically to government-sponsored research, the same principles should be used to guide research supported by private sponsors.

In May of 1995 the Faculty Senate adopted the following statement on disclosing conflict of interest in research:

#### CONFLICT OF INTEREST DISCLOSURE STATEMENT

The University of Delaware encourages its employees to seek public and private support of their research programs, and the University also recognizes the value of outside consulting and of other professional and business interests that benefit University employees and the University itself. However, the University also insists that its employees avoid conflicts of interest (and the appearance of conflicts of interest) when they are Investigators on projects underwritten by gifts, grants, contracts, purchase orders, and/or other externally or internally sponsored agreements. To that end, the University requires that all such Investigators read and sign this Conflict of Interest Disclosure Statement and that they, where warranted, offer full disclosure of any consulting arrangements with significant financial interests<sup>1</sup> in an entity that is or might seem related to the Investigator's funded activity.

The intent of this Disclosure Statement is to insure that the financial interests of a University employee do not compromise the objectivity and integrity with which the funded activity is designed, conducted and/or reported.

This Disclosure Statement will be signed by the Investigator and will then be reviewed and signed by the Investigator's immediate Supervisor (ordinarily, a department chair) to insure the objectivity and integrity of the proposed and/or ongoing funded activity. This document will then be signed by the Dean and the Vice Provost for Research and thereafter will be filed in the University's Office of the Vice Provost for Research for three years or until the termination of the funded activity, whichever is longer.

If the Investigator's immediate Supervisor cannot attest that any current or potential conflict of interest can be managed, reduced, and/or eliminated to the satisfaction of the University, then the Investigator may appeal the Supervisor's judgement within 10 working days by a written request for intervention by the Provost of the University, who will then respond to the request in no more than 10 additional working days. If the University Provost upholds the judgement of the Supervisor and rules against the Investigator, then the University will so inform the funding agency or donor.

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<sup>1</sup>A "significant financial interest" is used in the sense defined by the *NIH Guide for Grants and Contracts*, Vol. 23, #25 (7/1/94), p. 9: "anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights)." The phrase does not mean university salaries or remuneration, salary from other teaching, or income from serving on advisory or review committees for public or non-profit entities. Nor does the phrase "significant financial interest" include "financial interests in business enterprises or entities if the value of such interests does not exceed \$5,000 per annum of salary, fees or other continuing payments or represent more than a five percent ownership interest for any one enterprise or entity when aggregated for the Investigator and the Investigator's spouse and dependent children."

Conflicts of interest include but are not limited to the following circumstances:

- 1) any significant financial interest (including consulting arrangements) of the Investigator that would reasonably appear to be directly and/or substantially affected by the proposed and/or ongoing funded activity;
- 2) any significant financial interest of the Investigator (including consulting arrangements as well as serving as an officer, executive, or director) in an entity, the financial interest of which would reasonably appear to be directly and/or substantially affected by the proposed and/or ongoing funded activity;
- 3) examples of other kinds of conflict of interest include but are not limited to the following:
  - a) using funds from an agency or donor to purchase major equipment, instruments, other materials, or services from an entity in which the Investigator has a financial interest;
  - b) revealing to another party privileged information from a funded activity that could be used for personal financial gain by the Investigator or others (including family members, colleagues, and associates);
  - c) receiving gratuities and/or special favors from an entity that could financially benefit from the proposed and/or ongoing funded activity.

(See also Policy III.X, Conflict of Interest and Ethical Conduct, p. III - 62 in this *Handbook*.)

\_\_\_\_\_ I have read this Conflict of Interest Disclosure Statement and declare that there neither is nor, in my judgment, will appear to be a conflict of interest in my proposed and/or ongoing funded activity as outlined in the attached project description or agreement. Should a conflict of interest arise during the course of my funded activity, I will promptly complete a new Conflict of Interest Disclosure Statement.

\_\_\_\_\_ (Investigator's Name)  
\_\_\_\_\_ (Date) \_\_\_\_\_ (Investigator's Signature)

\_\_\_\_\_ I have read this Conflict of Interest Disclosure Statement and, on an attached sheet, offer full disclosure of my consulting arrangement(s) with and/or significant financial interest(s) in an entity that is or might be related to my proposed and/or ongoing funded activity as outlined in the attached project description or agreement. Should a conflict of interest arise during the course of my funded activity, I will promptly complete a new Conflict of Interest Disclosure Statement.

\_\_\_\_\_ (Investigator's Name)  
\_\_\_\_\_ (Date) \_\_\_\_\_ (Investigator's Signature)



\_\_\_\_\_ I have reviewed the Investigator's description of the proposed and/or ongoing funded activity as well as the signed statement above and attest that the University's Conflict of Interest Disclosure Statement has been properly executed.

_____	_____ (Supervisor's Name/Title)
_____ (Date)	_____ (Supervisor's Signature)
_____ (Date)	_____ (Dean's Signature)
_____ (Date)	_____ (Vice Provost's Signature)

#### 16. Misconduct in Research

The University, the State, suppliers of grant accounts, clients of consultation services, and the public all have the right to expect and demand unbiased and factual information from University professional researchers. In the long run, University personnel benefit individually and collectively from the maintenance of high ethical standards. Any intentional distortion of research data or intentional distortions of information or conclusions derived from research data constitutes misconduct in research and is prohibited by University policy.

An atmosphere of intellectual honesty enhances the research process and need not inhibit productivity and creativity. Establishing and maintaining such an atmosphere is a responsibility that must be accepted by all University personnel.

Fortunately research misconduct occurs very rarely. However, the potentially severe consequences to the academic reputation and credibility of the University make it the responsibility of all to report promptly and confidentially indications of research misconduct.

Suspicion of research misconduct and awareness of an inquiry into suspected research misconduct must be limited to only those with a genuine need to know. If the suspicion of research misconduct proves unfounded, it is the responsibility of all privy to it to obliterate the suspicion from memory.

Each dean, chair, division head, and principal investigator has a special responsibility for creating and strengthening an atmosphere in which misconduct in research is abhorrent. This includes indoctrinating in faculty, staff, and students the highest standards of professional and intellectual ethics.

The Public Health Service (PHS) and the National Science Foundation (NSF) adopted regulations requiring that awardee institutions have policies for dealing with possible misconduct in research. It is the policy of the University of Delaware to abide by the regulations of both agencies and to extend them to all University research.

The University has the ethical responsibility to prevent misconduct in research and the legal responsibility to inquire into all allegations of research misconduct and to report and investigate all instances where a reasonable presumption of misconduct is established by inquiry. The University administration can discharge these responsibilities only with the cooperation of the faculty, staff, and students in following the procedures outlined below. It is the duty of all such personnel to report promptly and confidentially any appearances of research misconduct. In rare cases where one level in this reporting chain appears to be stalling or covering up the allegation of misconduct, it may be necessary to proceed to a higher level. It is prudent for those who are aware of an alleged case of research misconduct to take such a step, since any subsequent inquiry or investigation of a significant misconduct case is likely to uncover those who knew about the misconduct and failed in their duty to report it. This policy does not conflict with the "Student Code of Conduct" in the Student Guide to Policies.

The full policy on Misconduct in Research, which includes examples of misconduct in research, federal requirements, examples of activities potentially affected by misconduct in research, consequences of misconduct in research, and procedures, is contained in the *University Policy and Procedures Manual*.

(Rev. 3/5/90)

#### 17. Patent Policy

The University has a Patent Policy that clearly states the rights and obligations of the inventor, the University, and outside sponsors who have contributed toward an invention. Every member of the University community is expected to read, understand, and comply with this policy. Copies are available from the Vice Provost for Research, who administers the policy; the complete version also appears in the *Research Policies and Procedures Guide*.

Every invention, or patentable discovery, made by a faculty or staff member or by a student must be reported to the Vice Provost for Research, who will arrange to evaluate the invention or discovery under the terms of the policy. Faculty members are responsible for insuring that students, postdoctoral fellows, research associates, and technicians working under their direction comply with the terms of the policy. The Research Office provides advice and guidance on patents.

#### 18a. Copyrights and Publishing

In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, nonprint materials, etc., produced by the individual effort of the author, as well as any resulting royalties, accrue to the benefit of the author. If the University incurs some incremental costs during the preparation of the material, the author must reimburse the University for these expenses to obtain full equity in the copyright. (See next section for information pertaining specifically to computer software.)

When material has been prepared under a specific written contract, grant, or assigned project agreement, ownership of the copyright will be determined by the terms of that contract, grant, or project agreement. ("Assigned project" refers to a University project covered by a written assignment under which the assignee is allocated time to carry out the work.)

Written material such as lecture notes, manuscripts, technical articles, music scores, computer programs, maps, dramatic compositions, works of art, etc., which is publicly distributed without copyright notice or provision for recall, becomes public property, and the right to copyright is lost and cannot be restored. Faculty members are urged to place copyright notices on all material over which they wish to maintain control. Forms for copyright registration are available from the Vice Provost for Research.

Except for constraints imposed by funding agencies or the University, faculty members are free to publish results of their research and scientific investigations. Constraints, if any, imposed by the granting agencies or the University are indicated when the grants are made. It is the responsibility of the department chairperson or director to be aware, along with the faculty member, of any such contractual obligations. When in doubt, the chairperson or the academic director or college dean should refer the question to the Vice Provost for Research. Copyrighted theses and dissertations are the property of the authors. Individuals who wish to publish or reprint noncopyrighted theses must receive appropriate clearance from the author(s) and the Vice Provost for Research.

Additional information concerning these policies can be obtained from the Office of the Vice Provost for Research, the *University Policies and Procedures Manual*, and the *Research Policies and Procedures Guide*.

#### 18b. Computer Software

The University has an established policy defining the rights and obligations of the University, originators, and sponsors with regard to computer software. Administration of this policy is the responsibility of the University Provost, but day-to-day administration is delegated to the Vice Provost for Research, with the understanding that no departures will be made from this policy without the University Provost's concurrence. A brief summary of the policy follows.

The objective of the policy is to preserve traditional University practices and privileges with respect to the publication of scholarly works while protecting the University's assets. The policy (1) aims to encourage faculty, students, and staff to develop software, and (2) establishes principles and procedures for equitably sharing income derived from material produced at the University in cases where the University has an interest in the software.

All rights in computer software remain with the creator of the work except in the following cases: (1) the work is a "work made for hire" under the provisions of copyright law, (2) the work is commissioned by the University, (3) creation of the work involves significant use of the University's personnel, funds, or facilities, or (4) other arrangements are required by the University's contractual obligations or by agreement between the University and the creator of the work.

In interpreting the work-made-for-hire clause, the University recognizes the obligation of faculty members to publish scholarly works and follows its long-standing practices regarding copyrights and royalties (or other income) pertaining to works resulting from author-initiated, individual effort. The Policy on Copyrightable Materials (described in previous section) states: "In accordance with established custom at institutions of higher learning, copyright ownership of textbooks, manuscripts, nonprint materials, etc., produced by the individual effort of the author, as well as any royalties therefrom, accrue to the benefit of the author." A few exceptions to this general rule are given in the Policy on Copyrightable Materials and the Policy on Computer Software.

In cases where software may have market potential, the originator should notify the Vice Provost for Research (or other official designated by the Provost) when the commercial potential becomes apparent. To safeguard the individual's and University's interests, a copyright notice should be placed on the software when it is distributed to others, whether or not its marketability is apparent at the time.

Copies of the full University of Delaware Policy on Computer Software and the Procedures for the Administration of the University Policy on Computer Software are available from the Research Office; they also appear in the *Research Policies and Procedures Guide*.

#### 18c. Policy on Audiovisual Works

The University will employ modern audiovisual technology in order to further its educational and research activities. The goal of the policy is to help produce audiovisual works (\* Audiovisual works are works that consist of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with the accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.) of the highest quality through the joint effort of University of Delaware faculty, professional staff, and technical specialists. The administration of the policy is the responsibility of the University Provost, but day-to-day administration may be delegated by the University Provost to an appropriate University official with the understanding that no departures from the stated principles of the policy will be made. A brief summary of the policy follows.

The objectives of the policy are: (1) to extend University educational and research opportunities outside and within the traditional campus setting through audiovisual means; (2) to serve the best interests of the University, instructors, and the public by producing, using, and distributing only audiovisual works of the highest possible quality; (3) to foster a high level of cooperation between participating instructors and the audiovisual works production staff; (4) to encourage participation by instructors with professional qualifications most appropriate for each specific audiovisual work; (5) to preserve traditional University practices and privileges with respect to the generation and publication of scholarly works and the right of instructors to determine course content; (6) to foster the free and creative expression and exchange of ideas and comments; (7) to establish principles and procedures for equitably sharing income derived from audiovisual works produced at the University; and (8) to protect the University's assets and imprimatur.

All participation by faculty in the creation of audiovisual works shall be fully voluntary, and participation by full-time faculty shall not be a condition of employment. In no circumstance may an audiovisual work be used in faculty evaluation without the written permission of the faculty member who has participated in the making of that work.

Each audiovisual works project shall be governed by a written agreement signed by the participating instructor or off-campus personnel and the University. The terms of such an agreement shall be consistent with sections of the policy that are applicable to either University instructors or off-campus personnel.

The intellectual property rights in audiovisual works produced in accordance with the policy by University staff and with University facilities, including rights to copy, use, and distribute, shall reside in the University.

Copies of the full University of Delaware audiovisual policy are available from the Research Office.

(Faculty Senate 3/7/88;  
Board of Trustees 5/19/88;  
title change 5/10/93)

## 19. Policy on Human and Animal Subjects in Research

To protect research subjects, any study involving human subjects must be performed under conditions that insure subjects' rights and welfare through adequate safeguards and the informed consent of those involved. Such consent is valid, however, only if the subjects are first given a fair explanation of the procedures to be followed, their possible benefits and attendant hazards and discomforts, and the purpose and objectives of the research. This is particularly important when the research does not directly benefit the subjects involved. Safeguards should be especially stringent when subjects are legally, physically, or otherwise unable to give consent.

The University requires review of research projects by an appropriate committee to insure that (1) subjects' rights and welfare are adequately protected, (2) the methods used to obtain informed consent are adequate and appropriate, and (3) the risks and inconveniences to the subjects are outweighed by the potential benefits to them or by the importance of the knowledge to be gained.

Faculty, staff, and students who use or care for laboratory animals agree to assume responsibility for the humane care and general welfare of the animals. Such responsibilities are outlined in the Guide for the Care and Use of Laboratory Animals. (National Institutes of Health) and the "U. S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training." Researchers using animals are also expected to comply with the Public Health Services Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions and the "University of Delaware Assurance of Compliance with PHS Policy on Care and Use of Laboratory Animals by Awardee Institutions." The University Animal Care and Use Committee reviews projects that use animal subjects.

The Vice Provost for Research is the general administrator of all policies concerning the use of human or animal research subjects. Additional information concerning these policies can be obtained from the Research Office or from the *Research Policies and Procedures Guide*.

## 20. Statement on Guidelines for Faculty Involvement Related to Extraordinary Financial Circumstances

The University is obligated to continually review educational goals, programs, and activities in order to effectively allocate its resources. It is clear that the faculty has responsibilities in these areas. This is recognized by the Bylaws of the Board of Trustees in that the faculty has the delegated responsibility "to formulate and administer the academic and the educational policies of the University" (Chapter 2, Section II). Within this broad charge are the more explicit charges that the Faculty shall "provide for the establishment of the curricula and courses in the several colleges and divisions" (Chapter 2, Section II-C) and

"It shall be the privilege of the faculty:

1. To make recommendations to the Board of Trustees concerning the disestablishment of any degree...
2. To consider matters of general interest to the University and make recommendations thereupon to the President for transmission to the Board of Trustees.
3. To consider and make recommendations for proposed changes in the University organization."

(Chapter 2, Section II-E)

We believe that these citations direct the administration to seek and seriously consider faculty input before making substantial modifications in an educational program. This faculty involvement should begin with the most immediately affected group and, when appropriate, include committees of the faculty.

Moreover, when academic goals, programs or activities are subject to drastic reductions or when individual faculty contracts are subject to termination because of declared University-wide "extraordinary financial circumstances," then the appropriate faculty committees have a special responsibility in representing the interests of the faculty in an assessment necessary to assure the maintenance of the academic quality and responsibilities that are the hallmarks of a university.

The specific committee of the faculty that has the overall responsibility of assessing the programmatic implications of the tentative actions to be taken in the name of "extraordinary financial circumstances" is the Coordinating Committee on Education working with its various subcommittees. In particular, when extraordinary financial circumstances have been declared, the Academic Priorities Review Committee has the specific charge of assessing the fiscal rationale of such proposed decisions and their impact on specific proposed reductions, dissolutions, or proposed terminations of individual faculty contracts as they relate to the overall goals of the University. (Editorial rev. 10/99)

Necessary considerations for these appropriate committees when acting on proposals involving University-wide "extraordinary financial circumstances" are delineated as follows:

- 1) An "extraordinary financial circumstance" is difficult to define, but in general it must represent more than a temporary operating or liquidity problem. Though not requiring bankruptcy to be declared, such a condition is one where survival of the institution as a whole is at issue, and in the absence of other feasible remedies, the well-being and future of the University require that drastic actions be taken. When the "extraordinary financial circumstance" is declared by the Board of Trustees it is expected that it will be demonstrated as bona fide.
- 2) When a curtailment of academic programs or activities is called for because of the "extraordinary financial circumstance," it is expected that the faculty will play a significant role in determining which academic programs and activities will be altered and to what extent. It is important that the curtailment be bona fide in relation to the financial emergency, not a subterfuge to dismiss controversial individuals or programs. The total adjustments must be suitable to maintaining the purpose of the University as an institution of knowledge and learning.
- 3) When it is determined that the "extraordinary financial circumstance" must be dealt with by reductions in faculty positions, and individual contracts must be terminated, it is expected that a University-wide plan of action will be developed. The departments or college faculties most immediately affected shall be a basic part of the group that develops "a plan of action." The Coordinating Committee on Education shall specify the procedures to be followed at the department and college levels in preparing this plan. The total plan of action for the University shall be examined by the Academic Priorities Review Committee and the Coordinating Committee on Education, which shall have primary responsibility for submitting a report and its recommendations to the Faculty Senate. (Editorial rev. 10/99)

- 4) A "plan of action" that specifies terminations or nonrenewals should first eliminate part-time, temporary, nontenured, and then tenured faculty, with length of service and academic rank being discriminating factors within each category. Only in extraordinary circumstances where a serious distortion of the academic program would otherwise occur will there be a modification of the termination procedure specified. It is expected that the plan of action will take into consideration affirmative action responsibilities, relocation possibilities within the University, retraining, and opportunities for voluntary early retirement.
- 5) If the elimination of a faculty position or academic department is part of the "plan of action," there is the presumption that that position or department shall not be reinstated within a three-year period after elimination. If such a reinstatement is proposed within the three-year period, those terminated will be given first choice to be rehired.

New programs should not be instituted within the three-year period after instituting the "plan of action" unless it is clearly demonstrated in advance that they are self-sufficient and are not in need of University funding. Further, they must have educational merit and be consistent with stated University goals.

(Rev. 11/1/76)

## 21. Hazardous Chemical Information Policy

### Purpose

The State of Delaware Hazardous Chemical Information Act, Title 16 Delaware Code, Chapter 14, requires employers to provide information regarding hazardous chemicals to employees and students who may be exposed to such chemicals in the work place, laboratory, classroom, etc. This policy and its accompanying procedures establish mechanisms to assure compliance with the Hazardous Chemical Information Act.

### Effective Date

This policy shall be effective on July 1, 1985.

### Responsibility

- Program coordination and audit functions shall be provided by the Department of Occupational Health & Safety.
- Responsibilities of departments, supervisors, and instructors are as designated in specific sections of the policy.
- Funds and other resources necessary for the implementation and administration of this policy in accordance with the Hazardous Chemical Information Act, the development of training materials, and other related activities shall be obtained and distributed by the Vice President for Government and Public Relations.

### Hazardous Chemicals

A hazardous chemical shall mean any element, chemical compound or mixture of elements and/or compounds that is a physical hazard as defined by OSHA Standard in 29 CFR Section 1910.1200(c) or a hazardous substance as defined by the OSHA Standard in 29 CFR Section 1910.1200(d)(3).

### Employees and Students

This policy applies to employees and students who may be exposed to hazardous chemicals in the course of employment, education, or research through any route of entry (inhalation, ingestion, skin contact or absorption, etc.) and includes potential (e.g., accidental or possible) exposure under normal operating conditions or foreseeable emergencies. Personnel are not included unless their job performance routinely involves potential exposure to hazardous chemicals.

### Exemptions

This policy does not apply to:

- Any article that is formed to a specific shape or design during manufacturing and does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use;
- Products intended for human consumption;
- Retail and cafeteria food sale operations and all other retail trade operations, exclusive of processing and repair areas;
- Any food, food additive, color additive, drug or cosmetic, or distilled spirits, wines or malt beverages.

### Notice to Employees

Departments shall post adequate notice, at locations where notices are normally posted, informing employees about their rights pursuant to the Hazardous Chemical Information Act. Notices will be provided by the Department of Occupational Health & Safety.

### Material Safety Data Sheets

- (1) Material Safety Data Sheets (MSDS) are documents containing chemical hazard and safe handling information prepared in accordance with requirements of the OSHA Standard for such document.
- (2) The Department of Occupational Health & Safety shall serve as the central repository for all current MSDS's. Outdated MSDS's will not be archived. (Rev. 12/91)
- (3) The Purchasing Department shall request from chemical manufacturers and distributors an MSDS for each hazardous chemical purchased after January 1, 1985. For hazardous chemicals purchased on standing or blanket orders, the person responsible for administering the order shall request the MSDS. MSDS's shall be sent to:

The University of Delaware  
Occupational Health & Safety  
Wyoming Road, IEC Building  
Newark, Delaware 19716

- (4) If an MSDS has not been provided by the manufacturer or distributor for chemicals on the Work Place Chemical List at the time the chemicals are received at the work place, departments shall request one in writing from the manufacturer or distributor in a timely manner. See Work Place Chemical List section.



- (5) Departments shall request from chemical manufacturers and distributors a MSDS for each hazardous chemical on the Work Place Chemical List purchased before January 1, 1985 and still on inventory.
- (6) MSDS's shall be readily available, upon request, for review by employees or designated representatives and students.
- (7) Departments should maintain copies of MSDS's for review by employees or designated representatives and students.
- (8) Departments shall bear the responsibility for providing MSDS's for a hazardous chemical distributed or sold interdepartmentally or outside the University.
- (9) Employees or students who desire a copy of the MSDS's for hazardous chemicals to which they may be exposed should contact their supervisor, instructor, or the Department of Occupational Health & Safety, ext. 8475.

#### Labels

Existing labels on containers of hazardous chemicals shall not be defaced.

#### Work Place Chemical List

- (1) Departments shall compile and maintain a Work Place Chemical List that shall contain the following information for each hazardous chemical normally used or stored in the work place in excess of 55 gallons or 500 pounds.
  - (a) The chemical name or the common name used on the MSDS and/or container label;  
and
  - (b) The work area in which the hazardous chemical is normally stored or used.
- (2) The Work Place Chemical List shall be updated annually and more often if necessary.
- (3) The Work Place Chemical List may be prepared for a department as a whole or for each work area.
- (4) The Work Place Chemical List shall be readily available to employees and their representatives. New or newly assigned employees shall be made aware of the Work Place Chemical List before working with hazardous chemicals or before working in an area containing hazardous chemicals.
- (5) Copies of Work Place Chemical Lists shall be submitted to the Department of Occupational Health & Safety each year in December and whenever updated. (Rev. 12/91)
- (6) All department Work Place Chemical Lists are kept until the new year's list is submitted to the Department of Occupational Health and Safety. The departments are to discard the old year's list. The Department of Occupational Health and Safety submits all Work Place Chemical Lists and associated MSDS's to Archives for inactive storage in the records center for a period in accordance with state and/or federal regulations. (Rev. 12/91)

### Emergency Information

- (1) Each year in July and whenever updated, departments shall provide the Safety Division with the name(s) and telephone number(s) of knowledgeable representative(s) who can be contacted in case of an emergency.
- (2) Upon request, emergency information, the Work Place Chemical List, and MSDS's shall be made available to the local Fire Chief.

### Employee and Student Training Programs

- (1) At least weekly, the Appointments Processing Office and the Financial Aid Office shall submit to the Department of Occupational Health & Safety a list of names and assignments of new or newly assigned employees and work-study students.
- (2) Departments shall develop employee and student programs as appropriate to meet the training requirements of the Act.
- (3) Every department where any employee may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies shall provide, at least annually, an education program for employees using hazardous chemicals. Additional information shall be provided whenever the potential for exposure to hazardous chemicals is altered or whenever new and significant information is received by the department concerning the hazard of a chemical. New or newly assigned employees shall be provided training before working with hazardous chemicals or before working in an area containing hazardous chemicals. Training shall be the responsibility of the supervisory staff.
- (4) Undergraduate and graduate students registered in courses where they may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies shall be provided training before working with hazardous chemicals or before working in an area containing hazardous chemicals. Training shall be the responsibility of the instructor. The use of hazardous material shall be directly supervised by a technically qualified individual.
- (5) Students assigned to research projects shall be trained in accordance with the requirements for employees.
- (6) The training program shall include the following information, as appropriate: the location of the hazardous chemicals; information on interpreting labels and Material Safety Data Sheets and the relationship between these two methods of hazard communication; an explanation of the acute and chronic effects of the chemicals and instruction on their safe handling, including necessary protective equipment to be used and appropriate first aid treatment; and general safety instructions on handling, clean up procedures, and disposal of hazardous chemicals. Generic training on classes of chemicals may be provided when numerous chemicals are involved.
- (7) Departments and individuals providing training shall keep a record of the dates of training sessions and the names of the employees and/or students attending. Copies of training records shall be submitted to the Department of Occupational Health and Safety within five working days of the training session.

- (8) The individual department retains their copies for the current year plus one additional year. Department copies are destroyed after two years. It is the responsibility of the Department of Occupational Health and Safety to transfer out-of-date training certificates to Archives for inactive storage in the records center for at least 30 years. (Rev. 12/91)

#### Rights of Employees and Students

- (1) Employees and students shall not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for immediate use by the employee or student who performs the transfer.
- (2) Students working with unknowns shall not be denied access to MSDS's. However, the chemical name and formula or other proprietary information may be deleted.
- (3) Employees and students who may be exposed to hazardous chemicals shall be informed of such exposures and shall have access to the Work Place Chemical List and Material Safety Data Sheets for the hazardous chemicals. In addition, employees and students shall receive training on the hazards of the chemicals and on measures they can take to protect themselves from those hazards.
- (4) Departments shall provide, at no expense to employees, appropriate personal protective equipment to protect employees from exposures to hazardous chemicals. Students may be required to purchase routine personal protective equipment (e.g., eye protection, lab coats, etc.); however, departments shall provide specialized personal protective equipment (e.g., respirator, face protection, gloves, barrier creams, etc.).
- (5) No department shall discharge, cause to be discharged, discipline, or in any manner discriminate against an employee or student who on his or her own behalf or on the behalf of others
  - o has filed a complaint,
  - o has assisted an inspector of the State of Delaware,
  - o has instituted or caused to be instituted any proceeding under or related to the Hazardous Chemical Information Act,
  - o has testified or is about to testify in any such proceeding or
  - o has exercised any right afforded by the provision of the Act.

Nor shall pay, position, seniority or other benefits be lost because of the exercise of any right provided by the Act.

#### Penalties

Departments found by the State to be in violation of the Hazardous Chemical Information Act will be given 14 days to comply. Departments not complying within 14 days following written notification of a violation are subject to civil penalties of not more than \$500 per violation.

#### Additional Information and Assistance

Any person desiring additional information and assistance regarding this policy or the Hazardous Chemical Information Act should contact the Department of Occupational Health & Safety, ext. 8475.

## 22. Field Experience Programs

On September 8, 1986, the University Faculty Senate approved the following policy and procedures pertaining to Field Experience programs at the University.

Definition of Field Experience: Field experience courses are defined as those experiences sponsored by a faculty member/department in which students have a regular (set hours per week) and continuous involvement with ongoing work-related responsibilities in an off-campus organization or agency.

University-wide Course Number: A University-wide numbering system for field experience has been established using the two common terminal digits - 64.

Department Guidelines: Each department will establish guidelines for the operation of field experience programs sponsored by faculty in the department. These guidelines should be based on the resolutions and recommendations approved by the University Faculty Senate and should allow for flexibility and creativity by individual faculty supervisors.

### Evaluation Procedures:

Prior written agreement will be established between the student and faculty sponsor as to the nature of the evaluation process.

A regular reporting system will be established between faculty sponsor and student prior to beginning the field experience.

The faculty sponsor will communicate the evaluation process to be used to the agency. The faculty sponsor will periodically contact the agency supervisor concerning student progress.

The weight attached to input from the agency will be at the faculty sponsor's discretion.

Work for Credit and Pay: The department/faculty will determine appropriate standards for learning obtained on the job, and students will not be denied the opportunity to earn credit solely because they receive payment from the agency.

Time Credit Requirement: A student will spend at least forty hours on the job in a field placement for each credit earned.

Grading: Each academic unit will define the grading policy for field experience courses in which students receive credit for regular and continuous involvement in an off-campus organization or agency.

(Rev. 9/8/86)